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00:00:05:23 - 00:00:17:11

Okay. Good afternoon everybody. Now 2:00. Welcome back. Um, and this hearing is resumed. We will start this hearing with item four five on the agenda. Sorry. Which is good design.

00:00:19:09 - 00:00:49:14

Um. In common with other hearings on this section, I'll ask questions in general based around the four bullet points on the agenda. And at the end of each of my questions on each bullet point, I'll ask for comments for from others where relevant, um, initiatives are likely to be mainly aimed at the joint local authorities, but obviously all are welcome to comment. Um, just before I start, um, I know there is a new design and access statement, appendix one Design Principles submitted at deadline five. So that was rep 5031.

00:00:49:19 - 00:00:52:01

And this is the version I'll mainly be referring to.

00:00:53:24 - 00:01:24:13

So if we could look first at the detail and the breadth of the design and access statement, which I'll call the Das from now on, and this will to a certain extent bleed into the second bullet point, particularly the interplay between the Das and it's its appendix one. Um, the easiest way to do this, to start with, I think, is to go through the initial volumes of the Das in turn. Um, I do have some detailed comments here on accuracy and so on, but I won't go into that level of detail here today. Um, those questions will be published as part of our second written questions at the start of July.

00:01:25:08 - 00:01:29:23

So if we could start with volume two, which is 2033.

00:01:31:20 - 00:01:41:07

And my first question on this to the applicant relates to site constraints, um, which I have on page ten of that.

00:01:42:29 - 00:01:56:00

Of that volume. Um, this may well, um, relate as well to other volumes as well, this question, but on site constraints, my question really was that should heritage constraints not be detailed and listed within those zone constraints?

00:01:59:12 - 00:02:02:18

Ask. I'm going to ask Mr. Kendall to pick up that question for me.

00:02:03:29 - 00:02:15:21

Second of the applicant. Um, so the historical site, the historical context is covered in um, section two of the Das, which looks at it as an airport wide historical context rather than its own historical context.

00:02:16:14 - 00:02:34:28

I guess what I was thinking was that that was quite good example, that the the southern zone, because there are a number of listed buildings close to the southern zone, which hopefully are in the zone

itself, but it could be argued that there setting would be within the zone, would therefore could be called a constraint.

00:02:41:04 - 00:03:09:14

The candle for the applicant. And so the context we've looked at is in two sections. In section two it's regional and local context. So when we're giving the design guidance and the designs get developed, you'll be looking at those early stages to look at that local context, part of which is the historical context. And then the zones focus on it's almost like a neighbourhood, part of that, um, airport estate. So you're looking at the closer constraints that are going to affect the sites within that zone. So it's looking at both those levels of constraints and contexts.

00:03:11:03 - 00:03:27:16

Okay. Thank you. I suppose my question would be then I'm not quite clear how I hear what you're saying, obviously, about the bid in volume one. Not. So an example here would be the proposed car park, for instance. And the car park there. Um.

00:03:29:09 - 00:03:38:16

How would that, um, how would you take into account with your proposals for that site? The setting of the great two star listed Sherwood House just to the south of there.

00:03:43:23 - 00:04:05:28

The kind of the applicant, um, I mean, that'll come with the detailed design of that of that site. So when you're considering it, this gives a framework and the the listed buildings within each of the sites is contained within within the DCO and Das information. So then you take that when you're developing the detailed design of that site with that wider context, as I say, into two separate locations in the zone and in the local context.

00:04:07:11 - 00:04:41:21

Okay. Thank you. So I suppose that would lead onto the next question. Really? Um, that. Around the car park or the proposed car park. So I should say, um, there's some reasonable screening in that area at the moment between the airport, the elements of the airport there and Charnwood Road and great, great two star listed childhood house. Um, and for that specific development, it kind of questions would be, you know, how would that screening be retained for a development of the size proposed? It's got two decks, I believe, and substantial underground flood storage area as well.

00:04:48:05 - 00:05:01:15

The Kendal for the applicant. I mean specifically on Charnwood House. There is a design principles in appendix A of the Design Principles document that details on that that point and then provide some design control on that specific issue.

00:05:04:21 - 00:05:08:19

Thank you. Could you refer me to them? Uh, the reference within that appendix, please.

00:05:10:05 - 00:05:13:05

Apologies. The applicant is DBF nine.

00:05:15:23 - 00:05:22:25

Got the document a specific reference within the document. DBF nine I've got you. Yeah, sorry. Okay.

00:05:31:10 - 00:05:32:16

DBF ten. I think.

00:05:35:25 - 00:05:38:24

Apologies to the applicant. Yes, it's DBF ten. It's been updated.

00:05:49:27 - 00:06:10:14

Okay. Thank you for that. On that specific car park X, given the number of constraints and you know, the fact that you have a different, um, separate detailed built form design principle for that site, would more detail within the Das be useful for that area in terms of elevations and so on for tree protection, heritage protection type details.

00:06:14:24 - 00:06:30:12

So you kind of the applicant. Um, on those points, I suppose, in terms of elevations that will come when the designs developed. Um, so there's indicative proposals of that developing that site within the Das, but that's an indicative level. Um, but in terms of elevational treatment that will be looked at the next, the next detailed design stage.

00:06:32:22 - 00:06:43:11

I think that was my question. Really? Would it be more? Given the, um, the nature of that site would more would more detail for that site be warranted within the Das?

00:06:46:06 - 00:07:18:18

I mean in line with the rest of the Dass guidance, the Das is a guidance document and suitable for the level of design that's been done to date, which is pre concept of feasibility stage design, which um, provides a look at massing and um size of the developments on the site but doesn't go into actual detail. Um, there's guidance on each of the typologies in the within the dust as well in section six. So each of the building typologies has guidance on treatment materials, um, national guidance and other standards that you want to apply when you're applying those typology elements.

00:07:18:20 - 00:07:24:16

So you take that design guidance in section six and you apply it to looking at the Dec parking in that instance on that site.

