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Can everyone hear me clearly? And can I confirm the live streaming of this event has commenced, please?

00:00:12:17 - 00:00:54:01

Thank you. It is now 10 a.m.. Welcome to the compulsory this compulsory acquisition hearing in relation to the application made by Gatwick Airport Limited. Here we refer to as the applicant for an order granting development consent for the Gatwick Airport Northern runway project, which will be referred to as a proposed development as described in the application form. The application seeks powers to enable dual runway operations at Gatwick Airport through altering existing northern runway, lifting restrictions on the northern runways use, and delivering the upgrades or additional facilities and infrastructure required to increase the passenger throughput capacity of the airport.

00:00:54:15 - 00:01:12:23

This includes substantial upgrade works to certain surface access routes which lead to the airport. My name is Neil Humphrey. I'm a chartered civil engineer and a fellow of the Institution of Civil Engineers. I will be chairing this hearing and making some introductory comments. Can I ask my colleagues to introduce themselves, please?

00:01:15:05 - 00:01:22:12

Good morning. My name is Philip Brewer. I have a PhD in applied acoustics, and I'm a member of the Institute of Acoustics.

00:01:24:00 - 00:01:32:02

Good morning. My name is Helen Cassini. I'm a chartered town planner and member of the Royal Town Planning Institute, and I'll be asking the majority of the questions today.

00:01:33:10 - 00:01:42:10

Good morning. My name is Kevin Gleason. I'm also a town planner, member of the Royal Town Planning Institute, and the lead member of the panel appointed to examine this application.

00:01:43:19 - 00:01:48:20

Good morning everybody. My name is John Hockley. I'm also a charter town planner and a member of the Rural Town Planning Institute.

00:01:49:04 - 00:02:23:18

We have all been appointed by the Secretary of State to be members of this panel, and we constitute the examining authority for this application. We will be reporting to the Secretary of State for transport as to whether development consent order should be made. For those here in person, you may have met Sean Evans, who is the planning inspector at Case Manager. In addition, today there is Jennifer Savage and Martin Almond from the Case team. If you have any questions about the examination process or the technology we are using, the case team should be your first point of contact before we consider the items on the agenda.

00:02:23:20 - 00:02:58:25

There are a few housekeeping matters we need to deal with. Firstly, can everyone please set all devices and phones to silent? There are no fire alarms, tests or drills today, so in the event of a fire alarm, please exit via the fire exit of either side of the room. Toilets are located on this floor and on the ground floor. I am informed that car parking charges will not apply to those attending this meeting. Any issues? Please either speak to the hotel reception or the case team. Also, when using the death based microphones, please speak into the microphone.

00:02:59:06 - 00:03:37:26

In addition to this in-person event, this hearing is taking place on the Microsoft Teams platform and is being both live streamed and recorded. For those joining online, please switch cameras and microphones off when you are listening to the discussion. Should you wish to ask a question, please use the Microsoft Teams hand function and when invited, please turn your microphone and camera on. Please be advised that a chat function on Microsoft Teams is disabled and cannot be used. If we need to adjourn, including for breaks, we have to stop the live stream when we resume the hearing will and restart a live stream.

00:03:37:28 - 00:04:08:26

You will need to refresh your browser page to view the restarted stream. The recordings we make are retained and published, and form a public record that can contain your personal information and to which the General Data Protection Regulation applies. The Planning Inspectorate practice is to retain and publish recordings for a period of five years from the Secretary of State's decision. If you take part in today's hearing, it is important you understand you will be live streamed and recorded and that recording will be published.

00:04:09:04 - 00:04:44:15

If you don't want your image to be recorded, you can switch off your camera. If any individual, group, individual or group wishes to use social media, report, film or record during today's meeting or any subsequent hearing, then you are free to do so. But please do so responsibly and with proper consideration for other parties. This must not be disruptive and a material must not be misused. And the only official record of proceedings is this recording, which will be uploaded to the Planning Inspectorate website as soon as possible after the hearing.

00:04:44:18 - 00:05:15:11

Tweets, blogs and similar communications arising out of this meeting will not be accepted as evidence in the examination of this application. The hearing today will be based on structured questioning led by the ECA. Having regard to the published agenda. When answering a question by referring to a document already submitted, please give the examination library reference. If you are referring to information yet to be published into the examination, please make this clear.

00:05:16:00 - 00:05:49:17

Additionally, the first time you use an abbreviation or an acronym, can you give the full title to enable everyone to understand your contribution? If required, we will look to take a break sometime around 1130 for 15 minutes and need to close the hearing no later than 1 p.m. as we have open floor hearing three starting at 2 p.m.. Examining authority has a list of those persons present today who wish to speak in relation to the various agenda items, and we note everyone who gave advance notice wishing to attend is present.

00:05:50:27 - 00:06:25:02

It is not our attention to do full introductions at this point. However, for the purpose of identification and for the benefit of those who may be watching the recording later, those intending to speak are asked to state their name, who they represent. Additionally, please again, give your name and any organisation you are representing every time you're invited to speak during the hearing. I would like to now turn to the agenda for this hearing. The agenda for this hearing was published and placed on the Planning Inspectorate website on the 17th of April, 2024.

00:06:26:03 - 00:07:22:19

We will seek to allocate sufficient time to each issue to allow proper consideration of it. We will. Conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. It may be necessary to prioritize matters and defer other matters to written questions. In the event that discussions are incomplete or take longer than planned. It is important that we get the right answers to the questions we ask. Therefore, if you cannot answer the question that is being asked or require more time to get the information requested, then rather than giving a restricted or potentially wrong answer for the smooth running of the examination, can you please indicate that you need to respond in writing, and that we can then defer the question to the next round of written questions or a later hearing? As previously noted that the preliminary meeting the examination is predominantly a written process, supplemented where necessary by hearings.

00:07:24:06 - 00:07:58:18

To conclude each item, the examining authority will generally invite the applicant to make any final comments they have on any representations made during the discussion. Finally, this is a hearing and not an inquiry, and therefore there will be no formal presentation of cases or cross-examination of other parties. Any such questions that you may have for other parties need to be asked to the examining authority. This approach is set out in section 94 of the Planning Act 2008. Before we move on, I understand the applicant wishes to make a statement at this point.

00:08:01:08 - 00:08:39:06

Thank you, Sir Scott Linus, for the applicant and following on from the end of the hearing at yesterday, sir are grateful for the opportunity to give you an update in relation to the issue that was raised in relation to the future at baseline during the hearing yesterday. Um, at the outset, can I apologise again for the genuine misunderstanding of the agenda item relating to the future baseline? Um, our understanding was based on previous exchanges at the Ash and to the transport session, what we understood to be the focus of the environmental matters heading, um, for the agenda.

00:08:39:15 - 00:09:27:04

Um, obviously it was our mistake. And we will endeavour, of course, to respond comprehensively to all the questions that will be put into the action points, um, as well as any that you didn't feel able to ask yesterday because of, um, the way that our team was presented to the examination. Um, we anticipate, of course, that those issues will be covered at subsequent hearings and as ever, will be grateful for, uh, the agenda to set out and flesh out the issues that are going to be considered, and we'll make sure that we have the appropriate members of the airport team, um, here in place for future sessions, drawing disciplines from across the airport staff with that apology, uh, set out.

00:09:27:10 - 00:09:38:06

Um, what I propose is asked Mr. Rose to explain where matters have reached and initial discussions with the local authorities, and how we hope we can take this matter forward to help you as a panel. Thank you.

00:09:43:10 - 00:10:16:29

John Rhodes for the applicant, just to explain that following the hearing yesterday, I've had further discussions with Miss Congleton from York Aviation to try and identify a way forward in relation to the current gap between us in relation to the future baseline. Um, excuse me in reading from my screen, but I was, um, keen to agree a text with her that I could, uh, so not misrepresent our respective positions, but just absolutely emphasise that what I'm about to say.

00:10:17:01 - 00:10:56:09

She's happy for me to outline, but isn't a formal agreed statement. She's not been able to take instructions. So this is my interpretation. But you did say she was happy for me to outline this to the examination, uh, today. So just briefly, if I may, a little bit of context and then a suggested way

forward. Um, so the context, as you know, is that we set out our position on the future baseline in the technical note on future baseline rep 1047 and it forecasts an increase in throughput at Gatwick without the northern runway project to 67 million passengers per annum.

00:10:57:13 - 00:11:28:12

And that is from a base of 46.6 million passengers per annum in 2019, so an increase of approximately 20 million passengers per annum. Uh, at Gatwick if there was no northern runway project. And forgive me, but I think it may be helpful just to give one piece of detail. This is the only detailed thing I want to say, but that 20 million passengers per annum is broken down into four elements. Peak growth of 2 million passengers per annum.

00:11:29:00 - 00:12:13:04

Peak spreading of 5 million passengers per annum, aircraft size of 9 million passengers per annum and load factor of 4 million passengers per annum, totalling the 20 million. And we've been exploring with York Aviation which elements of that are in dispute. Um, at deadline three, the local authorities submitted a report from York Aviation. That's rep 3117, appendix B of that submission. And in it York Aviation explained, um, we do not believe it's realistic to assume that Gatwick will be able to handle 67.2 million passengers per annum in the baseline case over the period to 2047.

00:12:13:06 - 00:12:51:01

A more reasonable baseline case would be the range 55 to 60 MPA. So that's the the gap between us. And then through our discussions, we've tried to identify, as I say, which elements of those four, uh, components of growth are not disputed. And of the four steps in growth to the future baseline York aviation are most doubtful about the forecast growth in peak traffic and peak spreading, as explained in appendix B, those doubts relate not so much to runway capacity and airfield capacity.

00:12:52:01 - 00:13:26:16

But to the likelihood of airlines willingness to take up the remaining capacity in a viable manner. For the reasons acknowledged by the applicant in rep 3079 at paragraph 6.132. So those are the issues between us. They have narrowed to those issues. And so I'm going off text here, but hopefully it's not so much an issue about capacity, more an issue about the ability to add ATMs in the peak or off peak period, given the constraints at Gatwick.

00:13:27:17 - 00:13:59:25

We're in regular dialogue. As I said yesterday, we've submitted a detailed draft statement of common ground to York Aviation and the local authorities to try and precisely identify the differences. And we're also preparing a response to appendix B for deadline for. And we've discussed with York Aviation that we would share that in draft as soon as we have it ready, in advance of the deadline to see if we can move forward with narrowing the gap. So against that background, we've discussed and agreed a suggested way forward subject to your agreement.

00:14:00:06 - 00:14:31:00

There are four steps in the suggested way forward. So the first is that we continue to engage with York Aviation up to deadline for to see if the gap can be narrowed. So we do think there's further information that we can submit to York, which may be helpful. The second step is if agreement cannot be reached by a date to be agreed. I'm suggesting deadline for your aviation specify a future baseline figure, which they and the joint local authorities consider.

