



LONDON
GATWICK



Gatwick Airport Northern Runway Project

The Applicant's Written Summary of Oral Submissions
ISH 8: Good Design

Book 10

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1 Introduction

- 1.1.1 This document contains Gatwick Airport Limited's (the "**Applicant's**") summary of its oral evidence and post hearing comments on its submissions relating to 'good design' made at Issue Specific Hearing 8 ("**ISH 8**") held on 18 June 2024. Where the comment is a post-hearing comment, this is indicated. The Applicant has separately submitted at Deadline 6 (Doc Ref. 10.50.3) its response to the Examining Authority's ("**ExA**") action points arising from ISH 8, which were published on 20 June 2024 [[EV17-018](#)].
- 1.1.2 This document uses the headings for each item in the agenda published for ISH 8 by the ExA on 11 June 2024 [[EV17-001](#)].
- 1.1.3 The Applicant, which is promoting the Gatwick Airport Northern Runway Project (the "**Project**") was represented at ISH 8 by Scott Lyness KC, who introduced the following persons to the ExA:
- Tim Norwood, Chief Planning Officer, Gatwick Airport Limited;
 - Darren Atkins, Principal Engineer, Arup;
 - Bronwen Jones, Development Director, Gatwick Airport Limited; and
 - Luke Kendall, Director, Chapman Taylor.

2 Agenda Item 5: The ExA will explore Good Design and outstanding concerns relating to the topic, including the following matters:

The detail and breadth of the Design and Access Statement ('DAS') [[REP2-032](#)] to [[REP2-036](#)]; and

The control of design matters within the draft Development Consent Order (dDCO), including 'excepted' development.

- 2.1.1 The ExA queried whether heritage constraints should be detailed and listed within the zone constraints section on page 10 of the Volume 2 of the DAS. Specifically the ExA noted that there are a number of listed buildings quite close to the southern zone but it could be argued that their setting would be within the zone and therefore they would be called a constraint.
- 2.1.2 The Applicant explained that the historical context of the Airport is covered in Section 2 of the **DAS** [[REP2-032](#)]. That section looks at the wider historical context of the airport rather than just the history of the airport itself. It considers the historical contexts at a regional and local scale. When the designs are

developed, at the early stage they consider the local context, part of which is the historical context, then the designs will consider the closer constraints that are within that zone. The designs will look at both levels of constraints.

- 2.1.3 The ExA noted that Charlwood House is Grade 2* listed building which is near to the proposed Car Park X and asked how the detailed design would consider that asset.
- 2.1.4 The Applicant explained that the historical asset would be considered as part of the detailed design of Car Park X, within the framework set out by the **DAS** [REP2-032] and the controls in the **draft DCO** (Doc Ref. 2.1). These are specifically DCO Requirements 4, 5, 10 and 11 which require compliance with the **Design Principles** (Design and Access Statement Appendix 1 – Design Principles [REP5-031]). As well as project-wide design principles, the **Design Principles (Design and Access Statement Appendix 1 – Design Principles [REP5-031])** include a specific design principle for Car Park X which refers to Charlwood House (DPF10). DPF1 also requires the design of the authorised development to be cognisant of historical character and function, and visually appropriate and sensitive to place.
- 2.1.5 The ExA queried whether, given the number of constraints on developments like Car Park X, more detail was warranted in the DAS including elevations and tree protection details.
- 2.1.6 The Applicant confirmed that the **DAS** [REP2-032] to [REP2-036] complies with legal and policy requirements and relevant guidance and provides indicative designs. It is provided as a guidance document that will guide the detailed design process. The DAS reflects the level of design development to date, which is pre-concept feasibility stage of design which considers massing and size of developments on site but not the detail. Within the **DAS** [REP2-032] to [REP2-036] there is guidance on each of the typologies of the development including in relation to treatment materials, national guidance and other standards.
- 2.1.7 The **DAS** includes a specific section on the design of decked parking at Section 6 [REP2-036]. The images in the DAS are taken from feasibility studies and they are all indicative. Car Park X is relatively small in scale in that location (e.g. equivalent to one or two stories). More detailed studies have been carried out about hotels and offices at the feasibility stage because they are slightly more complex in nature but these are also indicative.
- 2.1.8 The Applicant drew a distinction between the **DAS** [REP2-032] to [REP2-036] as a document which demonstrated how the wider context and design guidance had been taken into account in developing the design of the Project, and the **Design**

Principles [REP5-031] and other control documents which are secured through the **draft DCO** (Doc Ref. 2.1). The Applicant had provided plans and visualisations in the **DAS** but these could only be indicative and illustrate how the design could evolve, given that the Project was not at a stage where detailed design of each built element had been carried out. Fundamentally the control on the design is secured through the Parameters Plans and the **Design Principles** that are secured through the **draft DCO**. To the extent there is concern about ensuring that heritage related matters are taken into account in the detailed design phase, this would be achieved through adherence to the **Design Principles** as required in the **draft DCO**.