00:07:26:01 - 00:07:46:20

Okay. Thank you. I just wondered if it was worth looking more at that site because I understand what you said. Um, but then there are sites within the Das where you've you've prepared more details. There are, um. Elevational details and so on. For other developments within or proposed developments, I should say. And I wondered if carpark X could be treated in the same way.

00:07:49:20 - 00:08:21:24

Weekend of the applicant. So I mean, all the imagery we've seen. So we've done feasibility designs for most of the key buildings they're in there indicative um, of that particular site is deck parking. So it's a small scale development, um, of either 1 or 2 stories in that location. Um, and that general building typology, they're quite typical. So some of the more detailed studies we've done are hotels and offices still at feasibility stage, but we provided the indicative design information of those because of their slightly more complex nature. But again, they are still just indicative of the design at this stage.

00:08:22:27 - 00:08:55:24

This. Sorry. If I can just call on us for the for the applicant, I think we'll need to draw a distinction between the Daas and the design principles and other controls that are secured through the DCO. The Das is there to set the general context, and Mr. Kendall has indicated it set out some building typology, some indicative plans. But fundamentally, the control that would take place through the design principles allied to matters such as the compliance with the parameters, plans that are set out in the in the DCU.

00:08:55:26 - 00:09:12:00

So to the extent that one is concerned about ensuring that heritage related matters are taken into account, they would be achieved through adherence to the design principles as required in the DCU. Uh, within the context of the parameters plans, which are also secured through the DCU.

00:09:13:22 - 00:09:30:27

Okay? Yeah. Thank you. I understand. Um, we'll come back to some of those issues later on, but thank you. Um, some of these questions are probably fairly similar, but if we can move on now to volume three of the Dat, which is rep 2034, um, and the northwestern zone.

00:09:40:08 - 00:10:14:14

Um. The northwestern zoning code, details of a new hangar, um, which he said would be around 32m tall. Um, and there's some simple indicative massing in there as well. But I wondered if there was any more information that could be provided here. More details. Would it look similar to the existing maintenance hangar, for instance? Um, I guess where I'm coming from on this one is that due to the height of the hangar and also in the, um, landscape and visual impact assessment, it's visible from, it would be visible from quite a few places from the north.

00:10:21:11 - 00:10:52:24

We can do the applicant. Um, so again, um, refer back to the indicative nature, the images in the Dasa to give an idea of what hangar will be like. It's a functional building. And the design of that building, um, often comes from its main function in terms of the size it has to be to accommodate the aircraft. Um, there is a parameter on this site, as on all the key sites governing the height of the limit of that development. Um, control of the parameter plans. Um, so that's in terms of the height and the, the visual assessments being done on those parameter heights of the building within that height, within that, within that site.

00:10:55:27 - 00:11:14:20

Yeah. Um, it was just whether any more details will be appropriate. I don't know that the exact details of the existing maintenance hangar there, obviously the consent mechanism, but as I understand it, there was quite a few controls, um, of the usage of that hangar at certain times. Is that correct?

00:11:16:14 - 00:11:53:11

Uh, Tim Nord for the applicant. Um, I think you might be referring to the Boeing hangar, which, uh, was a planning application submitted by, uh, Boeing for their facility. It wasn't a gul, um, submission. Okay. But I think, um, that is also, uh, situated in the northwest zone. Um, there are a number of hangars in that zone already. All have sort of a similar height. Um, because they're generally required to allow for the tail fin of an aircraft to be wholly contained within the building.

00:11:53:13 - 00:12:25:13

So there is a sort of a functional requirement for the, for the height characteristics of that building. Um, I think the control mechanism. We that's previously been mentioned in relation to the Boeing hangar. Uh, relates to the towing of aircraft to and from the hangar. And that I think is largely for, um, noise purposes rather than, um, any sort of other operational purposes. So I think we can check on that for you, sir, but, uh, that's my recollection.

00:12:25:15 - 00:12:57:06

But it was, um, a Boeing hangar that was, um. Lodged and submitted by Boeing itself. Um, there are other hangars that Google. Um, have submitted on behalf of the airlines. Um, so we've got a number of hangars, such as the Easyjet hangars, which are also in the northwest zone. They were submitted under a consultation under the Town Country Planning Act. Um. Those proposals are generally submitted with all of the details.

00:12:57:08 - 00:13:26:29

There's a planning statement, elevational drawings, and all of the, uh, type of material, um, uh, supporting statements that you would expect from, from that type of application. So it's, it's not untypical to, to see large scale buildings on the airport. Um, but at each stage, when those proposals come through, we always submit it with a sort of the supporting statement to the local authority so that they can take it into account in deciding on, on, on that application.

00:13:27:14 - 00:13:38:25

Okay. Thank you. That's useful. Yes, it was the Boeing hangar. Thanks for that. Right. Um, just out of interest. Really? Why would why would the Boeing hangar be required a full planning permission rather than through the permit development process?

00:13:40:01 - 00:14:18:17

I mean, it was submitted by Boeing themselves. Um, so they wanted, uh, control of the, uh, of the planning process. Um, and so they they submitted it, um, under their, um, under their name. Um, so they didn't benefit from the permitted development rights? Um, so it was it's a wholly owned sort of, um, facility for, for Boeing aircraft. Uh, whereas for a lot of the airport, uh, the airport operator, we would, we would normally submit the, um, facility on behalf of the, um, the sort of the operator of the airline itself.

00:14:19:00 - 00:14:20:19

Okay. Thank you. It's useful.

00:14:22:27 - 00:14:36:14

Um, I'm just moving on to the northern terminal zone now. Um, and this question, um, could be asked to the South Terminal, um, as well. Um, and there is detail there about forecourt remodeling. On page 50.

00:14:38:07 - 00:14:51:08

Um, and I wondered, given the potential extent and scale of it, could more details be provided of that possible development and any overarching design principles? And the same really, for the southern terminal forecourt remodelling.

