

Northern Runway Project

making best use of Gatwick

Post Hearing Submission –
Deadline 4

Gatwick Green Limited

May 2024



Gatwick Airport Northern Runway Project

Post Hearing Submission by Gatwick Green Ltd

1.0 Summary of Oral Submission CAH1

Gatwick Green and the Applicant have reached an agreement in principle for Gatwick Green to dispose of the land and rights which Applicant needs to deliver the proposed development, noting that part of the solution is outside of the proposed Draft DCO order limits.

However, this agreement is subject to the approval of National Highways, as it relates to the proposed access to an existing balancing pond. For reference this balancing pond is located within plots 4/463 and 4/467. In addition, there are anticipated works to an embankment over plots 4/469, 4/472 and 4/473, which are shown on the Land Plans doc ref 4.2. The DCO proposes a new access route but Gatwick Green consider that an existing access route, over which National Highways undertook works in 2018 for construction activities, could be utilised.

Gatwick Green has already stated within Representations that the acquisition of land and rights sought within the Draft DCO are excessive, will have a material impact on development aspirations and potentially sever access to retained land.

Gatwick Green does not intend to reiterate points made in the Representations, but reserves the right to make further Representations at future CA hearings, should agreement not be forthcoming by Deadline [5] where it will seek a further CA Hearing.

Gatwick Green and the Applicant have, on a number of occasions, sought confirmation from National Highways that the proposed access arrangement is acceptable. Following the cancellation of the last two meetings by National Highways and despite the request during CAH1, Gatwick Green and the Applicant are still awaiting confirmation that the proposed access solution (which is outside of the order limits) is acceptable to National Highways.

It is important to state that the responsibility to resolve these issues rests with the Applicant, and not Gatwick Green, and that the Applicant should have sought a solution months ago, rather than having an outstanding objection preventing what is a manageable solution.

2.0 Factual position regarding the existing access

The alternative access proposal suggested by Gatwick Green is sensible and pragmatic in offering a right of way over an existing access route from Peeks Brook Lane to the Balancing Pond. This is the same route that National Highways utilised as part of its Smart Motorway works in 2018, when the access route was upgraded by its contractor Kier.

Appendix 1 of this Submission contains a note explaining the history of this access along with supporting plans to assist ExA.

Gatwick Green remains of the view that the proposed acquisition of freehold land, which is excessive and goes beyond the requirements of National Highways, will result in the severance of its future development land.

3.0 Request that ExA supports both the Applicant and Gatwick Green in their desire to document a private treaty agreement.

Gatwick Green would be grateful for the ExA to:

- consider the position and the suggested solution, which both the Applicant and Gatwick Green support
- accept that the suggested solution falls outside of the Draft DCO order limits
- apply pressure to both the Applicant and National Highways to ensure that terms are agreed and documented prior to Deadline 5
- task National Highways to respond to the Application within a defined timescale and task the Applicant with keeping Gatwick Green Limited updated
- consider a request for a CA Hearing if, at Deadline 5, Agreement has not been reached
- task the Applicant to respond to the Draft Protective Provisions included within Gatwick Green's Relevant Representation from October 2023

Appendix 1

Technical Note and Supporting Information



GatwickGreen

WHERE THE FUTURE WORKS

To The Examining Authority
 Cc Gatwick Green GGL Project Team
 GAL DCO Project Team
 From Jon Williams - Steer
 Date 15 May 2024
 Project Gatwick Green

Technical Note

Project No. 244928

Gatwick Airport Northern Runway Project – Post Hearing Submission Gatwick Green Ltd

Introduction

1. The purpose of this note is to provide the Examining Authority (ExA) with the factual background of the issues that require resolution to allow the Applicant (GAL) and Gatwick Green Limited (GGL) to conclude negotiations.
2. The issue relates to the proposed access route to an existing Balancing Pond shown with the Draft DCO under plot numbers 4/463 and 4/467 and identified within Appendix 8.8.1 (Application Doc Ref: 5.3) – See **Figure 1** - This land is owned by GGL.