- 2.1.9 The ExA queried whether sufficient detail had been provided in Volume 3 of the DAS about the proposed new hangar; particularly whether it would look like the existing maintenance hangar.
- 2.1.10 The Applicant confirmed that it considered that sufficient information had been included about the new hangar including indicative designs. Hangars are functional buildings so the design often comes from its main function e.g. in terms of size, the hangar must be large enough to accommodate an aircraft. Those inform the maximum parameter heights which have been secured through the **draft DCO** (Doc Ref. 2.1). Again the design of the hangar would be controlled through the **Design Principles** [REP5-031].
- 2.1.11 The ExA noted that there were operational restrictions on one of the existing hangars and queried whether those restrictions would be appropriate here and should be included in the DAS.
- 2.1.12 The Applicant explained that the operational restriction being referred to was on the Boeing Hangar which was subject to planning permission granted under the Town and Country Planning Act 1990 directly to Boeing.¹ Boeing applied directly rather than relying on the Applicant's permitted development rights because they wanted to control the planning process; but that is not the typical process for development on the airport. The Boeing hangar is located in the northwest zone and there are a number of existing hangars on the airfield already which have a similar height; the heights are largely dictated by the functional requirement of allowing for the full tail of the aircraft to sit inside the building.
- 2.1.13 The operational restriction in the Boeing planning permission (condition 25) relates to towing aircrafts to and from the hangar which is largely for noise purposes. Other hangars that are developed on the site are typically brought forward under permitted development rights with the local authority being

¹ Planning permission (ref: CR/2017/0116/FUL) available [here](#).

consulted. As part of any consultation, the Applicant would submit a planning statement with the elevation drawings, types of materials and supporting statements, including any aerodrome safeguarding requirements.

- 2.1.14 The ExA referred to the terminal forecourt remodelling and queried whether more details should be provided for this development.
- 2.1.15 The Applicant explained that the **Design Principles** [REP5-031] would again apply to this development. The design of the forecourt will follow the Guidance on National Design Guidance published on 1 October 2019.
- 2.1.16 The Applicant reiterated that the DAS is indicative and that the detail would be controlled by the **Parameter Plans** and the **Design Principles**. The information in the **DAS** [REP2-032] to [REP2-036] reflects the state of the design of the Project at this point but ultimately the satisfactory nature of the design will be achieved through the DCO controls.
- 2.1.17 The ExA noted that Car Park Y, an underground flood storage facility and a construction compound are all proposed be carried out on the same plot of land and asked the Applicant to explain the proposed sequencing on this land.
- 2.1.18 The Applicant explained that this was considered during the feasibility studies for the design. The indicative layout of Car Park Y shows the access points that would give access to the water storage facility. The Design Principles apply to this development, including the water storage facility below the carpark; in particular DBF13.
- 2.1.19 **[Post-Hearing Note:** the Applicant has responded to this query separately in the **Applicant's Response to Actions ISH8: Good Design** (Doc Ref. 10.50.3), in response to Action Point 4: "Provide details of the delivery plan for the Car Park Y compound explaining how the site operates both as a construction compound and as a car park / water storage area".]
- 2.1.20 The ExA noted the proposals for the new grade separated flyovers at both the north and south terminals and asked whether there were any indicative elevations available and whether they should be added to the DAS.
- 2.1.21 The Applicant explained that indicative elevations for those structures are shown in the **Surface Access Highways Plans – Structure Section Drawings** [REP3-014] and the **Surface Access Highways Plans – Engineering Section Drawings** [REP5-019].
- 2.1.22 Further, the Applicant explained that indicative 3D views of the highway works and layouts of the highways are included in Volume 3 of the **DAS** [REP2-034]. In

preparing the **DAS** it has endeavoured to keep the level of detail consistent across the document for readability even though more information about the surface access works has been provided throughout the application. The Applicant understood the ExA's request and offered to consider that point.