00:15:00:00 - 00:15:03:09

Sorry. Could you just repeat the page number again? Is it volume three?

00:15:03:16 - 00:15:04:27

Uh. Page 50.

00:15:29:00 - 00:15:29:15

Document.

00:15:31:23 - 00:15:38:07

Some discrepancy between the electronic numbering and the document numbering. But I found your point. Okay. Thanks.

00:15:39:20 - 00:16:20:29

As for the applicant, I think the risk of repeating ourselves, um, serve the design and access different. Can give an indication based on the plans that have been set out there, uh, as to how that development could come forward. But fundamentally, the controls would be achieved through a combination of the parameter plans and the design principles. So the information you have there reflects the state of design of the project, and ultimately the satisfactory nature of the design will be achieved through the controls that I've identified.

00:16:21:02 - 00:16:27:29

Um, already, uh, project wide design principles and building specific principles, um, as well.

00:16:30:25 - 00:16:46:11

We can look for the applicant. There's also section in our design guide section. We've adopted the end ten characteristics of a well-designed place as part of our design guidance. A key part of the design guidance and the forecourt design would have to follow this guidance to make sure it's following those principles set out in the design guidance in the.

00:16:48:07 - 00:16:49:02

Okay. Thank you.

00:16:52:12 - 00:17:05:09

You can move on then to car park. Why these are proposed car park. Why? Um, which is um, would be fairly substantial structure, um, with underground flood storage as well. Um.

00:17:07:11 - 00:17:22:05

I believe there's a construction compound in that area as well. And it was. How would the construction of that car park with underground flood storage and the construction compound be carried out? It is our common design as well to have flood storage underneath a car park.

00:17:25:12 - 00:17:57:18

The Kendall's the applicant. Um, so. During the feasibility studies, um, for that site, that design process has been looked at in terms of siting the car park over the, um, water storage tank, which is a matter of how you transfer the structure coming down from the car park onto the structure for the water storage facility below it, and then providing access within the layout. So I think the indicative access. So the indicative layout of that car park shows access points, would then give you access to the flood storage below that site. So he's been considered in the feasibility studies and they'll be then taken forward.

00:17:57:24 - 00:18:09:29

Um, there's also in the design principles that cover that site, specifically that look at the special features and requirements for the, um, the water storage below the carpark, um, on on that site.

00:18:14:11 - 00:18:38:14

Could could I ask you on that point? The construction compound from memory of the indicative construction sequencing. Is up till 2032. And at the same point they're going to do the flood storage. How how are those two things going to exist? How is there going to be a construction compound and a big hole in the ground at the same time?

00:18:54:03 - 00:19:10:29

Scotland is for the applicant. So I understand that the deadline sex is going to be a flood compensation delivery plan submitted, which will explain the relationship between these works on the timing of those works. We do have that point and mine is going to be addressed by the plan.

00:19:11:01 - 00:19:27:22

It's just that the whole car park is shown as a construction compound. Whole car parks and flood storage and the whole car park is obviously a multi-storey. I understand the flood storage in the multi-storey could be structurally the done the same time, but I'm not sure how you can have a construction compound on the whole site while this is happening.

00:19:30:29 - 00:19:40:17

Um, Scotland. Can you understand? A construction compound is first, but we can set out details of the sequencing and the delivery plan and response to that. Take that away, sir. Thank you.

00:19:46:29 - 00:20:06:29

Okay. Thank you. Um, and in the same volume, we've got the surface access corridor. Um, and I note proposals there for new grade separated flyovers at both the north and the south terminals. Um, are there any indicative elevations available of those? I was fairly substantial roadworks.

00:20:14:06 - 00:20:37:06

Sorry. Darren Atkins for the applicant. So there are indicative elevations for those structures in the structure section. Plans document number rep 3-014 and then the engineering section plans document reference rep 5019. Uh showed the uh vertical alignments of the highways at those locations.

00:20:39:06 - 00:20:44:15

Thank you. That's useful. Um, would it be useful to add those in within the dash as well?

00:20:57:15 - 00:21:27:25

They kind of the applicant. So in the Das we show indicative 3D views of the highways works and and layout plans of the highways works which give an overview of of those works. I mean, the Das we've tried to keep the level of information for each of the works to the same level, so the reader can understand the development at the same pace. The highways works and some of the landscape works are more detailed in their design development, particularly the highways works because the stage it needs to be at. So we've tried to present all the information of each of the works to a similar level of design development, so it's read consistently by the reader.

00:21:28:24 - 00:21:31:24

Thank you. I guess on that point it's.

00:21:34:12 - 00:21:48:01

I see what you mean, but I think there are other proposed elements within the desk where you do have. I understand. Obviously they're indicative, but still indicative elevations. I thought a similar treatment for those two road roadworks could be useful.

00:21:49:03 - 00:22:01:00

Scotland for the applicant. I mean, if it's a case of perhaps signposting within the Dass where this other information that's been referred to can be found. And take that away. Sir, if you'd find that helpful.

00:22:02:21 - 00:22:03:14

Okay. Thank you.

00:22:13:18 - 00:22:15:22

So if I can move on to volume four.

00:22:17:19 - 00:22:36:19

Uh, and the South Terminal campus, um, obviously contains. A number of hotels in there, and I wondered whether the hotel should be differentiated. Differentiated. So in the site wide design principles, would differing designs based on different parts of the zones or, you know, be suitable or appropriate?

00:22:40:10 - 00:23:05:19

So we've approached the buildings in terms of design guidance and typology basis. And so we've looked at hotels as one. And so the design guidance in section six, which sets out materials industry

standards, um, likely likely layouts and uses and um requirements of those hotel buildings. And then we back that up by putting them into the design principles in appendix, appendix one, which sets out the kind of considerate design considerations we'd need for hotel building.

00:23:08:27 - 00:23:16:03

Thank you, said there be no need in your view to for to differentiate this stage. Different slightly different designs for each hotel.