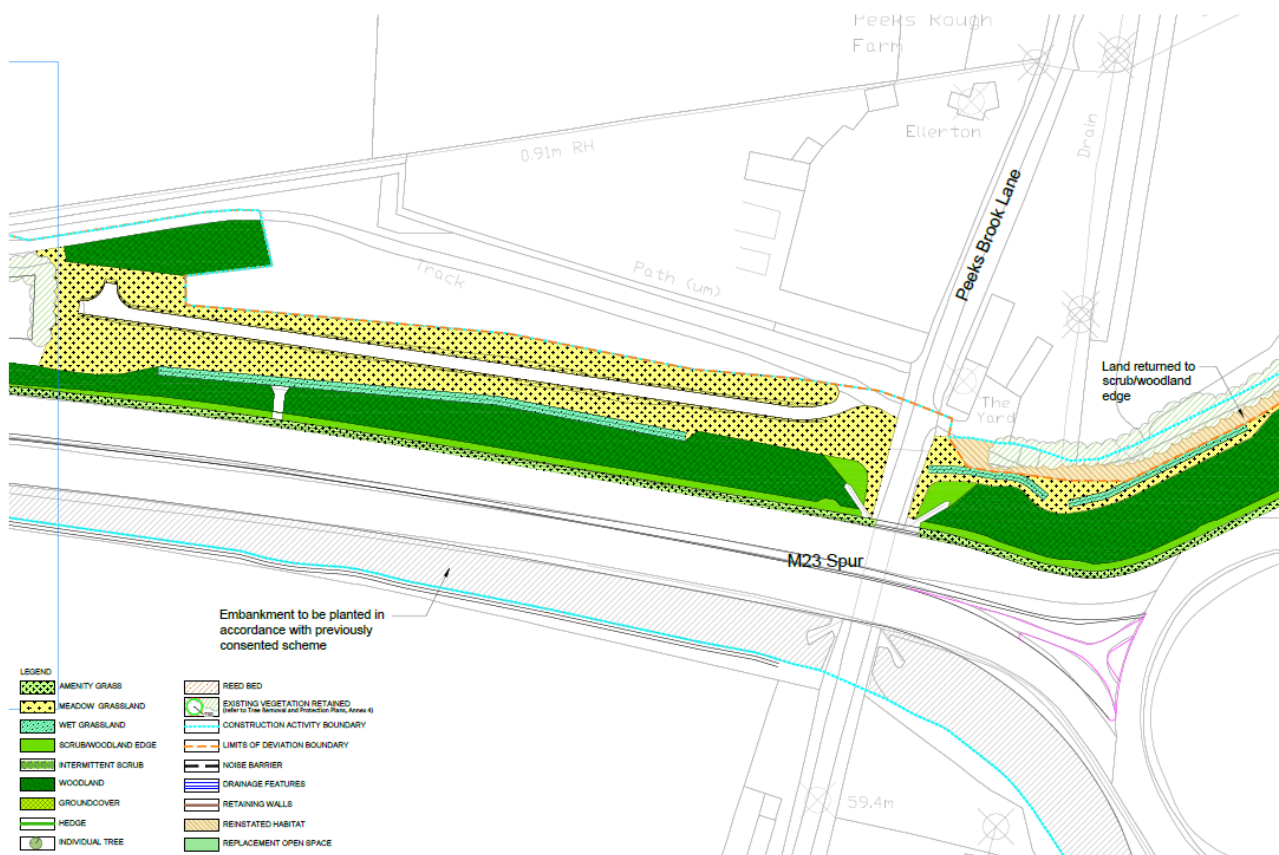


FIGURE 1

3. Whilst it is the responsibility of GAL to agree matters with National Highways (NH), GGL approached NH direct to arrange a tri-partite meeting with a view to agreeing the permanent and temporary land requirements.
4. NH cancelled meetings arranged for 18th and 29th April and, although GGL have been led to believe that meeting between the Applicant and NH recently took place, GGL has not been advised of any outcome relating to the issue that is preventing GAL and GGL concluding the Agreement in Principle,
5. At Compulsory Acquisition Hearing 1, NH stated that they were 'only made aware of the issue a few weeks ago'. This is factually incorrect as the initial approach from GGL to NH was made on 16th February 2024.