00:14:31:02 - 00:15:15:01

It would be helpful for the applicants to use and a sensitivity analysis as an alternative future baseline. That specification will identify what adjustments should be made to the four components of growth. And just to explain, it's going to be helpful to us if we're doing that analysis, to know which elements are not accepted because they could have different environmental effects. That specification would be given without prejudice to the ongoing discussions between the parties. And then the fourth step is

that the applicant will provide a without prejudice analysis of the effect of that alternative future baseline to test or provide assurance that the principal effects of the northern runway project have not been understated.

00:15:16:03 - 00:15:21:06

And again at a date to be agreed. But our suggestion will be deadline for five.

00:15:30:26 - 00:15:48:09

Scotland for the applicant. Um, just by way of a final comment, I appreciate that that may not be a formal agreed position from the joint local authorities yet, but we thought it was helpful to give you some reassurance that we've taken on board the comments that were made yesterday, and we're actively seeking to, um, progress monitor for the Jlf.

00:15:49:10 - 00:15:50:25

Thank you, Mr. Lyness.

00:15:53:10 - 00:16:03:10

Okay. Well, I would like I would now like to move on to agenda item two on the agenda. And we'll pass to Miss Cassini to take us through the next agenda items.

00:16:04:24 - 00:16:59:05

Thank you, Mr. Humphrey. The main purpose of this hearing is for the Exa to examine the applicant's case for compulsory acquisition and or temporary possession, and to invite affected persons and the applicant to make oral representations about these matters. This hearing will help us consider whether the relevant legal and policy tests applicable to compulsory acquisition and or temporary possession proposals have been met. Please also be aware that there will be a further opportunity for affected persons to be heard at a subsequent compulsory acquisition hearing, and any such request should be made by deadline five, which is Thursday the 6th of June 2020, for any subsequent compulsory acquisition hearing, if requested, is currently timetabled for the week commencing 17th of June this year.

00:16:59:18 - 00:17:35:10

I'd like to reassure you that we are familiar with the documents that you've sent in. So when answering a question you do not need to repeat at length something that's already been submitted. Some abbreviations may be used during this hearing alongside of the Exa and draft DCO, which most people are now familiar with. I'll also refer to CCA, which is compulsory acquisition, and TP which is temporary possession, and the Planning Act, which refers to the 2008 Planning Act, which provides the consenting regime for nationally significant infrastructure projects.

00:17:35:22 - 00:17:39:09

Does anybody have any questions about the purpose of today's hearing?

00:17:40:28 - 00:18:13:19

No thank you. I'll move on to agenda item three. So this is the applicant's case for CCA and TP. I'd like to begin by asking the applicant to briefly present and justify its case for CCA and TP. In doing so, please can the applicant include the following points any relevant draft DCO provisions. How the relevant statutory and policy tests under the Planning Act and Department for Communities and Local Government guidance related to CCA would be met.

00:18:13:29 - 00:18:47:02

The applicant's strategy and our criteria for determining whether to seek powers for the CCA of land cover rights or TP of land. Consideration of alternatives to county and human rights considerations. And as you may be aware, the agenda was drafted in advance of your responses made to the first

round of our written questions, which I appreciate do deal with many of the above points. However, there are people in the room that may not have had the opportunity to review those.

00:18:47:04 - 00:18:55:20

So if you could give an overview of the above points that I've made and also highlight anything that may have changed since the submission of your responses, I'd be grateful.

00:18:56:21 - 00:19:27:12

As Scotland African. Thank you very much. I'll try and deal as far as possible with those items in that in that order. But there was a grave overlap, as you'll understand. Um, fiddle first of all, with, uh, the identification of the pars, uh, salt. Um, article 27, um, of the draft, uh, DCU uh, an article 28 or the main pars authorizing the acquisition of land or interests and and or rights and over and under land in the DCU.

00:19:27:15 - 00:20:03:23

Article 27 allows for the compulsory acquisition of any order land where it's required for the construction and or delivery of the project, or required to facilitate it, or as incidental those activities or as acquired as replacement land. Article 28 relates to the compulsory acquisition of rights and imposition of restrictive covenants, and that would allow Gael to compulsorily acquire existing and new rights, as well as impose restrictive covenants over the order. Land for example, where a right of access is to be created, um, where the applicant only needs to acquire rights.

00:20:03:25 - 00:20:39:24

It's not required to acquire a greater interest in the land, and schedule seven specifies those plots in which only new rights may be required. Those are sort of fundamental powers within the, uh, within the order. There's a series of other provisions which are set out in this statement of reasons at A00 eight relating to acquisition of subsoil or airspace only, overriding easements and other rights, private rights of way, and the use of airspace within the order land. I won't go through those in detail, but there are articles 35, 30, 32 and 45.

00:20:41:00 - 00:21:12:24

I'll deal separately with acquisition of temporary rights, but those are the main powers. Um, ma'am, first of all, um, as far as, um, uh, other relevant DCO provisions are concerned, um, there are other provisions relating to the use of temporary powers under article 37, temporary use of land for carrying out authorised development on article 39, temporary use of land from maintaining the authorised development, and for completeness when on going through the order.

00:21:13:03 - 00:21:51:12

Um, there is um article 33 um, which amends provisions of the Compulsory Purchase Act 1965. So they're consistent with the timeframes under the DCO and article 34, which provides for the application of the Compulsory Purchase Vesting Declarations Act effectively allow Eagle to choose between notice to proceed, notice the trade procedure and the general vesting declaration procedure. As for other provisions in the DCO. Again, it won't go through all the potential relevant articles, but will come on later to article 40 relating to special category land and article 41 Statutory Undertakers.

00:21:51:25 - 00:22:23:01

That's a brief overview of the DCO um itself. As for the relevant statutes and policy tests. Um. These are summarised in section six of the Statement of Reasons. I'll deal first of all with section one, two, two of the 2008 act, which provides that a DCO may only include provision authorising the compulsory acquisition of land. If the Secretary of State is satisfied that two conditions have been met uh, under section one, two, two, two.

00:22:23:16 - 00:22:59:03

The condition is that land is required for the development to which the DCU relates, is required to facilitate or incidental to that development, or as replacement land. And under section one, two, two, three. The condition is there's a compelling case in the public interest for the land to be acquired compulsorily. Now, when looking at those provisions, mam, beware of context. We say it's important to appreciate that the applicant already owns or controls the majority of the land and rights and land required for the project, and will continue to seek to acquire all lands and rates of needs, be by voluntary agreement.

00:22:59:05 - 00:23:36:23

And we've undertaken consultation and we're pursuing engagement with all persons with an interest and the relevant land to try and avoid the need for compulsory acquisition. But this is this case is perhaps different from others, where the extent of compulsory acquisition to deliver the scheme, um, is not extensive relative to the control that Gail already has and the existence of an existing highway, uh, over which the highway schemes are going to be delivered. And we say that section one, two, two is mat. Um, uh, all the order land is considered, we say, to be necessary to enable delivery of project to facilitate it.

00:23:37:07 - 00:24:05:21

Um, originally appendix A to the statement of reasons and noise updated in the land at rate tracker at 3064 included an appendix, the Statement of Reasons, which explains how the proposals would affect plots owned by third parties, which are. To be acquired or to be subject to the acquisition of rights and how and why. Each plot of land is needed for the proposals. In other words, the justification.

00:24:07:21 - 00:24:39:27

And we say that sets out in summary form why section 1 to 2 is as met. As for the section one 2 to 3 condition, compelling case and public interest. This is where a bit of overlap with the compulsory acquisition guidance itself comes in. Um, but as that guidance says, the Secretary of State will need to be persuaded, there's compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private laws that be suffered by those whose land is to be acquired.

00:24:40:11 - 00:25:16:24

And the guidance similarly says that the public benefits will be weighed against the private loss. Um, now, again, section four of the Statement of Reasons summarizes the need and the benefits, the need for and the benefits of the project that's set out as well. And the needs care set up at 250 are supplemented at deadline one by reps 105 2 to 4 and the planning statement up to 4 or 5. And I won't go into detail about that, mum, because you've seen the the way in which the needs case has been set out.

00:25:16:26 - 00:25:47:21

But um, and very brief summary. We say that government policy is clear about the critical importance of aviation to the nation's economic health and the UK's status in the world. The UK's aviation sector is, however, capacity constrained, but the government's policy approach is clear. The UK faces a significant capacity challenge. Heathrow is currently the busiest two runway airport in the world. Gatwick is the busiest single runway airport in the world and the airports in London are filling up fast.

00:25:47:23 - 00:26:25:00

The law will be fooled by the mid 2030s if we do not take action now, and that's drawn from the MPs paragraphs two, 11 and 4.1.5, and the consequences of not taking action are recognised as being damaging to the UK through a lack of opportunity for global connectivity, and also the impact the capacity constraints have on the quality and efficiency of the UK's airports. As for Gatwick, specifically, demand demonstrably exceeds supply. To the extent that there is a severe shortage of takeoff and landing slots, and these issues can only be addressed by consenting the scheme.

00:26:25:18 - 00:27:03:16

Um, we have a key piece of national infrastructure at Gatwick, an economic engine for local and regional growth and the airport of choice for millions of passengers. We can achieve, achieve incremental growth, but without the project, it will not meet its inherent demand and significantly contribute to the acute lack of capacity in the South East. And we say that policy consistently with this scheme provides for best use to be made of existing runways. And with the project forecast for operational 2029, in time to meet forecast demand for 2030 and well ahead of any third runway at Heathrow.

00:27:03:29 - 00:27:45:26

Um, we would bring a wealth of operational benefits to Gatwick, along with significant economic benefits that are set out in the needs case. And I won't summarise here. So overall, a strong need for the project, supported by the government's policy of making best use of the existing runway and will deliver substantial socio economic benefits, as we've explained in a statement of reasons, and then the response to the Xa questions at Mam. And we have developed the scheme, having considered the private loss that would result for individual affected persons and the event that land outside the ownership of the airport is required.

00:27:46:13 - 00:28:19:11

As I said, it's important that this private loss is reduced by the majority of the development being carried out on the airport or on the strategic road network, and which are owned by the applicant and National Highways, respectively. And the applicant owns the majority of the land over which the acquisition powers are sought. National highways and the majority of the land where the works, they're sovereign will be carried out. Um, and for those areas where we want to rely upon third party land, we've assessed the private law through engagement with affected persons and consideration of the current uses of land.

00:28:20:01 - 00:28:56:00

We don't seek to acquire any residential properties. We've also considered any private loss that could occur to commercial operators, noting that there are significant number of commercial operators within the airport itself, and where the applicant is concerned that it can find an alternative way to relying on interest in the land. It's not sought compulsory acquisition or temporary possession powers over that land. Um, and this is illustrated by there being greyed out plots within the um order limits, um, where it identifies that, um, we have not sought compulsory acquisition.