00:23:16:05 - 00:23:43:21

For instance Scotland's the applicant. No, we don't see that. I mean, um, the hotel buildings may end up being, you know, designed differently, obviously, but the design principle DBF three, which applies to hotel buildings generally, um, has a number of considerations that we say would apply equally to all the hotel developer. That's not necessary to differentiate any further than we have than we have done.

00:23:45:27 - 00:23:47:21

Okay? Yeah.

00:23:50:16 - 00:23:56:13

Okay. Thank you. Um, if we move on, then to, uh, the multi-storey car parks.

00:23:58:06 - 00:24:30:28

Um, could I just ask? Um, there's very small story carparks in there, obviously, but there is one car park which is treated differently, which is, um, car park age, where you have a proposal for enhanced treatment on one elevation of it facing the Hilton, I believe. Um, I suppose my question would be here. The obviously several multi-storey car parks. What? They all just be of a purely functional design, and only this one elevation of one car park would be in for special treatment if you like.

00:24:33:02 - 00:25:11:05

It. Kendal, for the applicant. Um, I mean, we raise specifically, um, obviously all the all the car parks that we developed by their own design based on their contextual analysis. At that time, we raised a particular design control and that one, because of the master mini master plan work that we did, which is the area around the south terminals looking at the South Terminal forecourt hotel and the car park site, which has a has three building functions on the MSC and office under hotel. And as part of that design study, we looked at access to there from the airport and we we raised an area that we thought it was important to have a public, smaller public realm in front of those buildings, linking those buildings together.

00:25:11:07 - 00:25:40:28

So that's why we've looked at specifically that location to enhance potential, the treatment of the car park, to be in line with, um, a public realm facing multi-storey car park compared to a multi-storey car park based somewhere else. But there is strong guidance still in the design principles in section six and the the the design design principles in appendix one and the design guidance on all multi-storey car parks in terms of the treatment and the openness of the facade, suggested materials that you could make the car park, construct the car park and also.

00:25:41:26 - 00:26:18:25

From Scotland to the applicants. So I think as you read the design principles, obviously there are some project wide design principles which will be taken into account in any event. But as you work through the different categories and the multi-storey and deck parking, as an example of that, there will be a number of design principles which should apply rightly across any multi-storey car park development, once anticipating where it's been necessary to be specific because of particular consideration that has

been fed into a specific design principle. DBF 12 relates to multi-storey car park um h um um DBF 13, for example car park y.

00:26:18:27 - 00:26:25:06

So we have paid attention to where it's necessary to have a specific principle to cater for specific circumstances.

00:26:26:12 - 00:26:57:12

Thank you. Yeah, I understand that. I think my my question was, I can see that you have, uh, proposed different treatment for the elevation of car park, which is more, um, why the other car parks? Don't deserve the same treatment, if you like. Um, you know, I see you have DBF 11, but they're fairly general statement, if you don't mind me. You know, saying open areas for natural elevation materials may include, um, clearly visible entrance and circulation.

00:26:57:14 - 00:26:57:29

Cause.

00:27:00:02 - 00:27:10:27

And all of them, obviously. But you mentioned before a public realm, but, you know, it's an airport. I would have thought quite a lot of the areas of public realm in effect and highly visible to lots of people.

00:27:13:27 - 00:27:45:26

Yes but Scotland of the for the applicant. Uh, but in response to that. So we say that when one looks at the other design principles, they are drafted in a way which allows a range of those considerations to be taken into account when applied to an individual case. So for example, under DBS or DB f8, as it is, the building form, um, has to be cognizant of the scale and massing of surrounding, uh, of surrounding buildings. Um, there are other requirements listed in DBF.

00:27:45:28 - 00:28:02:03

It there are already requirements that are listed under the general um, project wide principles. And we would say that those are broad enough to encompass a range of, of matters that are going to inform the detailed design of, of any individual car park in its own way.

00:28:07:03 - 00:28:20:26

Okay. Thank you. We'll move on. Um, just a couple more questions in this section. Um, the proposed new office, um, with the aim of that be for, um, Gatwick staff displaced from destinations, place.

00:28:35:09 - 00:28:44:27

Paula Jones for the applicant. Not necessarily. We envisaged it for, um, third parties operating at the airport more broadly than Gatwick per se.

00:28:45:08 - 00:28:49:07

Thank you. So it would be airport related business, I guess.

00:28:51:18 - 00:28:52:03

Thank you.

00:28:58:22 - 00:29:02:15

Okay, so that's all the questions I had on that bullet point.

00:29:04:10 - 00:29:07:22

Uh, Mr. Bedford, was there anything you wish to raise at this point?

00:29:09:00 - 00:29:10:14
Thank you. Thank you, Sir.

00:29:10:24 - 00:29:14:10
Michael Bedford for the joint local authorities.

00:29:15:29 - 00:29:47:26
Sir. Your questions highlight a number of concerns that we have about the applicant's approach to design, but I think we need to slightly step back from the content of the. Das and the design principles for a moment. If you bear with me because I think you need to see how they fit into the control mechanism that the applicant is proposing. And as you will be aware.

00:29:48:24 - 00:30:20:03
There is a clear dividing line between the applicant and the local authorities on the approach to detail design. Previously, the applicant was proposing the concept of accepted development, and that would mean that development that fell into that category so far is requirement for in particular, which deals with detailed design. It also applies to requirement ten in relation to drainage.

00:30:20:05 - 00:30:58:27
But I'll focus on requirement for the only um control that the applicant was proposing was that such development would be the subject of consultation with the local authorities, but not their approval. And the only check would be that whatever was submitted had to reflect the design principles. Now the applicant is revised the position at deadline five so that the the the concept of accepted development is not now a feature of the draft DCO, but it actually hasn't gone away.