- 2.1.23 **[Post-Hearing Note:** the Applicant has responded to this query separately in the **Applicant's Response to Actions ISH8: Good Design** (Doc Ref. 10.50.3), in response to Action Point 5: "Incorporate relevant elevations of North and South Terminal road works from [\[REP3-014\]](#) and [\[REP5-019\]](#) into the DAS [\[REP2-032\]](#) to [\[REP2-036\]](#)".]
- 2.1.24 The ExA queried whether the hotels described in Volume 4 of the DAS should be differentiated.
- 2.1.25 The Applicant explained that it has approached buildings on the basis of typology and the design guidance within section 6 (Volume 4) of the **DAS** [\[REP2-036\]](#). This sets out the industry standard materials, likely layout and uses and requirements for the hotel buildings. These are secured by the **Design Principles** [\[REP5-031\]](#). The Applicant (**SLKC**) noted that the hotel buildings will be designed differently in practice, in response to their specific location and requirements but this will be determined through the application of the **Design Principles** and engagement with the local authority in the detailed design phase. Therefore, it is not necessary to differentiate any further in the **DAS** [\[REP2-032\]](#) to [\[REP2-036\]](#).
- 2.1.26 The ExA noted that more detail has been provided about Car Park H than about the other car parks within the DAS and queried whether all car parks should be designed to that extent.
- 2.1.27 The Applicant explained that all car parks will be designed on the basis of their contextual analysis and the application of the **Design Principles** [\[REP5-031\]](#). Car Park H was considered to require additional design control because of the other development in that area. The Applicant prepared a mini master plan for the area around the South Terminal forecourt, hotel, car park and office. This area was considered to have an important public realm aspect in front of the buildings and this has been developed to link those buildings together. The design of Car Park H has been specifically developed to enhance the potential in that location. Car parks elsewhere across the airport will follow the design guidance in section 6 of the **DAS** [\[REP2-036\]](#) and the **Design Principles** [\[REP5-031\]](#) which includes specific design principles for car parks.

- 2.1.28 The Applicant added that the **Design Principles** [\[REP5-031\]](#) are split into project-wide design principles and design principles for specific types of development because of their specific design requirements.
- 2.1.29 The ExA reflected that it considered some of the design principles to be quite broad and queried whether the public realm considerations should be applied to all car parks.
- 2.1.30 The Applicant explained that the **Design Principles** [\[REP5-031\]](#) have been prepared to allow a range of considerations to be taken into account when applied to an individual case. However, in the context of car parks where public realm and related issues were relevant these had been reflected in the Design Principles as appropriate (eg DBF 43).
- 2.1.31 The ExA asked whether the proposed new office building would be exclusively for employees of the Applicant that would be displaced from Destination Place.
- 2.1.32 The Applicant confirmed that it would be available for wider airport-related business use.
- 2.1.33 In response to comments from the JLAs on the principle of what used to be referred to under the **draft DCO** (Doc Ref. 2.1) as 'excepted development', the Applicant noted that the JLAs are seeking to advance a view that the design of the scheme is somehow uncontrolled simply because they do not have the power to approve every element of it. Control and approval are two different concepts. It is absolutely clear that the development is subject to design control and that it will be designed in a holistic way. There are no exceptions to the **Design Principles** [\[REP5-031\]](#); they apply to every aspect of development under Articles 4 to 6 of the **draft DCO** (Doc Ref. 2.1). Additional controls on the physical dimensions of the authorised development are provided within the **Parameter Plans** [\[REP5-018\]](#) and **Works Plans** [\[REP5-016\]](#) which are secured by Article 6 of the **draft DCO** (Doc Ref. 2.1). It is incorrect to suggest that there is no control over the detailed design of the Project.
- 2.1.34 The Applicant has submitted an updated version of the Design Principles at Deadline 5 which incorporated specific comments received from the JLAs. The Applicant explained that where it has received specific comments from the JLAs it has sought to address these in the drafting of the Design Principles. However, the JLAs were otherwise making broad complaints about the level of detail without identifying specific concerns. Should the JLAs consider there to be specific gaps in the manner in which the design is controlled in the **Design Principles** [\[REP5-031\]](#), these should be submitted in writing to the Applicant.