00:28:56:19 - 00:29:13:22

Um. Uh, given the ability of the airport to achieve its objectives under the order without acquisition. Um, we'll come back to other general considerations as relevant to the compelling case at at including alternatives. We'll do without, um, separately.

00:29:15:16 - 00:29:46:13

Um. I'll come back to guidance. That's a that's a potted version of the guidance. But I'm aware that the agenda item asks us to deal with other statutory provisions before dealing with the guidance. And I'll just cover those very briefly, um, before moving on to the guidance itself. Um, section one, two, three is mentioned in the agenda, ma'am. It provides that on the order granting development consent may include provision authorizing CA only if the Secretary of State satisfied that one of the conditions and that provision is met.

00:29:46:22 - 00:30:28:05

The subsection two condition is that the application for the order included a request for compulsory acquisition that's been met here under section 30 132, in relation to open space, and that's been covered in section one of the statement of reasons. Um, we propose to provide an update note, um, on the approach that's being taken to open space. Um, provisions, ma'am, we can do that at deadline for that. But in short, um, we had have relied on the exception and section 1314 to allow for the



compulsory acquisition of open space land take place without invoking the special parliamentary procedure for some areas.

00:30:28:07 - 00:31:12:13

As we'll explain the note, we now propose to rely on section 1315 instead, the application of other exceptions that we have set out in the statement of reasons and which remains unchanged. We'll explain the difference in the in the note will also require consequential changes the DCO, the recital and schedule ten specifying special category land. I should also mention when dealing with open space, that article 40 provides for an open space delivery plan. We anticipate in connection with the section one three, two, uh, provision that will be prepared by the Undertaker post consent before acquiring a special category land referred to in the article.

00:31:12:15 - 00:31:48:04

And as per article 42, that submitted plan must include a timetable for the submission of a Landscape and Ecology Management Plan pursuant Requirement eight um and the laying out of the replacement open space as shown in the Special category Land Plans, as they will explain this in the notes. So there is a tweak to how we've dealt with that statutory provision, but we can explain that further without slight detour. Mine will return to the to the guidance. Um, I've covered this in part already, and it's explained more generally in section six of the Statement of Reasons.

00:31:48:15 - 00:32:21:04

Um, the guidance and paragraph set to ten particularly sets out a number of general considerations that we have to demonstrate to the satisfaction of the Secretary of State when justifying an order. One is that all reasonable alternatives to compulsory acquisition has been explored. And we'll come back to that. And secondly, that the proposed interference with the rights is necessary and proportionate and is for legitimate purpose. Thirdly, the applicant has a clear idea of how it intends to use the land. Fourthly, that there's a reasonable prospect of requisite funds being available.

00:32:21:06 - 00:32:58:14

And fifthly, that the purposes for which compulsory acquisition powers are included are legitimate and sufficient to justify interfering with human rights of those with an interest in land affected. So I'll come back to the some of these at later, at a later stage, and have covered some already, but a few others briefly. Now, as for the requirement to have a clear idea of the intentions of how the land proposed to be required will be used. As I've indicated, we've set out how we intend to use that land to deliver the project, as originally set out in appendix A to the Statement of Reasons and nine the Land Rights Tracker.

00:32:58:28 - 00:33:32:27

As for the availability of funds for compensation, um, we'll come back to that, um, perhaps under the funding section later, ma'am. But in the compulsory acquisition guidance, it says the applicant will be able to demonstrate there's a reasonable prospect, the requisite funds for acquisition becoming available. We provided the funding statement which accompanies the application, sets out how the project would be funded, and we say it shows as a reasonable prospect of the fund being available to pay any compensation arising from the exercise of the acquisition of temporary power used.

00:33:33:16 - 00:34:10:28

And we've also taken into account compulsory acquisition guidance. Paragraph 19, which advises the applicant, should demonstrate high potential risks or impediments to the implementation of the scheme, were being managed and the account taken of any other physical and legal matters pertaining to the application, including programming of necessary infrastructure works. Um, in response to the first element of that, um, we've we say we operate with sophisticated risk identification and management systems through internal reporting risks, which could be an impediment to the project being considered appropriate steps taken to manage those risks.

00:34:11:00 - 00:34:52:01

We've updated the list of other consents and licences and Rap 306. To to show the current status of each application. Um, we're applying for consents early, engaging with the relevant regulatory authorities ahead of the commencement of construction. We've conducted a detailed analysis of all separate consents, licences and approvals that are required, and we don't envisage there'll be any impediment to the grant of any such consent. We're not aware of any reason why they shouldn't be forthcoming. As far as operational consent is concerned, we've carried out work on the operational consent development, aerodrome design and safety case for the project in close discussion with the CAA.

00:34:52:17 - 00:35:06:26

Um, we're confident that there are no safety related impediments to why the project should not progress, and we expect that to be confirmed by the CAA directly through a letter of no impediment, a draft of which has already been submitted to the um examination.

00:35:08:13 - 00:35:54:22

As the airport's already operational works are frequently being carried out, we've got the necessary systems and infrastructure in place to facilitate the project and another element of the guidance, paragraph 25, ma'am, says that we're applicant should seek to acquire land by negotiation where practicable. And we've detailed in the statement of reasons as 008 the approach to negotiations with particular landowners, occupiers or statutory undertakers. And we'll you'll hear more about that today. We say that accords with um, uh, with the guidance and we'll explain, um, how negotiations have gone and the extent to which we've managed to secure, um, agreement over a significant proportion of the land area where we're seeking compulsory acquisition paths.

00:35:55:14 - 00:36:32:03

Um, we have undertaken extensive engagement generally to understand the impacts of the proposal. Um, I've set out and the consultation report, appendices, parts A to see that's up 2 to 3 to two, four, four. And we've appointed property specialist Duncan McLaren to engage with property owners and businesses impacted by the, uh, by the project, with feedback from meetings being fed back to the applicant. So we say, and as you'll hear more today, we have, um, carried out extensive effort to, uh, to acquire land by negotiation.

00:36:32:05 - 00:36:43:11

And that will continue. Um, moving on to, um, the strategy and criteria for determining whether to seek compulsory acquisition of land rights or temporary possession.

00:36:44:27 - 00:37:22:29

Um, as we've explained the statement of reasons, we've taken steps to ensure that land and interests proposed to be required are proportionate, and we've sought to take powers of rights over land rather than compulsory acquisition. In certain instances, as shown shaded on the land plans and blue. We've not sought to exercise powers over certain plots where it wouldn't be, um, proportionate to do so. As I've indicated already, for example, there are certain plots where we have sufficient certainty that land isn't required permanently, so we've only sought power to compulsory acquire um rights and temporary possession.

00:37:23:01 - 00:37:55:24

That's mainly the case for land, which is required in relation to planting, and the applicant needs to obtain rights. And ten planning doesn't need to hold the freehold to do so. And I've explained the approach to the grey land, um, already. Um, as for alternatives, is a separate item in the agenda, albeit it's covered by the guidance as well. I'll deal with alternatives now. Um, we've developed the scheme for the project over a number of years, considering alternatives to compulsory acquisition, including modifications to the scheme.

00:37:56:13 - 00:38:34:22

Um, a full description of the alternatives that have been considered, including modifications to the scheme, is set out. And is chapter three up to 8? Um, that's included alternatives to the development proposals themselves, which has involved looking at the 2019 master plan, which looked at different scenarios, including Gatwick remaining a single runway, um, the use of the existing northern runway, um, pursuant to the terms of the scheme, as well as the safeguarding of an additional runway to the south.

00:38:34:24 - 00:38:45:06

And we have explained why scenario two has been preferred in order to meet needs and comply with policy in the way I've suggested.

00:38:46:21 - 00:39:25:17

And we've also looked at the different elements of the development itself, um, in a context where if land is required, it's primarily because of its proximity to either the airport, um, or existing mitigation land, or arising out of discussions with national um highways. We've looked at several alternatives to the layout of the project, including locations of runways, taxiways, holding areas, hotels, offices, car parks, and so on. And an appendix 3.5.1 to the ES um at ARP 073, supported by the figures ARP uh 049.

00:39:25:22 - 00:39:56:04

There's a substantial assessment of different options whereby the ability to achieve land agreements, i.e. to take land without compulsory acquisition, was considered as part of the overall assessment of the alternatives set out there, alongside considerations relating to operational and planning and environmental and other community and land matters, so any potential need to require third party land was taken into account when considering the feasibility of those alternatives.

00:39:57:05 - 00:40:29:12

As for alternatives to the use of compulsory acquisition powers themselves, as I say, we've only sort those powers where we say they are necessary to deliver the project, and we've developed the scheme with the preference of avoiding any requirements of relying on the use of CCA powers unless required. Um, notwithstanding the assessment of the development alternatives, in order to construct and maintain the project, land and rights and the ownership of parties would need to be and would need to be acquired. But we have looked at whether it could be avoided

00:40:31:07 - 00:41:06:26

as far as human rights considerations are concerned by this stage as they run through. There is a substantial element of overlap between human rights considerations and those factors which have to be addressed as part of policy and any event. But to confirm that we have considered, uh, the compulsory acquisition guidance paragraph at ten and paragraph eight, insofar as they introduce questions of whether the compulsory acquisition is legitimate and, um, required, uh, necessary and proportionate.

00:41:07:01 - 00:41:42:28

Um, those are factors which reflect the application of the tests which apply, and particularly under article one of the first protocol of the convention. And article eight, uh, to the approach there essentially reflects the balancing act that's required to deal with human rights considerations under those provisions. Um, with regard to article one of the first protocol and articulate, we weighed any interference with property rights as a result of including compulsory powers within the draft DCO. Um, uh, taking into account the public benefits of developed consent is granted.

00:41:43:00 - 00:42:17:09

We say any interference with the rights of those affected as for legitimate purpose is necessary and proportionate. Um, the compulsory acquisition um powers would enable the applicant to meet the

need and the policy benefits that we've identified and deliver the legitimate purpose underlying the project, which has delivered the additional capacity to the UK aviation sector, which is supported through policy. We say that benefit can only be realised if the DCO includes the grant of powers for compulsory acquisition and temporary use that we've sought.

00:42:17:28 - 00:42:56:03

We say it's necessary to deliver the benefit of the project. Uh, thirdly, we've taken steps to ensure that the land and interests proposed are proportionate for reasons I've given um and those affected by the exercise of compulsory acquisition or the temporary use powers will be entitled to compensation and gala's the resources to provide that compensation, um, that will be available to those entitled to claimant on the relevant provisions of the compensation code. Um, so for those reasons, we say that the inclusion of the compulsory acquisition powers would not involve any breach of, um, uh, convention rights.