00:30:59:10 - 00:31:35:12
It's just been, if I can call it rebadged. So that what happens now, uh, is that with the exception of certain developments which are listed in schedule 11, I'm dealing with the non highway works. But with the exception of those developments, all other development. Remains subject only to consultation and the design principles. There is no approval process. Now that, um, we as it remain, uh, unpersuaded is an appropriate approach.

00:31:35:14 - 00:32:13:22
And if I can just deal with that first before I then come on to the detail of some of the specifics on the design principles in the design and access statement. Um, so, so, so far as we see it. If the applicant approach means necessarily that so far as external scrutiny, there is no holistic approach being taken because even as now modified by the applicant deadline five um, the applicant still wishes for large parts of the development to be excluded from detailed design control.

00:32:15:03 - 00:32:38:20
And the impetus as we read the applicant's material, uh, for that seems to be that the applicant believes that the freedoms and the light touch controls it enjoys when exercising permitted development rights should carry a cross to the development authorized by the developed consent order.

00:32:41:00 - 00:33:23:20
We do not find in anything. The applicant has said that they have identified any legal principle to support that approach. Nor can we find reference to any policy support for it in the airport's National Policy Statement or in the National Networks national Policy Statement, or in other guidance. So we think it's it's an unsupported approach, but we also think that it's an approach which is not consistent with the policy emphasis in both the airports national policy statement and in national networks on achieving good design.

00:33:24:15 - 00:33:59:13

Because what it does do is mean that there is not a holistic approach to design, because key elements of what is a single, integrated and indivisible project are being excluded from more detailed scrutiny by this compact compartmentalization approach. It's it's patently not holistic. So so that is an overarching point of concern to us. And we do, as it were, respectfully request the applicant to reconsider that entire approach then.

00:33:59:15 - 00:34:29:26

So when you then turn from that point of principle to then looking at the detail of the documents which have been submitted, um, as I think, uh, has been outlined through the answers to your questions, the days itself is effectively badged as illustrative. And then you come on to, uh, looking at the design principles to see whether they provide, uh, sufficient parameters, uh, for, uh, matters to be taken forward.

00:34:31:04 - 00:35:04:02

Many of the, um, examples that you've been asking about were exactly the examples that we were concerned about. And so I try to avoid, uh, repeating those issues. But we do suggest that, for example, if you look at and I'm looking at DBF 11, uh, in the first instance, which apparently applies to multi-storey car park building, it doesn't actually say which one, but more importantly, it gives no real detail.

00:35:04:04 - 00:35:36:02

Uh, if you look at those, uh, the three principles set out in db, f11 um, that sorry, that's on page 19 of rep five zero 31. Similarly, if you look at the hangar, which is work number 16 dealt with by DBF 40 and DBF 41 with a maximum height of 32m, could be up to ten meters below ground. Surface area. It covers approximately 12,000m².

00:35:36:21 - 00:36:15:16

But the I say, if you look at DBF 40 and DBF 41, we think that those are far too general by way of criteria. If you look at um, in particular, um, carpark X, this is work 31 and we echo very much the heritage points about the um, relationship with the um listed building, Charnwood House. Um, and um, we are very concerned that the parameters that are set out in the design principles, uh, don't give adequate treatment, uh, for a potentially building up to 11m high.

00:36:16:01 - 00:36:27:16

Uh, and it's a multi-storey car park. There will be light spill and so on. I say I don't want to go into the detail, but you get hopefully the general, uh, point and, um,

00:36:29:02 - 00:37:02:11

we, we know, um, what has been said that the app. Sorry, the bowing application was a section um 70 planning application because that was the preference of the particular promoter, Boeing. But we consider that for buildings of this scale. That absolutely needs to be the right approach, that, um, um, the fact that these buildings are coming forward through the DCO means that they are requiring planning permission.

00:37:02:13 - 00:37:30:02

They don't benefit from permitted development, and therefore that a similar level of control and scrutiny is required. Um, so so those are our concerns about the applicant's approach. And I say we have serious concerns about the level of detail that's been provided in the design principles. And we don't consider that the illustrative approach of the design and access statement is appropriate. Thank you.

00:37:31:00 - 00:37:31:23

Thank you, Mr. Bedford.

00:37:32:27 - 00:37:33:13

It's a loss.

00:37:34:13 - 00:38:17:12

For the applicant. I think the concern that we have, uh, on this side of the room is that there is this perception which the Glas are seeking to generate, that the design of the scheme is in some way, uh, uncontrolled, simply because they don't have the power to approve it. And those two concepts are very different. Um, they absolutely clear all elements of the authorized development are the subject of design control. And it is holistic in that in that sense. There are no exceptions to the application of the design principles that's achieved collectively through requirements 4 to 6, in particular of the draft eco requirement 11 to in relation to drainage.

00:38:17:14 - 00:38:59:01

But those requirements ensure that, as a minimum, development must come forward in accordance with design principles as a certified uh document. There are also other provisions which I've mentioned already relating to physical dimension, to limits of works, parameter plans, and so on. And plainly, if any works, you know, took place in breach of those requirements, there would be an enforcement action that would ensue. Now, um, we've made fairly extensive submissions to date about why we think the design principles are appropriate and, uh, proportionate.

00:38:59:23 - 00:39:33:07

Um, but to the extent that the JLA is consider there are any particular, uh, gaps, then we're happy to consider these and incorporate them where appropriate. I do have to say, though, that, um, where comments were submitted, specific comments were submitted at deadline for the Glas. We incorporated those in deadline five. Um, if more is to come, we need to see it. It's not the place to do that on the hoof at this examination, hearing.

00:39:33:09 - 00:40:03:26

And at the moment, the difficulty we have is that we're receiving a number of broad complaints from the JLA about the fact that there isn't enough detail. We want to see specific lists, and we're perfectly prepared to consider ways in which the design principles might be, um, refined if we're told what the specific concerns of the Glas are. But setting that to one side, and what the broad proposition being put by the JLA seems to be focused on.