2.1.35 As for the issue of approval, the Applicant has not seen any justification from the JLAs as to why they should be able to approve the detailed design of all elements of the Project. It appeared that the use of the term "excepted development" may have caused confusion by putting the focus on the principle of permitted development rights, rather than the principle of design approval of these elements of the authorised development, which is all that is under discussion here. There is no dispute that the Project is not permitted development because it is EIA development such that permitted development rights are not engaged. If they were there would have been no need to include much of the proposed development within the application. But this does not detract from the underlying principle that airports had been given scope to carry out a wide range of development after consulting local authorities, but without their approval. It was not necessary to identify any other explicit legal or policy principle to confirm that. In any event, however, if the JLAs are to contend that they should have the power to approve the detailed design of all elements of the Project, they must identify a purpose for holding such approval rights. It is not sufficient to state simply that they need "control" over design in circumstances where the Applicant must bring forward the entire development subject to design controls that are achieved through the Parameter Plans and Design Principles. The JLAs would need to explain in this context why their approval is required, given the additional process this will create. They had identified no basis for taking this additional step, in relation to every aspect of the scheme. It appeared that the JLAs were suggesting that they need design approval rights over every element of development including the runway and aircraft stands; and no justification had been provided for this step. There is nothing in policy that suggests that in order to achieve acceptable design, all aspects of the design need to be subject to approval from the local planning authority. Law and policy provide exceptions for a reason. The Applicant is not suggesting that the development should not be subject to design control; a comprehensive system of design control has been secured through the draft DCO.

2.1.36 The ExA asked the Applicant how it determined which elements were to be listed in Schedule 12.

2.1.37 The Applicant noted that the **draft DCO** (Doc Ref. 2.1), submitted at Deadline 5 removed the concept of "excepted development" and instead includes Schedule 12 which lists the works for which JLA approval of detailed design is considered appropriate. The works in that Schedule are those that the Applicant considers to be of a particular nature and scale to justify more detailed approval by the JLA, including some that will be prominent to the public. These works have been based on the types of work in respect of which the Applicant would not normally

benefit from permitted development rights (PDRs) were they to be carried out outside of the DCO.

- 2.1.38 The ExA considered that if the purpose of PDRs was to remove unnecessary delays or hurdles there would be limited application to the DCO because the works listed in Schedule 11 extend some way into the future and therefore asked if it is appropriate for PDRs to apply.
- 2.1.39 The Applicant explained that in so far as PDRs might apply at the airport, this was not simply a question of timing of works. The principle of PDR gives airports the latitude to bring forward development that they consider will benefit the airport without the need for local authority approval; and that applied whenever the development may need to take place. But the central issue here was more about whether the JLAs had justified a case for having design approval over all of the development and the Applicant did not consider that this case had been made out.
- 2.1.40 In response to the JLAs' example of the design of the new hangar, the Applicant reiterated that such matters would be the subject of design control through the **Design Principles** [\[REP5-031\]](#) and there was no clear rationale for giving the JLAs approval over this or other airfield-related works where there was already an established form of development. The Applicant reiterated that if the JLAs have specific criticisms of the Design Principles they should submit these to the Applicant for consideration and that that would be the proper route for the JLAs to comment on the designs rather than a wide-ranging objection to the absence of approval rights on a Project which is otherwise adequately secured by the **draft DCO** (Doc Ref. 2.1).
- 2.1.41 The Applicant and the JLAs disagree over the approach to be taken to approval of detailed designs of the authorised development. The Applicant considers that a holistic design of the project will be delivered through the sophisticated design control framework secured by the **draft DCO** (Doc Ref. 2.1) but it recognises that certain elements are appropriate to be subject to detailed approval and these are listed in Schedule 12. No sound argument has been presented for extending these to the effective approval of all the proposed development on top of a framework for control through compliance with **Design Principles** [\[REP5-031\]](#), secured through the DCO, that is already effective.
- 2.1.42 In response to the JLAs' request for a direction from the ExA on this matter, the Applicant expressed its difficulty with engaging with the JLAs as it has not seen any clear justification as to why they consider that they need design approval for the full extent of the development. The Applicant has submitted its position to the examination on various occasions but has not been told which elements the JLAs

consider that they should have approval of and the justification for such. The Applicant did however offer to consider the list of works subject to design review and to submit an updated DAS and Annex 1 to Appendix 1 will be submitted at Deadline 7.

2.2. Linkage of the DAS with other documents, such as the DAS Appendix 1 Design Principles document, the Outline Landscape Ecology Management Plan ('OLEMP') and the Code of Construction Practice ('CoCP').

2.2.1 The ExA noted that the JLAs had suggested consolidating the Design Principles, OLEMP and the CoCP into one control document.