00:42:56:16 - 00:43:03:22

Mum, that was necessarily a fairly rapid, um, overview. I hope that covers the main elements of the agenda.

00:43:04:14 - 00:43:15:19

Thank you for that. Um, I'd like to turn to Mr. Bedford on behalf of the joint local authorities. Is there anything you wish to add or comment on in respect of the applicant's case for Cap?

00:43:19:18 - 00:43:54:03

Thank you, madam. Um, I think there's a general point if I can make, first of all, uh, which is obviously, uh, that, um, the compelling case in the public interest test which the applicant needs to meet, obviously engages, um, with the wider merits arguments in relation to the scheme as a whole. And you'll know that at the moment, the joint local authorities are not yet persuaded, uh, of that wider case.

00:43:54:18 - 00:44:33:27

Uh, and then insofar as that travels across to the compulsory acquisition side of matters where, uh, some of the local authorities do have land interests which are affected, that obviously carries across. So I don't think I need to say anything more about that issue than just to note that, uh, so I'll, um, make that as the initial point. Uh, then the second point, uh, is, um, a generic point as opposed to a, um, site specific point, because I know that later in the agenda you've got, uh, an item about site specific matters.

00:44:33:29 - 00:45:06:00

But in order to make the generic point, I will refer as an example to a particular plot, because it sort of then makes sense. What I'm trying to talk about, um, and the position is, is, is this that in relation to highway land? Where both obviously Surrey County Council, as the local highway authority for roads in its areas, and West Sussex County Council local highway authority for. Of the roads in its areas.

00:45:07:20 - 00:45:41:29

They have vested in them by operation of law under the Highways Act 1980. Sufficient legal interest in the land, which is subject to highway rights, to enable them to discharge their highways. Functions. And some of the areas of land which are the subject of compulsory acquisition. In the order are parcels of land over which those respective highway authorities have highway right.

00:45:43:03 - 00:45:58:06

And in some instances, it appears that what is being proposed is to carry out works of alteration or improvement to existing highway.

00:45:59:27 - 00:46:10:11

And at the end of the exercise, the highway will not be stopped up, the highway will remain and it will be subject to highway rights.

00:46:12:21 - 00:46:33:12

And if I. And this is where I say I descend. Simply by way of example, uh, to a particular, um, instance. Uh, you'll be familiar with the A23 Brighton Road, uh, feeding northwards into the Long Bridge roundabout.

00:46:35:04 - 00:46:57:02

And there is a particular plot which is plot one stroke 014, which is effectively the carriageway or part of the carriageway of A23 Brighton Road. It's shown on inset sheet one of the land plans in as. 015.

00:46:59:03 - 00:47:22:20

And in the book of reference, the plot is for permanent acquisition. That's a plot where the subsoil of plot 1014 is owned both by Surrey County Council and by Reigate and Banstead Borough Council, and then Surrey County Council, as local highway authority has an interest in the highway itself.

00:47:24:27 - 00:47:55:07

On the works plans and this is in A0 17, sheet two. That plot is part of work number 37 B for the widening and realignment of the A23 Brighton Road, and at the completion of the works, the land will remain as part of the highway. It's not intended to be stopped up so as to remove highway rights, or for the applicant to retain permanent control of the highway surface.

00:47:56:20 - 00:48:27:09

So at the moment, we're not clear from what we've read in the applicants material. Why there is a need for compulsory acquisition or permanent acquisition of that plot, or, as it were, related, highway plots in similar circumstances. Uh, we've noted, uh, from, uh, the applicant statement of reasons. Particularly this is paragraph 6.2.

00:48:27:11 - 00:48:59:12

28 and 6.2. 29. In as 008 under the heading as to what is proportionate. The applicant states, steps have been taken to ensure that the land and interest proposed to be acquired are proportionate. Noting that Gal owns the freehold of most of the land required. Gal has sought to take powers of rights over land rather than compulsory acquisition of the freehold in certain instances.

00:49:00:17 - 00:49:42:17

And it's not sought powers over certain plots where it would not be proportionate to do so, for example for certain plots. Gal has sufficient certainty that the land is not required permanently, and has therefore only sought powers to compulsory acquired permanent rights and temporary possession powers. This is mainly the case for land that is required for planting, and guarantees rights to maintain the planting, but doesn't need to hold the freehold to do so. Now those are the examples that the applicant has given, but I say where we're at the moment, not clear where you've got land which is currently highway, which is intended to be retained as highway, albeit subject to improvement works.

00:49:44:08 - 00:50:23:12

And clearly the highway authorities have their own powers to undertake works of alteration or improvement to the highway, and through the use of section 278, agreements with the Highways Act 1980. You'll be familiar with the concept that developers can agree with highway authorities to authorize them to do works within the highway. I say we haven't understood why it's proportionate for the applicant to be exercising powers of compulsory acquisition and permanent acquisition, uh, as opposed to reaching an accommodation with the highway authorities to enable the relevant highway improvements to be carried out.

00:50:24:18 - 00:50:54:13

I'm not saying that this is a, as it were, a make or break or a fundamental, uh, point that, um, uh, um, uh, is a major concern to the highway authorities. But they do take the position that since compulsory acquisition should be the last resort, and since they've not seen an adequate explanation for the applicant's approach, uh, at the moment, they're not persuaded that that part of the, uh, tests are met in relation to the taking of highway plots.

00:50:54:25 - 00:50:59:25

Thank you. Thank you, Mr. Lyness. I will come back to you, but I'll just see if there's anybody else.

00:51:01:21 - 00:51:05:06

I believe National Highways wish to make some comments as well.

00:51:05:15 - 00:51:44:09

Thank you ma'am. Hack for National highways. I would actually echo the comments that we've just heard from the joint local authorities. Um, very briefly I'll go over the comments. So I think it's probably worth starting with the general caveat. So National highways do have the benefit of protective provisions within the draft DCO. Um, they're not agreed yet, but they are subject to agreement. Um, those protected provisions include a control of the exercise of compulsory acquisition powers over the SRN, which is the strategic road network. They do not currently extend to non SR inland, but that is agreed in principle with the applicant and it's subject to further review by the applicant.

00:51:45:14 - 00:52:21:04

In our view, the existence of that control does not alleviate the need for the applicant to comply with the relevant guidance. And our view is, as actually just stated, that the the land that is currently subject to permanent acquisition, which is all of the SRN within the scheme, should actually only be subject to temporary powers. Um, to put that in other words, the scheme as it is could actually be implemented by the applicant in its totality without having to Gatwick own parts of the motorway.

00:52:21:24 - 00:52:58:10

Um, we do accept that where highways altered or diverted new land which forms part of a highway, should be subject to acquisition. However, we don't consider it reasonable or proportionate for the applicant to seek permanent acquisition powers over the rest of the strategic road network. Um, for land outside of the strategic road network, um, we would still be expecting the applicant to justify the need to acquire that land and also seek to negotiate with National Highways for that land. As it stands, we are only negotiating protective provisions, and there are no negotiations in terms of land agreements.

00:52:58:12 - 00:53:16:18

I weren't going to say specifics, but I can come to that later on. Um, as such, our view and we've made this before in earlier representations is that the DCO book of reference and land plans would actually be updated to remove the permanent acquisition over the SRN, and that should be replaced with temporary position only. Thank you.

00:53:17:27 - 00:53:36:15

Thank you very much. Does anybody else have any general points they wish to raise on the applicant's case for CCA and TP? At this point, please note there will be time to talk about specific issues later on during the hearing. So this is just an opportunity to rather make comments on the applicant's case.

00:53:38:21 - 00:53:43:00

You know, I don't see anybody online either. Mr. Linus, would you like to respond.

00:53:43:24 - 00:54:02:27

To the applicant? Um, a few very brief points. The first is this that, um, uh, we're still obviously trying to seek, um, uh, agreement with the, the parties, but as matters stand, uh, we take the position that we still need these rights to ensure the delivery of the, uh, scheme. Um.

00:54:04:22 - 00:54:36:27

Essential reasons for that are that it's important that we are able to secure a full acquisition, to deal with any unknown rights that might arise in relation to this land. Essentially, we need to achieve a clean title over the land in order that we can be at certain of the ability to deliver the scheme. The second point is that as particularly as far as the highways works are concerned, these are still going to be subject to detailed design, albeit within the limits of deviation.

00:54:37:01 - 00:55:20:05

And we need to make sure that we have the power to acquire all relevant interests in order to allow any detailed designs, as that comes forward, to be delivered as part of the project. And within that, we also need to maintain access and as well for maintenance and at purposes. And for the same reason, it's uncertain exactly how that's going to be achieved until the design is finalised. And the need to finalize the design process means that we feel that we still need to secure full acquisition rights, that we can ensure we have the ability to deliver the the entire project as the design is developed.

00:55:20:20 - 00:56:06:18

I would say in relation to the position of National Highways, that, as far as our concerns relate to the scheme, schedule nine includes provisions which prevent any compulsory acquisition taking place on assets through the agreement with National Highways. So there's an in-built protection given to National Highways within the schedule. In any event on the lowest in a different form as far as the highway authorities are concerned. Article 21 three provides the undertakers shall not commence a work prior to entering into an agreement with the relevant highway authority, which provides details of the specification of the works that need to be carried out.

00:56:06:20 - 00:56:19:16

So there are protections in place for both the Highways Agency, both National Highways and the local authorities. But it doesn't obviate the need for us to achieve clean title and allow for flexibility as the design progresses.

00:56:21:16 - 00:56:35:18

Thank you. I do understand that negotiations are still ongoing, but to my mind that does seem quite a divide still in terms of parties and the applicant. But I will leave that with yourselves to continue negotiations.

00:56:36:27 - 00:56:48:01

It's gone. Yes, negotiations are continuing. Progress is being made with National Highways in particular, given the points that have been raised, and they will continue.

00:56:49:21 - 00:57:25:24

Thank you. That was helpful. I'll now move on to agenda item number four, which is site specific issues for the applicant. And as previously said, we've already posed several written questions on site specific ka tp matters. And we are aware of your responses and other party's responses. And as you've already said, um, you're actively in discussions to try and secure your rights, uh, the required rights to voluntary agreements. I do have just a couple of questions and points clarifications I wish to address with you.

00:57:26:06 - 00:58:05:16

Um, first is regarding the Britannia Hotels Group, which relevant plots I have as 10878, nine, 90, 91 and 92. I don't think we need to put those plots up, but that's just for your information. If you wish to display them, that's fine. My understanding is that the Britannia Hotel Group has some concerns. And why the strip of land um, you're discussing is required in respect of works number 37, and that this may have a negative impact on their signage.