00:40:04:07 - 00:40:34:22

Is there a concern about a lack of design approval in relation to certain elements of the, uh, relating to certain elements of the scheme? Now, the fact that this was termed accepted development before may have created a little bit of confusion on the part of the Glas, because our simple proposition, which doesn't need any firm legal or policy basis to explain, is that it's unnecessary, uh, for the council or any other glas to have approval rates.

00:40:35:16 - 00:41:29:19

In relation to a wide range of, uh, aspects of the, uh, development. A because we have to bring out, uh, in accordance with the design principles, and secondly, because a large range of development under the, uh, project would not ordinarily require their design approval. Um, in any event, because they would fall within the scope of our permitted development rights. Now, that concept of referring to PD rights might have caused a degree of confusion, but the underlying principle is that by giving airport principle permitted development rights, the the clear, uh, operative principle, um, is that airports should be accorded scope and flexibility to bring forward development that benefits the airport.

00:41:29:21 - 00:41:59:24

This isn't so much an EIA point, because we accept fully in this case that we are producing a development which requires EIA. Um, and frankly, if we thought this was all going to be covered by permitted development rights, a lot of time would have been served at the examination by promoting the development. And that in that way. And so this isn't about us somehow trying to escape, um, the provisions or the carving out of permitted development rights from the EIA regime.

00:41:59:26 - 00:42:36:14

We understand that, and we've applied that in this case, but it doesn't affect the wider principle, which is the airports are accorded PD rights to bring forward designs which do not require the approval of local authorities. And all we've been trying to do is to reflect that broader principle in the approach that we've taken to what was called acceptable development, as now reflected in the listed works that appear in schedule 11. So it's factually incorrect to suggest that we are trying to, um, carve out control of design because it's through the design principles.

00:42:36:16 - 00:43:11:14

And to the extent that the authorities are suggesting that they need prior approval, uh, rights, it's not simply sufficient for them to say they need approval, given the wider principle that I have that I've mentioned, which is why we have identified the listed works in the way that we, uh, that we have and those are elements of the development that have a nature and scale where we do accept that it is appropriate the terminal extensions, the hotel development, the pedestrian footbridge for the JLA to have some approval.

00:43:11:16 - 00:43:42:07

But, you know, to put it another way, I mean, surely the Glas can't be suggesting they need to. They need design approval rights over a wide range of other matters, including the runway, the aircraft stands and so on. And that goes to illustrate the wider principle. We are signing up to control over the whole development. But that doesn't mean that that requires approval from the JLA is consistent with the principle identified. And there's nothing in policy terms, uh, that requires that either.

00:43:42:09 - 00:44:21:23

There's nothing in policy which says that to achieve acceptable design, all aspects of that design need to be the subject of approval by local authority. That's quite different from suggesting that it shouldn't be subject to control. We're not doing that because we have indicated we are prepared to sign up to the design principles and make sure the development, um, accords with that. So for all those reasons, we don't accept the in principle basis of the JLR objection to the approach that we're taking. And secondly, though we are prepared to listen on design principles, if the JLR would be good enough to give us a specific list of the areas where we they think that they need to be improved.

00:44:24:13 - 00:44:38:22

Okay. Thank you, Mr. Linus. I'll come back to you in a second, Mr. Bedford. Um, just a couple of quick questions from myself. Um, the, um. Well, what was accepted? Development now listed. Works. Um, how did you define listed works?

00:44:44:07 - 00:44:51:00

Thoughtlessness for the listed works, um are defined by reference to the list that's included in schedule 11 to the DCU.

00:44:52:06 - 00:44:58:00

Yeah. Sorry. Um, how did you decide which developments were listed? Works. Um.

00:44:58:23 - 00:45:35:22

For the applicant, we recognized that there were certain aspects to development which were of a particular nature and scale, which justify more detailed approval on the part of the authorities, in particular those which would be particularly prominent to the to the public, um, uh, including the hotels, the terminal and the um, car park facility. So the um, uh, the principle was to recognise that some development, due to its nature, scale and prominence, justified a particular approach, um, being taken.

00:45:37:10 - 00:45:51:24

So yes, the hotel's pedestrian footbridge and a schedule 11 and extending the the departure lounge. We felt that as a matter of judgment, those fell into a slightly different category given their scale and their prominence.

00:45:52:21 - 00:46:05:02

Okay. Thank you. Was it not then? It's just just from my reading of that, those works within the list of works, they appear to be the types that they appear to be, the developments which would require planning permission.

00:46:05:04 - 00:46:19:02

Yes, I think Scotland. That's a fair point. So we take on board that they're also works with the type that wouldn't necessarily wouldn't benefit from permitted development rights. So they also justified inclusion in that schedule.

00:46:19:12 - 00:46:47:26

Thank you. Um, and then just one more question before I come back to you, Mr. Bedford. Um, around about you mentioned then about, um. The, um, the, the purpose of permitting development and so on, and why you've dealt with, um, other developments as you have in the DTI in terms of the mirror in the same consultation process and so on. Um, I suppose my question on this isn't necessarily the AIA angle, but.

00:46:49:28 - 00:47:21:00

Some of the justification in your, um, written, um, answers is, you know, it's the whole purpose of the permitted development was, you know, not to put unnecessary delays or hurdles in the way of airports and so on in terms of, uh, construction development. But these are all works that are going quite far ahead in the future. You've obviously strategically planned them all. Why would that same, um, principle apply for these developments in this, which are part of a wider whole in Scotland?

00:47:21:02 - 00:47:59:22

For the applicant, I think the principle applies more generally than that, in the sense that it's not simply a question of the timing of the the works. It's the principle that airports are given. It's recognised within the PD rights that airports are given latitude to bring forward, uh, development, which they consider is going to benefit the airport without the need for local authority, um, approval. So it's as a broader principle, which isn't specifically related to the the timing of works relative to this scheme or the ability to bring them forward within a particular timescale.