Background

6. NH currently has rights over land owned by GGL in respect of the Balancing Pond which is currently accessed from the M23 spur – **See Figure 2**. The area in question is hatched black and the rights that NH have are for 'constructing maintaining inspecting altering repairing renewing and using a balancing pond thereon'.
7. As part of the DCO, NH require that GAL close up the access from the M23 spur. This necessitates the need for a new access to the Balancing Pond and GAL have indicated this within Appendix 8.8.1 (Application Doc Ref: 5.3) – taking Highway access from Peeks Brook Lane and running west to the Balancing Pond, all over land owned by GGL – **See Figure 1**.
8. GGL have no issue, in principle, with the need for NH to gain access to the Balancing Pond from Peeks Brook Lane, assuming that there is no other option for them to take access from the M23 spur. It is the route of the access road and the extent of the land required for permanent acquisition that is contended.
9. GGL believe that the track coloured green – **See Figure 2** – can provide the access that NH require, without the need or expense of creating a new access for the benefit of NH.

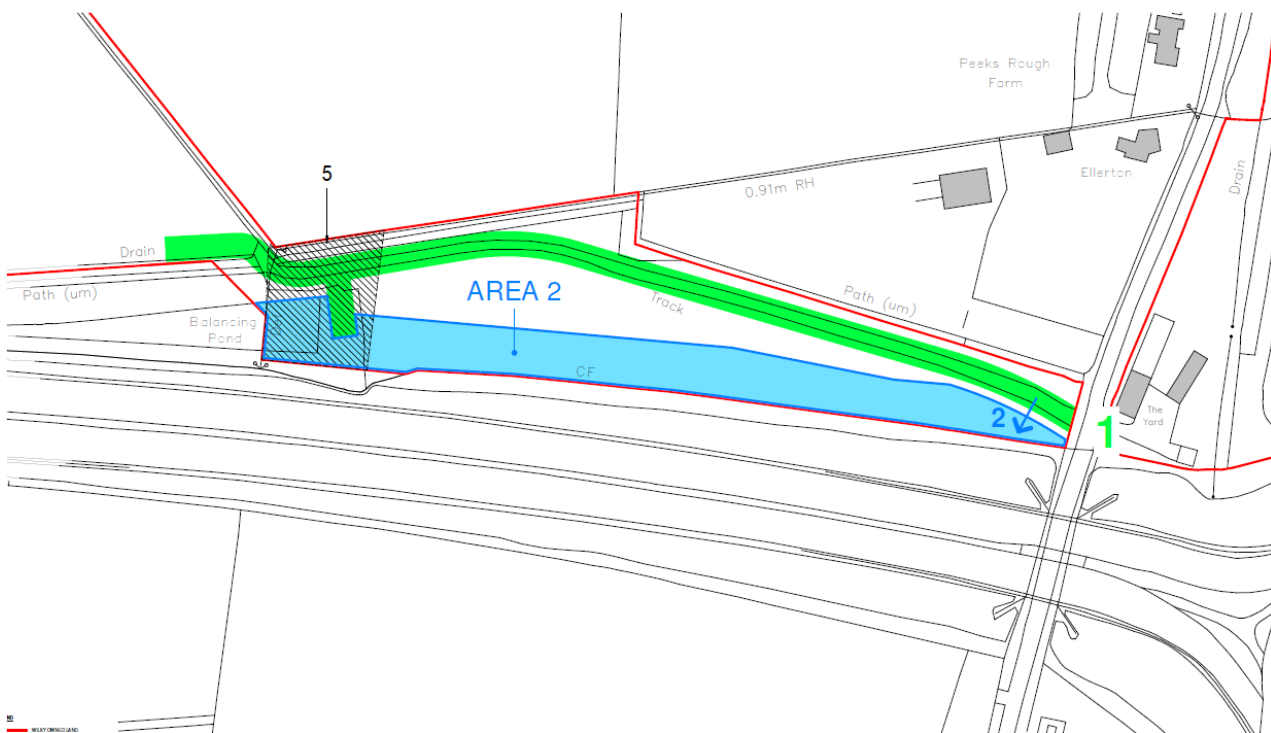


Figure 2

10. In 2018, most of the land within plot number 4/463 was occupied as a works compound by Keir Highways, on behalf of Highways England, in association with Smart Motorway Project. Whilst access to the compound itself was taken from the M23 spur, Keir Highways also upgraded the existing track giving access to the compound from Peeks Brook Lane. The works undertaken were to “blade” out and compact existing track and then place 100mm thick layer of planings’ - **See Appendix 1A.**

Issues

Access to the Balancing Pond

11. It is GGLs contention that NH can use the existing track again, with modification, as shown at **Figure 2**. Whilst it is outside the DCO project boundary, access and rights can be granted over it. GAL has already agreed the following in draft Heads of Terms with GGL: *‘The Purchaser shall be responsible for the construction (if required, at its own discretion) of the access track within the land shown coloured green and will submit plans to the Landowner for comment three months prior to the commencement of construction and any proposed amendments to the access track thereafter. The Landowner shall not unreasonably withhold or delay its approval of such plans and any amendments thereto.’*