00:58:06:00 - 00:58:28:09

And in such their last submissions, they've raised an objection to the proposal, I think from your land. The land rights track is you are trying to negotiate with the hotel group. Um, has any further contact been made with the Britannia Hotel Group? And are you satisfied that the whole, the whole of the strip of land in question is required?

00:58:29:24 - 00:58:40:19

At Scotland. For the applicant for this section, I will pass other members of the team, Mr. Farrand and Mr. Atkins. They can take this in whichever order they prefer. Mr. Atkins first, possibly Mr. Atkins, slinky.

00:58:42:00 - 00:59:21:02

Uh, Darren Atkins for the applicant. So just in terms of the requirements for the land, um, basically the at that location that's related to work number 37, specifically, we need to, uh, we're looking to widen the road embankment for the A23 London Road at that location and also provide new active travel path for pedestrians and cyclists on the western side of A23 London Road. Uh, associated with those works, we need to modify other highway assets such as drainage infrastructure, lighting, columns, signage and also potentially of some utility works and at that location and also, uh, remove some of the existing planting and provide replacement planting at that location.

00:59:21:17 - 00:59:56:19

Um, we are aware of the, um, potential clash with the existing signage. Um, effectively we would look to, if needed, we would look to relocate that signage within the land plot at that location. At this stage, as the design is still subject to further development of the detailed design stage and is still subject to approval at the detailed design stage by the local highway authority, the exact farm details in relation to whether or not the sign will need to be moved in the exact location of where the new sign will be placed, should it needs to be moved, we'll need to be confirmed that the detailed design stage.

00:59:58:18 - 00:59:59:04

Thank you.

01:00:02:06 - 01:00:19:27

And my friends for the applicant. I'm just. In terms of update on negotiations, Britannia home sales are correct. They are ongoing. Um, I haven't got the date to hand, but, um, we have made a revised offer of heads of terms and we followed up with Britannia Hotels on six occasions. Have yet to receive a response.

01:00:22:16 - 01:00:53:11

Thank you. If I could move on to Cheshire West and Chester Borough Council's submission. Um, I think it's at one one, two eight. Um, my understanding is the land swaps proposed, uh, for both landowner, the council and the tenant, which is Kew Park Limited to relocate the existing facilities to a new location Gallery offering a long, uh, leasehold interest for new site in exchange for the current freehold.

01:00:53:16 - 01:01:30:22



Freehold interest. Um, the landowner doesn't see this as a like for like, swap and have stated that they will lose control. Land swap is seen by themselves as having a potentially detrimental impact to the value of their investment. Additionally, um, it was stated that uh, the applicant has failed to undertake evaluation of both the existing and proposed new site, and as such, the landowners are unsure as to whether the value of the proposed site will be the same. And I think the final comment was that the applicant is unwilling to pay for the electric vehicle charges to be transferred to the new site.

01:01:31:01 - 01:01:54:23

Um, again, I know from, uh, your the response to written representations, which is rep 372 discussions are ongoing. Um, has there been any progress since the drafting of the recently submitted Land Rights Tracker? And can you explain why Gal is unwilling to undertake evaluation of both sites, and also not to relocate the EV chargers, please?

01:01:56:14 - 01:02:10:29

Okay, my friends, for the applicant. Um, yes. That's right. Um, negotiations just remain ongoing. Um, I haven't got an update right here today with me in respect of the valuation or the EV charging points, but I suggest we come back and. Writing in due course.

01:02:15:09 - 01:02:17:22

Can we do that as an action and action point?

01:02:18:13 - 01:02:19:24

Let's take that away as an action. Thank you.

01:02:23:20 - 01:02:51:28

Thank you. In terms of the ongoing. Those were the only two very specific questions I had in terms of other ongoing discussions. Um, can you just provide a very high level update as to how these are progressing? And given the number of plots involved, are there any identified significant issues where problems have been identified that are unlikely to be resolved by the close of examination?

01:02:57:13 - 01:03:38:12

My friend is an applicant. Um, the applicant either controls or has entered into voluntary agreements or documentation in an agreed form, awaiting signature of completion for 93.4% of the land over which compulsory acquisitions powers of sort. Um, the remaining percentages are public highway being, uh 4.48%, open space being 0.21, and private land being 1.87%. The remaining affected land, the applicant is offered to enter into negotiations by engaging with the affected persons and issuing heads of terms um, and as a result, the applicant is in active negotiations with all landowners of affected land.

01:03:39:08 - 01:04:13:18

The applicant has agreed negotiated terms with five owners of affected land, and aims to secure more negotiated settlements by the end of the examination, and we remain optimistic that we will acquire more of the land required by negotiation without the need to exercise compulsory acquisition powers. In terms of specific issues. Um, we are affecting a number of commercial businesses who obviously have concerns about business loss. And, um, the, uh, the way in which the compulsory acquisition powers will be, um, imposed and used.

01:04:14:03 - 01:04:21:06

Um, and we are in active discussions with all those parties to try to agree terms outside of DCO and the CEO powers.

01:04:22:05 - 01:04:30:06

Thank you very much. I have no further questions on this agenda item. Does anybody else in the room wish to comment?

01:04:32:00 - 01:05:07:12

Thank you. Adam. Yes. Rebecca Clayton for Marathon Asset Management. Madam, you've been given a figure of 93 plus percent in relation to land, obviously, which Gatwick either already controls or um, is uh, has heads of terms etc. in relation to obviously that does include the land that it already controlled prior to the application being made. And I think, uh, from the point of those affected persons are more interesting statistic or metric about the success of the negotiations that have been had today would be of the land that was actually required to be acquired at the point of the application, what the progress has been.

01:05:10:15 - 01:05:12:26

Thank you, Mr. Linus. Do you wish to respond?

01:05:19:20 - 01:05:51:03

Yes, I think Scotland for the applicant. I think that rather misses the main point for why we, um, refer to that figure, which is that, um, it indicates that for us to deliver, um, the scheme, um, we're already in control of the vast majority of land that's needed to acquire it. And insofar as there are outstanding interests which do need to be acquired, we're in active negotiations with each of them, and we remain optimistic of being able to, uh, reach final agreement with those.

01:05:51:05 - 01:05:59:09

So the the important point we say is that deliver the scheme, we already control a very high proportion of the rates that are required to do it.

01:06:00:11 - 01:06:04:14

I do understand that, but is it possible to provide the figure?

01:06:05:08 - 01:06:07:21

We can provide a figure if you'd find that helpful.

01:06:08:00 - 01:06:15:11

I think just to close off, um, questions that have been raised, it is useful. Um, if could we have that at the next deadline?

01:06:15:26 - 01:06:18:02

We can provide that for a deadline for. Thank you, thank you.

01:06:18:22 - 01:06:22:29

Are there any other questions, either in the room or virtually on that agenda item?

01:06:27:20 - 01:07:00:20

Thank you. Madam. Um, Edward Richards, I'm a landowner, and, um, I also run an animal sanctuary. Um, what's interesting is there's been a lot of talk about communication, um, specifically with landowners. Um, I represent a number of local landowners. Um, I've got 40 acres virtually opposite the runway now. Um, or proposed runway. I've written to Gatwick Future planning six times, and I'm still waiting for a response.

01:07:01:15 - 01:07:03:04

That's all I at the moment.

01:07:03:28 - 01:07:39:21

Thank you, Mr. Richards. We are actually at the next agenda item going to move on to specific, um, issues for affected parties. Shall I move? I'm going to propose that I move on to agenda item five. I'm going to come back to you anyway. And then if the applicant could respond to that in the round. Is that all right with you, Mr. Richard? Thank you. So if we if nobody else has anything on agenda item four, we'll move on to agenda item five. So I am aware from submissions received that we have the following persons organisations, companies registered to speak on this agenda item.

01:07:39:23 - 01:07:56:10

Mr. Richards, we have Gatwick Green, the Aurora Group, Marathon Asset Management, National Highways and Mr. Bedford on behalf of I'm assuming it is Surrey County Council. Although obviously your umbrella is the joint local authorities yesterday.

01:07:56:12 - 01:07:59:03

It is both in this respect. Thank you madam.

01:07:59:12 - 01:08:07:09

Can I just check if there's anybody else in the room who I've missed off, who wishes to speak on agenda item five or virtually?

01:08:09:22 - 01:08:10:08

Nope.

01:08:11:03 - 01:08:43:10

So what I'm going to do is I'm going to take each person organization in turn and ask them to outline any concerns which they have in relation to KTP, which are either outstanding and although fail, have yet to be addressed by the applicant. When you introduce yourself, if you could also indicate the location of land you're referring to and where relevant, any plot numbers you're speaking about and whether or not you wish those to be displayed. If you do wish those to be displayed, there may be a momentary pause while the applicant team put those up on the screen.

01:08:43:28 - 01:09:14:29

Additionally, um, it's important to note that we are aware many commercial, uh, negotiations are still going on between affected persons and the applicant. And these are confidential in nature, and it is not the correct forum in which to discuss specific financial issues. It's perfectly acceptable for parties to state where issues exist or where issues remain in terms of finalising such agreements, but please do not disclose any confidential financial matters during this hearing.

01:09:15:18 - 01:09:26:26

Um, miscellaneous. I'm going to let each party speak and come to you at the end. So, Mr. Richards, if you have anything further to add, please do so now.

01:09:28:04 - 01:09:28:22

Thank you ma'am.

01:09:30:10 - 01:09:48:16

Um, so my concern is that basically, yes, the private landowners, uh, represent a small proportion, um, of what's been discussed. But I do feel that we have suffered a lack of communication. Um.

01:09:50:21 - 01:10:06:13

Have a spa. And specifically, as I say, um, we're an animal sanctuary and we've spent considerable amount of money on infrastructure. And at the moment we're in limbo. Um, and I'd like to know how that would be addressed.

01:10:07:13 - 01:10:21:23

Thank you. Thank you, Mr. Richard. So I'm going to do as I've said. I'm going to listen to all of the parties and the applicant will respond in total at the end. Could I now move on to Gatwick Green please, who I think are joining us online.

01:10:30:03 - 01:11:16:15

Good morning, ma'am. Uh, Kat McDermott of Savills appearing on behalf of Gatwick Green Limited. Um, we've got a couple of points we want to raise this morning. Um, but I suppose the first point to make is that Gatwick Green is grateful to the applicant for recent discussions. It's had, um, which has resulted in an agreement in principle for Gatwick Green to dispose the land and rights the applicant needs to deliver the proposed development. However, um, the reason we've chosen to appear today is that the agreement, um, that is, um, agreed in principle, is subject to the approval of National Highways as it relates to the proposed access over which National highways, um, wish to take to deliver work to a balancing pond and future maintenance and access.