00:47:59:24 - 00:48:15:27

It's the it's the broader principle that these are matters which, um, the Parliament has recognised through the PD rights that are, as a matter of substance, left to airports to bring forward, not necessarily related to the, the timing, although that may be part of it.

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Okay. Thank you, Mr. Bedford.

00:48:21:27 - 00:48:50:20

So thank you, Michael Bedford, for the joint local authorities. It is inescapable in the response that you've heard from the applicant that the applicant is wedded to a principle that where there are permitted development rights, it believes that those same freedoms should apply to something which is not permitted development. And that is effectively

00:48:52:08 - 00:49:23:06

the applicant's response cannot avoid. Praying in aid. The scope of permitted development rights to support its position. And although Mr. Linus says, well, we don't need legal authority or policy position to support us, and he advances reference to what he says is a broader principle, that broader principle is no more than that. Permitted development rights allow you to do certain things as permitted development.

00:49:23:08 - 00:50:01:08

We don't challenge that. What we challenge is the applicant trying to borrow that position to something which is not permitted development, and we see no justification for that. And if you follow it, then through, and if you look at what the applicant's position would be, and I say we could take any one of those examples that I'd referred to previously, but it may be convenient to remain with work number 16, which is the aircraft hangar.

00:50:02:15 - 00:50:32:21

Um, learning French says, well, there is control because we are committed through the DCO and requirement for to the design principles. But what requirement for will set out in relation to that hangar? Is that firstly, in paragraph 41, there has to be consultation with Crawley Borough Council. So the applicant, having prepared its proposals, has to consult Crawley Borough Council.

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There is no obligation on the part of the applicant to then modify anything it has envisaged in response to that consultation. And then the check is in paragraph 42. Any part of the authorised development to which paragraph one applies must be carried out in accordance with the design principles in appendix one of the Design and Access Statement, unless otherwise agreed in writing by CBC. So if you then go to those principles to see what it is that the applicant has to be in accord with, and this is in a work number 16.

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Those principles are no more than this is. DBF 40 and DBF 41. The hangar will be of contemporary design to reflect its surroundings, reflect modern design techniques, and be of efficient methods of construction and materials. The hangar will incorporate the following design features. Long span, structural frame and large doors provide clear width access for aircraft. Materials may include a steel portal frame with metal cladding and roofing, with use of transparent or translucent panels for natural daylighting in the main hangar space and its external doors, and then DBF 41.

00:52:04:02 - 00:52:39:07

The design of the hangar will have regard to the following considerations security, safety and low energy lighting. Consideration for the generation of renewable energy and rainwater harvesting. Good quality staff accommodation. Amenities. Consideration for the generation of renewable energy. So those are very broad brush, very high level and effectively impose no particular check on what the ultimate design of that very large building will look like, or how it will relate to its surroundings.

00:52:39:21 - 00:53:10:24

So the applicant is not actually subjecting its design to any form of external scrutiny that can reject the design. The only thing that happens is the applicant has to have had regard to those design principles to be in accordance with those very loosely worded design principles, and to have consulted the local authority before proceeding with the project. We say simply that that is not an acceptable approach to design.

00:53:10:26 - 00:53:21:27

It doesn't provide a holistic approach to design, and I say it doesn't have any provenance in either legal status or in policy.

00:53:24:20 - 00:53:26:27

Thank you, Mr. Bedford. Mr. Linus.

00:53:27:18 - 00:54:24:08

Scott, Linus for the applicant. And first point is, we just need to confirm that there's no suggestion on the part of the applicant that we're somehow trying to escape the consequences, that this is a project requiring EIA, and we have accepted that. That's why the EIA has been, uh, prepared. And the only proposition that we're advancing to you is that one should not, uh, treat, uh, aspects of the overall design in the way that the JLR suggesting as requiring design approval in circumstances where it's quite clear from the principle of permitted development rights that government was seeking to accord airports a degree of discretion and how they brought forward the development without the approval, um, of jazz, there's absolutely nothing inconsistent between, on the one hand, saying we recognize that this is EIA development will be assessed accordingly.

00:54:24:10 - 00:54:57:02

And then on the other, seeking to rely upon that principle. Um, the second point is that although the example of the hangar has been given by Mr. Bedford, um, which will come on to in a moment, um, if one flaps at its on its head and look at this in a, in a general position, there's absolutely no clear rationale why the JLR is in principal position, that they should somehow be given approval over a wide range of work.

00:54:57:04 - 00:55:28:20

The subject this application should should stand. It's not consistent with the principle that I have identified. And as a matter of practice, um, surely it's not the suggestion that JLR that a wide range of development, including aircraft stands, other airside works, should be the subject of approval and illustrates why their broad position is unrealistic. But in relation to, um, the aircraft hangar criticism was made about the way in which the design principles would operate. But go back to what I said before.

00:55:28:22 - 00:56:09:24

If the JLR have an issue with the way the design principles that operate in relation to the hangar or in relation to any other building, tell us how those design principles can be improved. That does not take away from the merit of the design principles themselves, or in any way indicate that that should somehow necessitate a shift to approval on the part of the Glas. The design principles can, if necessary, be bolstered in any way that they they suggest, and one must bear in mind as well, that when it comes to the hangar, we must comply with the parameters plans, including those indicative heights that are set out in and in schedule 12.

00:56:10:01 - 00:56:37:13

Similarly, if there are any issues with the broader design principles that Mr. Bedford didn't go to, that a project wide, which look at broad matters on how any development, including the hangar, should come forward, we are prepared to listen to those, but the proper route is to make comments on the design principles themselves, not to somehow suggest that it would be appropriate for the JLA to have approval, um, over a wide range of development of the airport, which is otherwise adequately controlled under the DCU.

00:56:41:17 - 00:56:42:17

Thank you. So.

00:56:44:21 - 00:57:01:20

Is that too obviously, that there appears to be a disagreement between the two of you over the, um, permitted development aspect and the controls therein of, um, development, which would be permitted development if they were carried out on their own. Is that a fair statement?