2.2.2 The Applicant (**SLKC**) explained that these documents have been prepared for different purposes and uses and there would not be merit in combining them. It would not be appropriate to copy across indicative design drawings from the **DAS** [REP2-032] to [REP2-036] to the **Design Principles** [REP5-031] because it risks conflating what are illustrative plans (which are not intended to be approved plans) with Design Principles which are secured by requirement and must be adhered to. The **CoCP** [REP4-007] is directed at the construction process for the Project and not the permanent buildings; the **OLEMP** [REP4-012], [REP4-014], [REP4-016], is directed at the provision and management of the landscaping as "soft development" elements of the Project, not the principles to be applied to permanent buildings. The Applicant did not see any purpose in combining these documents, which were all control documents anyway, into a single document. If the JLAs considered there to be any specific inconsistencies between the control documents, the Applicant would consider these but resolving them did not require the additional step of merging them.

2.2.3 The ExA asked the Applicant where detail on the designs of the construction compounds was contained and whether they should be included in the **Design Principles**. The ExA referred to the length of time that these compounds could be in place.

2.2.4 The Applicant (**SLKC**) explained that the Design Principles deal with the permanent development only. The controls on the design of the construction compounds are set out in the CoCP secured by DCO Requirement 7. However, in the interests of resolving any concerns on this matter the Applicant would consider incorporating reference to design matters relating to the compounds into the Design Principles.

2.2.5 **[Post-Hearing Note:** the Applicant has responded to this query separately in the **Applicant's Response to Actions ISH8: Good Design** (Doc Ref. 10.50.3), in

response to Action Point 9: "To incorporate design issues relating to construction compounds within DAS Appendix 1."]

2.3. External and internal design review.

2.3.1 The ExA asked for an explanation of the purpose and responsibilities of the proposed independent design adviser.

2.3.2 The Applicant explained that Annex 1 to the **Design Principles** [REP5-031] sets out the role of the Design Adviser and that it has met with the JLAs directly to discuss the scope of this role. A prospective candidate for the role (Mr Paul Finch OBE) has been approached and the Applicant committed to providing his CV. The Design Adviser would work with the Applicant's design and technical teams throughout the process, and would have discretion to convene a panel depending on the type of building or structure they were reviewing. The Design Adviser would convene and chair the review process, and prepare a design report which would include technical constraints placed on the design including, among other things, aerodrome safety and safeguarding considerations.

2.3.3 **[Post-hearing note:** The Applicant has submitted a copy of Paul Finch's CV at Appendix A to this document]

2.3.4 The ExA asked how the list of matters for the Design Adviser to consider had been determined.

2.3.5 The Applicant explained that the list was carefully considered and includes those buildings and structures which are readily visible from public areas including the highway works close to Riverside Gardens and Horley, and also the hotels fronting onto the South Terminal. The Applicant explained that it had not included a large number of airfield buildings as, based on previous responses from Crawley Borough Council on proposed developments at the airport, CBC considered that buildings within the centre of the airport were unlikely to have significant adverse visual impacts, being screened and some distance from sensitive uses. The Applicant referred to specific examples of responses received from Crawley Borough Council in relation to consultations for the extension to Pier 6 (No objection received 7th August 2019) and a new multi-storey car park (MSCP7) (No objection received 3rd March 2024).

2.3.6 The ExA's queried whether Car Parks X and Y and the proposed hangar should be included in the list of works subject to the Design Advisors review.

2.3.7 The Applicant explained that it had considered these elements but they had not been included as they were the type of structures that are normally expected to be found at an airport, and would be seen in the context of other large scale

buildings around the airfield including several other large hangars. The Applicant confirmed, however, that it would consider this list further.

- 2.3.8 The ExA referred to paragraphs 1.6.3 and 1.6.5 of the Annex A to the Design Principles and asked why only a 'summary' of the Design Report was proposed to be provided to the relevant local authority.
- 2.3.9 The Applicant explained that the scope and form of the Design Report was still evolving but it is likely to include confidential information (such as costings) but offered to consider this further.
- 2.3.10 The ExA queried why the Design Report is described as "advisory and non-binding".
- 2.3.11 The Applicant explained that this reflects the general principle by which design reviews operate; the recommendations are not binding and do not have to be included in the design but are for the developer to consider (and the LPA to be aware) having regard in this case to other operational constraints on the design of the airport. This clause was mainly included however to ensure that the outcome of the design review process did not introduce any potential conflict with the controls on the design of the Project as secured through adherence to the **Design Principles** [REP5-031]. Should the JLAs consider that further works should be included for design review, the Applicant requested that specific feedback is provided for its consideration.