01:11:17:00 - 01:11:55:27

Um. For reference, the balancing pond is located within plots four, four, six three and 4467. Uh. Furthermore, there are potential works to an embankment over plots for 4694472 and 4473. These plots are shown on the land plans document reference 4.2. Um Gatwick, Green and the applicant have, on a number of occasions, sought confirmation from National Highways that the proposed agreement is acceptable to them, and this approval is yet to be given, with National Highways cancelling the last two meetings that we had scheduled with them.

01:11:57:03 - 01:12:30:01

Gatwick Greens already stated within their representation, um, that the acquisition of land rights sought within the draft DCO will have a material impact on the development aspirations, um, including the potential severance of access to its retained land, and it does not intend to reiterate those points today, but would like to reserve the right to make a further representation at future senior hearings should agreement not be forthcoming with the applicant. Um, our request is and mindful that, um, we are a landowner that is is largely stuck between two statutory bodies.

01:12:30:03 - 01:12:53:24

Our request today is that, um, our client, Gatwick Green, would be grateful for any assistance that extra can give to assist the applicant. Um, to expedite the request for approval from National Highways. Uh, our view, and ideally, this would be before, uh, Friday the 10th of May to allow Gatwick Green to respond to deadline for and to enable those heads of terms to be documented.

01:12:56:03 - 01:12:56:21

Thank you.

01:12:59:21 - 01:13:01:14

Was that the end of your.

01:13:02:25 - 01:13:03:10

Yes, ma'am.

01:13:03:12 - 01:13:10:05

Today. Thank you, thank you, thank you. Um, could could I move on to the Aurora Group, who again, I think are joining us virtually.

01:13:12:10 - 01:13:46:04

Yes. Thank you. Um, very much. And thank you, ma'am. Um, so there are a number of sites that we are in discussions with the applicant about, and I have to say that the discussions are moving in the

right direction, which is positive. However, there are a few sites which I would just like to bring, um, to everyone's attention just regarding, uh, concerns that we've got over the, uh, permanent acquisition of them. So, uh, if I start with the first one, I will mention the, uh, book of reference number. So one of them is the permanent land take at the Premier in Longbridge Way, which is book of reference 1/1 20.

01:13:46:06 - 01:14:22:15

So, uh, the applicant, uh, wishes to permanently acquire the access route into this particular property. And, uh, from what we can see, uh, looks relatively akin to what we would consider more of a ransom strip. Um, so there are concerns about, uh, continued access into this particular parcel of land. Uh, not to mention that this is also a tenanted property by Whitbread. Uh, so confirmation that Whitbread have also been included in the conversations would be, um, would be useful. Uh, then moving on to the next plot of land, which is actually a permanent and temporary land take at Buckingham Gate.

01:14:22:17 - 01:15:02:27

So that's book of reference 4539 and 4544. Again, similar to the the previous site. Um, there's a temporary land take and permanent land take for the access route into Buckingham Gate, uh, which we again consider consider this to be akin to a ransom strip and have concerns over continued access into our site. Um, there are other sites that we are, um, have ongoing discussions on, so I won't touch on those. But the final one that I would like to discuss, uh, which I have to say hasn't really progressed at all, um, is the drop off zone to our Sofitel hotel, which is book of reference 1209.

01:15:03:11 - 01:15:18:07

Uh, essentially this this parcel of land, um, isn't acceptable to us because this will have significant impacts on the operation of the hotel. Um, and, uh, although these issues have been raised, there has been no discussions regarding, uh, how to mitigate these concerns. Thank you.

01:15:19:18 - 01:15:24:24

Thank you very much. Uh, I think marathon asked if you could.

01:15:25:13 - 01:15:25:28

Please.

01:15:26:12 - 01:16:07:24

Rebecca Clayton for Marathon Asset Management. Um, I'm just going to do a brief introduction to the points that we want to raise today. And then I'm going to hand over to some of the relevant, uh, technical witnesses to explain those a little further. Should, um, you'll be aware that the property that we're talking about is at the northern end of the, uh, order limits. It's the Holiday Inn that sits adjacent to the Longbridge roundabout. Um, it's fair to say that since submission of our written representations, there has been positive and meaningful engagement with the applicant and its advisers in relation to the addressing of impacts of compulsory acquisition in the scheme on Marathon's interests.

01:16:07:26 - 01:16:38:20

And those discussions do remain ongoing and both parties are working towards agreement in principle in June or July of this year. So around deadline six, deadline seven, notwithstanding that there is generally positive progress being made, there are some areas of concern that we have about things that have not yet been properly addressed or where further information or discussion is needed, and we are becoming slightly concerned about the timing of the provision of some of that information.

01:16:38:22 - 01:17:11:00

And so, notwithstanding that those discussions do remain ongoing, there are four areas that we want to raise today, one of which can be dealt with very briefly at the end. But they are areas, first of all, where we may need to ask for the examining authorities supporting either now or in due course, or

where we have concerns as to whether the applicant is undertaking the work that we consider necessary or to which it's previously agreed. So those those four areas are these. Firstly, we do have continuing concerns about the scale of permanent land take in relation to our property.

01:17:11:16 - 01:17:42:27

Secondly, uh, the feasibility of the proposed northern access and details around that. Thirdly, attempts being made to adequately mitigate impacts on, uh, in particular noise and the hopper bus service. And then finally and this is the very short point, protection of services. So, um, just before I do, hand over to Mister Sayer, who's next to me, and I'll ask each of the witnesses to introduce themselves at the relevant time to deal with the first of those points about land take.

01:17:42:29 - 01:18:24:12

There are just two matters that I do want to flag to you as the examining authority now in relation to both land take and the permanent access. So you will have seen, um, reference in the applicants responses to written questions, reference to the fact that during negotiations, the applicant has agreed to use all reasonable endeavours to reduce land acquisition where possible. And they've also indicated that they've put two options for a temporary alternative. Access to the marathon, and that they've agreed to work up an outline design for what I'm going to call the Northern Temporary Access to enable us to assess the adequacy of that access in more detail.

01:18:24:21 - 01:18:57:24

Now, what we need to be clear about is that as matters stand, the DCO would, first of all, allow permanent acquisition of all the pink land, and there is no enforceable mechanism to require the applicant to take any less or even to make any efforts to take any less. And secondly, of course, the the DCO has drafted allows the applicant to acquire the only access into the hotel and makes no provision for a new temporary or permanent access.

01:18:57:26 - 01:19:37:26

And as a consequence of that, it both risks compromising the future development of the southern parcel that you'll have seen referred to in our written representations, and, perhaps even more importantly, leaves the viability of the hotel at risk in terms of its ability to be accessed during the works. So the reason I mentioned this now is because, of course, if agreement can't be reached with the applicant, and we remain hopeful that those discussions will reach fruition within the timetable that I've outlined. If we can't reach agreement, though, uh, marathon is going to be needing to submit to you the examining authority draft protective provisions and potentially requirements.

01:19:37:28 - 01:19:50:07

And so we want to put these on your radar now to ensure that they are dealt with promptly. So with that, I'm going to hand over to, um, Mr. Sayer to deal with the first point relating to scale of land. Take.

01:19:51:19 - 01:20:44:18

Good morning. I'm John Sayer on behalf of Marathon Asset Management. Um, and the Holiday Inn taking that first point, um, in terms of the concerns around the the amount of land take, um, as has been noted, there is an ambition, um, from my client that the existing hotel has 216 bedrooms. Um, previously, various planning consents had been granted to increase the capacity of the hotel to 300 rooms. As an investment owner who only acquired the property a few years ago, they're in the process of working up proposals in terms of how best to to utilise the the site for future use, so they're quite concerned, um, in terms of the, the overarching sort of permanent land acquisition that's, that's proposed by the applicant and in terms of how that might, might compete with their proposals in, in due course.

01:20:44:24 - 01:21:25:03

Um, one of the, the sort of the other points is that, um, we're quite concerned in terms of the sort of the permanent take in total, and it hasn't necessarily been made clear to us why all of the land needed is necessary. Um, and particularly when we've been overlaying some of the indicative layouts of where the the reconfigured roundabout would be, it seems to us that there's quite a large area of land, and particularly in plots 1057 and 1026, whereby once the proposed new roundabout is in place, there would be quite a large area of land that doesn't appear to us, um, to actually need to be permanently acquired.

01:21:25:28 - 01:22:03:11

Um, what we've suggested in, in discussions is that that my client would be willing to enter into an arrangement where some of that land could be granted on a temporary occupation basis, um, various rights granted so that we can we can actually, you know, to retain control of, of of the particular parcels of land that we don't believe is actually needed at this stage. Um, we would have liked a commitment to, to to have clarity on a reduced land. Take that. That's been confirmed, um, by the applicant that that won't be given, which is obviously a little bit disappointing, um, for the client.

01:22:03:13 - 01:22:17:06

Um, but what we are doing is there is some ongoing discussions in terms of trying to identify a mechanism that works for both parties. Um, and I think that that discussion needs to, to continue at pace so that we're able to, to find a solution.

01:22:20:06 - 01:22:37:05

I think that Rebecca Clayton for marathon, that then covers the concerns about the land take. Um, I think if I can ask them, Mr. Sayer and also Mr. Althorp, to deal with the northern access point, I think Mr. Chair is going to introduce it. And then Mr. Althorp will just give you a little bit more of the technical detail.

01:22:38:02 - 01:23:09:15

John Thorpe, Marathon Asset Management and the Holiday Inn. Um, the the permanent land acquisition. Um, as Miss Clayton I think has already identified, includes the the the existing and only entrance road into the hotel. Um, and therefore, if the compulsory acquisition powers were exercised as, as currently drafted, um, the hotel wouldn't have access. And ultimately that would result in a, a closure of business through discussions with the applicant.

01:23:09:21 - 01:23:32:10

Uh, we understand that that when they are occupying and utilising that land, that it would be necessary for them to close the access road for a defined period of time. Um, this obviously causes a great deal of concern for the continuity of of my client's business. I'm going to actually pass over to Mr. All4 to talk a little bit more about some of the technical aspects of that.

01:23:34:24 - 01:23:37:15

Good morning. Tabletop format and asset management.

01:23:37:25 - 01:24:27:09

Um, as previously mentioned, uh, there have been continuing discussions with the applicant over the access requirements, uh, to our client's property. And on the 14th of March, we received two temporary access designs, uh, from the applicant. One was located immediately north of the current access design, which, uh, we're calling the southern option, and one to be located immediately to the south of the old limits along the A217, which is the, uh, northern option. Um, upon review of these access, uh designs, the southern access, although it may work technically, is considered to be a suboptimal layout with the potential for general traffic safety concerns, and also how pedestrians and cyclists would navigate the temporary layout, um, which may lead to, uh, these points being raised within a road safety audit.