00:57:04:22 - 00:57:12:04

I don't think there's dispute over what development would be covered by development rights in England. It's more.

00:57:12:09 - 00:57:13:25

No, it's a control of those works.

00:57:14:19 - 00:57:55:09

Yes. Yeah. Um, it's fair to say there is a dispute over the approach taken to approval. We have set out that there should be design control holistically over the entire development, but we recognise there are specific subset of that development which we've now called listed works, which can be which should be the subject of approval. Mr. Bedford is looking for does not reject that, but we haven't actually seen how far the Glaa want to go in terms of the approvals they seek. And our submission is when one starts to to look at that, it starts illustrating the inadequacy or the inconsistency of their, uh, of their position and why it simply wouldn't work.

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Thank you, Mr. Bedford.

00:57:58:25 - 00:58:29:29

So I suspect, um, this is one of those areas where it probably would help both parties, uh, if there was some kind of indication from the examining authorities to which direction they would prefer, uh, the parties to go in in dealing with this issue because, um, clearly, um, we have at the moment a fundamental disagreement of approach. And, um, Mr.

00:58:30:01 - 00:59:27:15

Lynas is, as it were, calling for specific, um, as it were, criticisms of particular design details, whereas we have rejected the starting point, um, and therefore the parties are not, as it were, engaging on that, um, which is obviously not helpful to you. Um, if there was an indication from the examining authority, either that it thought that in principle, uh, the applicant's general approach was sound, but wanted to see some more detail, or alternatively, if it considered that the local authority's approach was sound, that there was no good reason for exempting part of a indivisible project for, uh, reasons, that in other circumstances it might be PD, but it is agreed that this is not PD.

00:59:27:17 - 00:59:59:03

If I say if the panel said therefore, as it were, the freedoms of PD don't apply. So we put those on one side, then the applicant would be in a position to reflect on its position, and hopefully we could reach a clearer common position on how important matters of design. And one cannot, um, um, overlook the fact that good design is now absolutely at the heart of both the Nmps and the MPs.

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So it's a very important topic to get right. And I say I think we would both sides would benefit from some clear direction or indication from the examining authority as to which of those two very different routes they think is most likely to result in a good quality design for this development of this magnitude in this location.

01:00:23:05 - 01:00:24:02

Okay. Thank you.

01:00:24:12 - 01:00:25:07

Um. I think.

01:00:26:24 - 01:00:32:17

This is something we need to consider more. And obviously this is how it's controlled through the DCO or the DCI Scotland.

01:00:33:07 - 01:01:21:10

I understand that, sir. I think part of the difficulty that we have, which I suspect leaves you in the difficulty, is we still haven't seen any clear justification as to why the JLS think they need design approval for the effectively the full extent of this development. In some ways, the the reference accepted development and PD rights. We've given you the submissions on that. But to some extent that can obscure the fundamental question, which is why are they JLR saying they should have approval over every aspect of development and circumstances where we're signing up to a series of design principles if they want, um, a longer list of listed works in schedule 12, it's open to them to provide that and justify why they think that lists should be longer.

01:01:21:14 - 01:01:40:10

If they think there should be a more detailed list of design principles to cover their concerns. And as I've said repeatedly, we're happy to, uh, consider that. But fundamentally, our difficulty is we just haven't seen a justification for the local authorities saying why they need such wide ranging approvals.

01:01:41:28 - 01:01:42:13

Thank you.

01:01:43:27 - 01:01:45:13

Mr. Bedford. Would it? Um,

01:01:47:00 - 01:02:01:08

the suggestion then from Mr. Lyness of. Obviously we've heard about the design principles before, but also the potential for adding other works into schedule 12. Is that something that Giles could go away and think about or come back on?

01:02:01:15 - 01:02:40:24

Well, so certainly we could, although I suspect that without, as it were, that direction you might end up, that schedule 11 becomes possibly everything, let's say, with the exception of, let's say, the runways and the taxiways, which I suspect that the local authorities are less concerned about, as it were, surface level treatment. Um, but um, we will certainly obviously, you know, we're here to help you. Uh, and we will reflect on that, I should say perhaps just by the way, if it helps you on your notes and I'm sure you've seen it, but in rep 5117, we did set out in detail what we said about the applicants approach.

01:02:41:07 - 01:03:31:14

Um, that was specifically in the context of the accepted development. But I say although the words accepted development no longer appear, the concept remains, which has been rebadged into a different structure in the way that it's put forward in the draft eco. But so we have set out in principle, in some detail there our position on the approach. And I say it would certainly, I think, help us and probably the applicants if there was some direction from the examining authority, but we will certainly go away and reflect on whether we can, um, provide some further indication as to what

works, do need detailed control, and, as it were, in principle, why? Um, uh, and we'll do that obviously for deadline six.

01:03:32:17 - 01:03:44:27

Thank you, Mr. Bedford. Um, Mr. Linus, the other point there was that, uh, Mr. Bedford raised A5117. Um, and I wonder if that would be an action point for yourselves as well to come back on the specifics of that document.

01:03:51:06 - 01:04:10:24

From Scotland. For the applicant, I suspect. The answer to that is really encapsulated in the debate that we've been having today. So we can probably cover that in the, uh, in the notes of today. And as necessary, make cross reference to any other documents we produce at the next deadline to address that submission.

01:04:11:18 - 01:04:12:04

Thank you.

01:04:13:27 - 01:04:31:09

Okay. We've covered there. Um, the first and the fourth bullet point of that agenda, which is useful. Um, before I it's probably quite a good time for a break, but before we do is that, um, anyone else who wants to raise anything about those two bullet points?

01:04:33:13 - 01:04:34:05

Seeing any.

01:04:34:07 - 01:04:46:07

Hands. Okay. Thank you. So if we break now, it's now five plus three. If we break now until 3:20, and then we'll come back to the two middle bullet points. Okay. Hearing's adjourned. Thank you.