10. On 12th April, GGL were advised by GAL that: *‘National Highways have an action to determine whether the existing track is suitable for their access purposes or whether a new/modified one is required’* That decision remains outstanding.

Permanent Land Take

11. It is GGLs contention that it is not necessary for GAL to acquire all the land within plot number 4/463 and on a permanent basis. In their own Representations, NH have been clear that they do not want GAL to permanently acquire any more land than is necessary to undertake the works and provide maintenance access in the future.
12. Even if a new access route from Peeks Brook Lane is required and subject to detailed design, the access track could be moved closer to the M23 spur, thus reducing the area of permanent land acquisition.
13. GGL contend that, at the very least, the area of permanent acquisition can be reduced, such that it runs along the northern side of the new track as shown **at Figure 1** - Appendix 8.8.1 (Application Doc Ref: 5.3), particularly the area north of this comprising landscaping. If during the detailed design stage, it is found that the access can be moved closer to the M23 spur, the area of permanent acquisition can be reduced further.

Landscaping

14. Appendix 8.8.1 (Application Doc Ref: 5.3) – **Figure 1** - shows woodland and meadow grassland over much of plot number 4/463. GGL have asked GAL to demonstrate the need for this landscaping as the compound used by Keir has not been reinstated to grassland – **see Appendix 1A**
15. GGL has also requested that GAL justifies the need for the extent of woodland shown to the north of the Meadow Grassland. If there is a need to extend the Balancing Pond to the East, then some woodland will be lost. However, the Google Earth image in **Appendix 1A** shows the extent of the woodland to be replaced. The GAL drawing shows an area of 4 x the size of the woodland to be lost.
16. It is GGLs contention that the meadow grassland is not required and is not ‘reinstatement’ and that the area of woodland to be re-provided if the Balancing Pond requires extension can be reduced.
17. It is also GGLs contention that any land over which landscaping is provided does not require permanent acquisition and temporary rights for the provision of the landscaping can be granted and access rights for maintenance can be provided.