01:24:27:25 - 01:24:59:19

Therefore, it's clear that the northern option is preferable to our client due to the traffic and distance from the, uh, Long Bridge roundabout improvements. However, we still have questions regarding the feasibility of this one being how the right turn into the hotel from the A2 and seven would be prevented as per the current access arrangement. And secondly, um, the provision of a layby for the parking of the hopper buses, which currently use our client's land as a terminus.

01:25:00:29 - 01:25:31:18

Further discussions were had at a meeting on the 27th of March, where the design options were discussed in detail, and the applicant agreed to provide further detail regarding the design standards and concepts to enable to enable the agreement, the design of the temporary access would need to be suitable, uh, in advance of the detailed design stage. The applicant also confirmed that the layby parking and right hand provision would be looked at in, looked at, and detail and form part of the updated Information Information pack provided to our client.

01:25:31:23 - 01:26:12:11

We have yet to receive this information, but we understand this is still being worked on. Uh, this information is critical so that our client and the examiner authority can be assured that a safe and suitable temporary access can be provided to the hotel. Otherwise, options would have to be otherwise other options would have to be found, or there's a risk of closure of our hotel. Um, our client has concerns that at this time, there's no guarantee that access to its property can be maintained. Um, and further design work needs to be undertaken to be certain that the proposed northern access is to an appropriate standard and in a format that integrates with the hotel's internal road layouts.

01:26:14:08 - 01:26:44:24

Rebecca Clayton for Marathon Asset Management and just finishing off that point of the examining authority. It's just worth noting that the provision of that temporary access, which is the one that the applicant has indicated it's taking forward and that we support being taken forward, is one that would require the use of land that sits outside the Red line area and gal's proposed compulsory acquisition powers. And so, uh, in that regard, I would just draw the examining authority's attention to the applicants response to your questions.

01:26:44:26 - 01:27:16:18

Compulsory acquisition questions in rep 3072 and in particular, uh, CCA 1.7, where it was indicated that no additional land is required beyond what was in the Red line area if that access is to be delivered, which is what the parties are working on, then that that statement is incorrect because we do. Land is required outside of the Red line area for that, um, for, for that access. And therefore it's imperative in our view that, that a negotiated settlement is achieved.

01:27:16:28 - 01:27:52:18

So that takes which deals with the access concern. Obviously it's really just about the provision of information and the timeliness of that. You've heard that that meeting at which the material was agreed to be provided was the 27th of March. We now sit here at the beginning of May, and we're aiming both parties aiming for an agreement in June or July. We really do need to see that very soon, so I'll move on then. Just the third issue and the fourth issue can be dealt with very briefly. The third issue relates to, um, the proportionality of the interference and attempts made to mitigate impacts on Marathon's interests, and particularly the operational hotel.

01:27:53:02 - 01:28:28:07

Um, as you'll be well aware, paragraph eight of the compulsory acquisition guidance that applies to national infrastructure projects, uh, indicates that the interference does need to be proportionate. And plainly, compensation is not a complete answer to that, because otherwise we would not need to have any compulsory acquisition hearings at all. Um, impacts, in our view, will not be necessary or



proportionate if they can be reasonably avoided. And there are two particular aspects of concern that remain outstanding in relation to the impacts on, um, our clients interests.

01:28:28:09 - 01:29:00:02

The first of those is noise impacts, and the parties remain some way apart on that. And I'll, I'll ask, um, Mr. Burgess to explain that in a moment. But also the impact on the Hopper bus service and the absence of any substantive, uh, proposals in relation to that at all. So, um, I am going to, um, just ask Mr. Sayer to say 1 or 2 brief things about noise before asking Mr. Burgess to deal with that, and then I'll ask, uh, Mr. Smith to come back and deal with the Hopper bus service.

01:29:00:27 - 01:29:41:26

John Sayer for Marathon Asset Management and the Holiday Inn. Yes. In terms of the discussions that are ongoing in terms of the mitigation provisions to to the property, in terms of seeking to avoid the injurious impacts, um, there are discussions in terms of how, um, various acoustic points can be dealt with and that'll be dealt with in in a moment in more detail. I think one of the concerns that that we have is that, um, actually there's there's more of a commercial point coming out of in, in the discussions in terms of the the cost of those mitigation works rather than the the prospect of actually doing those mitigation works because they're the right thing to be done to deal with the impacts on the property.

01:29:41:28 - 01:29:49:27

So we do have that, um, as a slight concern, um, and we hope that that can be addressed in a little bit more detail.

01:29:53:19 - 01:30:27:12

Elena Gerges on behalf of Marathon Asset Management. And meeting was held with Girls Consultants on the 24th of April of this year, and in this meeting, further details were provided on the ground noise modeling and also the anticipated construction works. Gal's position in this meeting was that there would be no ground noise impact at the hotel, and that the proposed noise mitigation measures would reduce construction noise impact to a reasonable level. Marathon Asset Management disagree fundamentally with their findings on the following basis.

01:30:28:13 - 01:30:59:07

The ground knows the model that has been produced only protects noise emission levels from a single aircraft tracking through the airport in each case. It also only tracks the aircraft to the point at which it enters the forecourt of the northern terminal, and does not track a full path to any of the northern standards themselves. In our opinion, the model therefore fails to account for the cumulative effect of multiple aircraft using the northern terminal stands.

01:30:59:18 - 01:31:47:11

This is of particular relevance to the Holiday Inn, because this situation currently sees several nighttime exceedances of the best practice internal max limit of 45 DB at night in bedrooms at the rear of the hotel. We are therefore concerned that the ground noise model fails to account for realistic, typical conditions at present, but also in the future increased use scenarios on ground noise. We therefore respectfully request that the examining authority asked to model a scenario which includes the contribution from a typical number of simultaneously simultaneous aircrafts using the current terminal arrangements, so that we can undertake comparison against current conditions.

01:31:47:21 - 01:31:59:14

And we also ask that they then undertake future year predictions with aircraft. Also using the new terminal stands and the relocated central holding area.

01:32:01:04 - 01:32:03:09

Moving on to construction wise.

01:32:05:23 - 01:32:39:07

Gul has undertaken assessments of the noise impact from several different construction scenarios. However, they failed to represent a typical worst case scenario whereby works might be undertaken simultaneously at the front of the hotel and also on the nearside of Longbridge roundabout. They also failed to present any sort of assessment from the A23 bridge works, which have a significant and substantial construction activity proposed during both the day and night time periods.

01:32:39:23 - 01:33:11:04

Now, you may recall from the previous noise issue specific hearing that our Holiday Inn hotel is particularly sensitive as a receptor as it holds airline cabin crew contracts, which means that it needs to have quiet conditions during not just the night time, but also during the day. We are therefore concerned that the proposed construction works will put severe limitations on the operation of the hotel in this regard. At present, a 2.5m noise barrier is proposed along the works boundary.

01:33:11:13 - 01:33:24:21

However, due to its height and the presence of a gap that needs to be maintained for the access route, this is not expected to provide any significant effect of screening for any but the lowest floor levels at the hotel.

01:33:26:06 - 01:33:49:18

Given this, we therefore respectfully request that the examining authority are Scal to provide assessment results for additional construction scenarios. Assessment results for the A23 bridge works and also to consider that provision be made for a facade enhancement measures to the front facade of the hotel to protect against the potential effects. Thank you very much.

01:33:51:22 - 01:34:41:25

John, CFA, Marathon Asset Management. I'm just going to pick up on the the point raised about the Hopper bus. Um, a key driver for business for the hotel, as well as some of the neighboring hotels is actually the provision of regular and reliable transportation to the terminal buildings, which is operated by through the Hopper bus, which is operated by by a third party. The service departs every 15 to 20 minutes, um, and is available on on the 24 seven basis um of the uh, revenue generated by, uh, overnight stays at the hotel at 40% of that revenue is actually generated by what's called the park stay and go package, of which a reliable transportation aspect is, is is a very, very important ingredient of that offer.

01:34:41:28 - 01:35:15:15

In addition to, um, those hotel guests, um, the hopper bus is also a key part of, of commuting for many of the hotel staff and also vital for the cabin crew who also stay over at the hotel, whereby being able to ensure that they they arrive in a timely manner, um, to to ensure that they're they're taking the flights is is absolutely vital to to fulfilling their role. Um we note that um and are actually quite concerned, um, by the applicant's limited engagement with the hopper bus provider.

01:35:15:25 - 01:35:44:26

Um, and at the present moment in time, we understand that there aren't any specific plans detailed in how to mitigate against these delays. This is very, very concerning. Uh, for us, particularly as we're effectively the last stop on the route. And our concern is that if vehicle at times become unreliable, uh, that a lot of our clientele will actually prefer to stay at some of the hotels that are closer to the hotel a bit further down the route in order to to mitigate against some of those more risky journey times.

01:35:46:07 - 01:36:17:05

So, uh, Rebecca Clapham for Marathon Asset Management. Madam, that is, in summary, the kind of actually forgive me. There is the fourth point, which I say I can just outline very shortly, which is in relation to, um, the protection of services. We do have a private mechanical wastewater treatment plant on the site, which needs to be protected, and we just need to make sure that the protections for that, it's not obvious that that's covered in the DCA by the protective provisions that exist in relation to undertakers apparatus at the moment.

01:36:17:12 - 01:36:48:09

Um, we do need to make sure that's covered off, but that's a point that hopefully we'll get wrapped up in any agreement. So those are those are the four areas of outstanding concern. As I say, we are still in discussions. Those discussions are moving in the right direction, but we do need timely provision of the information on these outstanding areas so that we can actually achieve the ambition that both parties have of reaching agreement. Um, a final comment. You'll appreciate that there are a number of suggestions or respectful requests that we've made of the examining authority there.

01:36:48:11 - 01:37:02:19

In the interest of time. I'm not going to outline those. I think there are six. Um, now, unless you would find it helpful. But what I will do is ensure that those six are summarized in our, uh, post hearing note. If that would be more helpful.

01:37:02:21 - 01:37:03:29

That that would be very helpful.

01:37:04:01 - 01:37:06:07

Thank you. Very grateful for your time.

01:37:06:25 - 01:37:11:07

Do National Highways wish to speak on this matter? And then, Mr. Bedford, I will move to you.

01:37:12:09 - 01:37:44:26

Thank you, ma'am Rahul Haque for national highways. I have three points I'd like to make. Two of them are minor points and I can go over them quite quickly. And the third point is a substantial point. So the first point is about the book of reference. And I know you've questioned about this in the past. We have been engaging directly with the applicant's land references on the book of reference, and we have highlighted errors, including where national highways should be the Highways Authority. Those updates are now with the applicant side, and we are expecting an updated book of reference to be provided in due course.

01:37:45:21 - 01:38:21:24

The second point relates to Gatwick Green, which you've heard from. You've heard from already today. Um, National highways has an internal review process for ensuring safety and is acting to confirm its position as soon as reasonably practicable. We were only made aware of the issue a few weeks ago, and our understanding is that it's arisen as a result of direct negotiations between the landowner and the applicant, and so we will be following up in writing with the response to that. And then the third point, this is a point about a specific plot and about a general comment about the use of land powers.

01:38:22:10 - 01:38:57:21

So we acknowledge that there are controls on the exercise of powers within the protective provisions. But our point is that the powers still need to be proportionate and necessary. And that's in line with the guidance. So specifically, I would like to refer you to plot one, two four, two A and this is land that's owned by National Highways and described in the Book of reference as 171m<sup>2</sup> of a grassed area. That

means that this land is outside the SRN and currently outside the scope of the control within the protected provisions, although in principle we do have an agreement to include it.

01:38:58:08 - 01:39:31:17

The land is subject to rights and temporary possession. If you look at schedule seven to the DCO, you will see how or you'll see what specific rights the applicant is seeking and they are, um, minor works, including protective works, access or utility diversions. It's the view of National highways that these rights are broad, undefined and unclear. We would need we would welcome a clarification from the applicant on what specific rights they are seeking in this area.

01:39:32:09 - 01:40:03:03

Um, in accordance with paragraph nine of the relevant guidance, the applicant needs to have a clear idea of how it intends to use the land which it proposes to acquire. And as it stands, we don't consider that to be the case. I'd also say that the applicant has not actually approached National Highways with terms for an easement over this land yet. And so we would expect the applicant to still be complying with their obligations in the relevant guidance in respect of that plot. That's only one plot that I've picked out, so I'm not going to go into any more detail. Um, and thank you.

01:40:03:05 - 01:40:03:27

That's all my comments.

01:40:04:19 - 01:40:07:29

Thank you. Mr. Bedford, could I turn to you next, please?

01:40:08:23 - 01:40:21:21

Thank you, Madam Michael Bedford, for the joint local authorities and also in this context for Surrey County Council as landowner, who you will now have made some separate representations.

01:40:23:15 - 01:41:01:20

I just want to cover two areas, one quite lightly because there are some productive discussions ongoing and one perhaps in a bit more detail, because this is simply a bit more complicated in terms of the one quite likely Riverside Gardens Park and, um, Church Meadows. And in terms of references, uh, in the um Surrey Local Impact report, there is a table 20.1 and that sets out the land parcels.

01:41:01:22 - 01:41:33:03

So I won't repeat those here. And uh, the first point to note in relation to Riverside Park and Church Meadows, this is an instance where it is identified as special category land in terms of open space. It is proposed this is in the vicinity of the Longbridge roundabout and the Brighton Road A23, but it is proposed to take some of the land which is currently open space, in due course.

01:41:33:09 - 01:42:05:15

It is proposed to be replaced by replacement open space in a, um, uh, location in the vicinity. Um, and we note from Mr. Lynas remarks earlier that the applicant is in the process of preparing a note on open space provisions and how the arrangements are intended to work. Um, there has been an issue about the scope of section one three, one of the um Planning Act 2008.

01:42:05:17 - 01:42:49:04

But I think we're accepting of the point of principle, uh, that you can have a taking of open space prior to the delivery of a replacement. But the issue is the timing of those arrangements that the, um, as it were, the gap or interregnum should not unduly benefit the public in terms of their enjoyment of open space. That is the subject of these further negotiations. Uh, and I say we will, um, comment when we've seen the applicants note, uh, on uh, that um, but I say there is a dialogue ongoing, so I won't say anything further about that issue.

01:42:49:06 - 01:43:25:09

But then can I turn to the second issue, which is the Bay Horn Farm? Um, which you'll be aware from earlier remarks, is located on land effectively to the immediate north of, um, the southern Terminal roundabout. And for this purpose, it might be helpful if it's achievable without undue delay in the land plans. Um, in, um, I think we're on as oh, 15.

01:43:25:11 - 01:43:26:16

It's, um.

01:43:29:13 - 01:43:32:10

Sheet four of seven.

01:43:34:06 - 01:44:11:21

Ah, yes. Absolutely. Thank you. And what, what you can see, um, is the Surrey. Well, there is a business park. The Horley Business Park is an allocation in the adopted Reigate and Banstead Development Management plan. And that business park is in three ownerships. The southern part is owned by Surrey County Council and that includes the um uh Pink land, which is intended to be permanently acquired, and the Blue land, which lies immediately to its north.

01:44:12:04 - 01:44:47:12

Uh, then there is a third party ownership is adjacent to um, Balcombe Road, and then Reigate and Banstead has the remaining part of the land. It goes further up towards the railway and obviously we'll provide in our post hearing submissions a map that just shows the ownership position. But it's in terms of the planning context, it's right to say that, albeit that this is an allocated site, uh, it has had a number of challenges in terms of planning constraints.

01:44:48:00 - 01:45:00:28

And we will provide to you as part of the post hearing submissions, the terms of policy H0 are nine and you'll see from its detailed criteria.

01:45:02:21 - 01:45:13:13

Why? There are a number of challenges which the policy allocation provides a vehicle for meeting those challenges. There are particular issues with highways access. Uh.

01:45:17:27 - 01:45:23:15

And so in that sense, I say it's not a trouble free site.

01:45:25:15 - 01:45:35:28

We will also provide to you the extracts from the relevant DMP Local Plan Inspectors report.

01:45:38:06 - 01:46:08:17

And what you will see, uh, from her report, uh, is that there were at the time of the, uh, DMP examination, uh, concerns raised both by National Highways about deliverability of that site and by Gatwick Airport, about deliverability of that site and how the, uh, constraints could be overcome. The inspector, having carefully considered all of that, concluded that there was a way forward, that the allocation was justified.

01:46:10:00 - 01:46:43:15

And she made various modifications to the policy to deliver that. So from a planning perspective, as opposed to a landowner perspective, from a planning perspective, it is quite clearly part of the settled development plan strategy for the Reigate and Banstead area to see this allocation come forward. And

in fact, you will also see from the local plan inspectors comments. She recognised that part of its function is not merely meeting employment needs for Reigate and Banstead.

01:46:43:17 - 01:47:15:27

It also serves a part in meeting needs for Crawley immediately to the south. So it serves an important function. And I say from a planning point of view, it is right and proper that it should come forward and that it should not be frustrated or impeded by a subsequent development. Then one comes on to the landowner, uh, position and what one can see, uh, first of all, is that the applicant is proposing a permanent land take which will sever.

01:47:16:25 - 01:47:18:01

The allocation.

01:47:20:06 - 01:47:34:16

From the strategic road network and H0 R9. The policy requires the primary access to be from the Gatwick Spur.

01:47:41:01 - 01:48:11:24

And, um. Of the. There may be a commercial, uh. Uh, uh, undercurrent uh, to this, but clearly Gatwick, as a private landowner, were it to acquire the land without constraint under the compulsory purchase powers would be then in a position where it to so choose to inhibit the land coming forward. Because effectively, as you can see from the the plot in question, it will provide a ransom.

01:48:12:10 - 01:48:15:15

Uh, you can't get access to the site other than through the pink land.

01:48:17:14 - 01:48:46:15

So there is an absolute need to ensure. That this DCO does not frustrate the delivery of the allocation. And then in addition to that, as it were, land control issue, there is the issue that during the proposed works the intention is to take. Part of that land as a construction compound.

01:48:49:10 - 01:48:58:18

And the period for the construction compound is from 2027 through to 2032.

01:49:00:09 - 01:49:43:05

But obviously in the knowledge that were the order to be made, the construction compound would be arriving from 2027 onwards. Effectively, the shadow that that casts is from now until 2032. So it's not just a five year period, it's from now until 2032. At the moment, there is no provision being proposed by the applicant that would enable the construction of the business park and any construction access that might be required to deliver the business park to take place in tandem.

01:49:45:15 - 01:49:50:03

With the construction program, uh, for the, um.

01:49:52:05 - 01:49:53:23

Northern runway project.

01:49:55:21 - 01:50:29:24

So there is a if I use the word blight, I'm using it in a non-technical sense. But there is a blighting therefore until 2032, in terms of construction periods because of the construction compound. And then there is a further consequence that after the completion of the project. And if you're looking at the the plans there, kind of, as it were, the rectangular indent, uh, in the pink lend in the pink land. That rectangular indent is to accommodate a surface water attenuation pond.

01:50:31:04 - 01:50:33:27

And that obviously again eats into the allocation.

01:50:35:23 - 01:50:55:25

And there is also in terms of the proposals, there are no proposals to safeguard delivering and access to the business park. In the event that the access sorry that the application, the DCO application is approved and the works are then constructed.

01:50:57:15 - 01:51:29:04

So the concerns that we have, albeit that there has been some dialogue with the applicant about this, is that there hasn't yet been put forward any set of arrangements which achieves at least two things. First, in the short term, that the construction period and the construction compound does not inhibit the delivery of the business park where it come forward in the period up to 2032.

01:51:29:10 - 01:51:54:00

But then secondly, that the access arrangements do not preclude the provision of a permanent access into the site. It is likely. But not yet confirmed. That the appropriate access would be effectively a fourth arm from the revised Gatwick um spur Southern Terminal roundabout.

01:51:56:18 - 01:52:21:21

But I say the position hasn't been yet confirmed that it would be. That would be the best option as opposed to somewhere else along that frontage. It's right to say partly due to the pandemic, partly due to other factors that the local authorities and their development partner have not yet come forward with a planning application, but they are working on a master plan in order to deliver the allocation.

01:52:25:08 - 01:53:31:06

And so to that extent they don't have, as it were, a proposal they can put forward to you. They can show you, I think, their current thinking on their master plan. But I say we're not yet at the stage that there is a planning application that can be, as it were, sort of put out and laid before you. So, madam, the the key concern. Is to ensure that this DCO does not frustrate or inhibit the delivery of a strategic employment allocation recognised in the development Plan, and therefore, arrangements need to be made to ensure that that prejudice does not occur, either through physical works or through a land ownership control, which would enable what might be seen as a competitor landowner of the business interest of the South to frustrate the development, simply because, having taken all of the land along the frontage, were it to occur to Gatwick Airport to preclude access, it would have a land ownership control that would enable it to do so.

01:53:31:22 - 01:53:34:25

So those are the issues in in summary terms.

01:53:35:03 - 01:54:06:03

Thank you. Thank you. During when you submit your written submissions, could you ensure that you include as much information in respect of the master plan? Because that would be useful. Yes. Thank you madam, I don't have anybody else registered to speak on this agenda. Miss Linus, before I turn to you, I'm aware people do need a break. Um, I suggest we come back at 12:10. So I'm going to adjourn now, and we'll resume at 12:10.