Appendix 1A

2018 works and photos

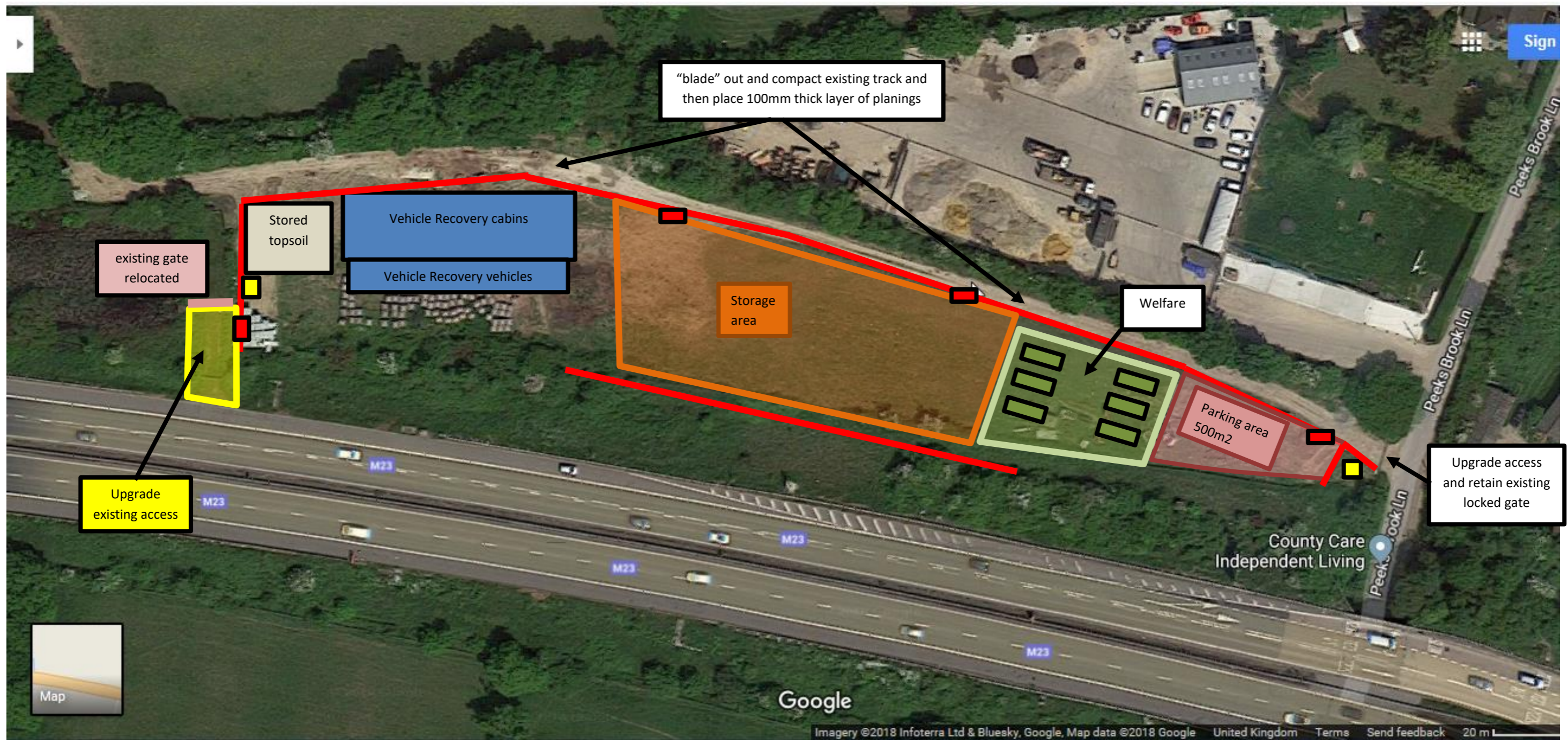







GatwickGreen

WHERE THE FUTURE WORKS

M23 – Peeks Lane Site Set Up – 14/06/18

This option maintains access along existing track, adjacent to the hedgerow



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|  | <div style="border: 1px solid black; padding: 2px; display: inline-block;">2.4m high chainlink fence</div> |  | <div style="border: 1px solid black; padding: 2px; display: inline-block;">Security office and 24/7 security</div> |
|  | <div style="border: 1px solid black; padding: 2px; display: inline-block;">2 offices, 1 Canteen, 1 Drying Room, 1 Toilet, 1 storage unit</div> |  | <div style="border: 1px solid black; padding: 2px; display: inline-block;">Access gates</div> |
|  | <div style="border: 1px solid black; padding: 2px; display: inline-block;">Tarmac car park area – 500m²</div> | | |







Google Earth – 15.05.2024