



Gatwick Airport Northern Runway Project

The Applicant's Response to Actions
ISH8: Good Design

Book 10

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1 Introduction

1.1.1 This document provides the Applicant's response to the actions arising from Issue Specific Hearing (ISH) 8 in relation to Agenda Item 5: Good Design [[EV17-018](#)]. The actions relevant to the Applicant are as follows:

Action No.	Action	Deadline
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.	Deadline 6
5	Incorporate relevant elevations of North and South Terminal road works from [REP3-014] and [REP5-019] into the DAS.	Deadline 7
6	JLAs to comment on which other works they would like to see in Schedule 11 of the dDCO.	Deadline 6
7	JLAs to provide further information regarding specific changes to the DAS Appendix 1 which they would like to see	Deadline 6
8	Respond on the specifics of REP5-115.	Deadline 6
9	To incorporate design issues relating to construction compounds within DAS Appendix 1.	Deadline 6

10	Consider changes to the range of specified elements in paragraph 1.4.1 of Annex A of DAS Appendix 1.	Deadline 6
11	Consider amendments to wording of paragraphs 1.6.3 and 1.6.5 of Annex A of DAS Appendix 1.	Deadline 6
12	Submit details (CV etc) of the stated Design Advisor.	Deadline 6

1.1.2 The below sections provide the Applicant's response. For actions which require a more detailed response, a reference to the appropriate document is included.

2 Action Point 4

2.1.1 **The Examining Authority has asked the Applicant to 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. The following response is provided.**

2.1.2 The site for Car Park Y will be used as a temporary construction compound in the early years of construction to support the airfield works and also the surface access works. The construction of the attenuation storage facility will be sequenced in a phased manner and the construction of the multi-story car park will take place following that to avoid any conflict with the provision of the attenuation storage facility.

3 Action Point 5

3.1.1 **The Examining Authority has asked the Applicant to incorporate relevant elevations of North and South Terminal road works from [\[REP3-014\]](#) and [\[REP5-019\]](#) into the DAS. The following response is provided.**

3.1.2 Section 5 of the **DAS Volume 3** [\[REP2-034\]](#) regarding the Surface Access Corridor will be updated to clearly signpost and cross reference the **Surface Access Highways Plans – Structure Section Drawings** [\[REP3-014\]](#) and **Surface Access Highways Plans – Engineering Section Drawings** [\[REP5-](#)

[019](#)] which show sections and elevations of the proposed surface access works. Signposting (rather than insertion of the drawings) will be provided to avoid duplication of information and maintain a consistent level of detail in the DAS Volumes.

3.1.3 The DAS Volume 3 will be updated and issued at Deadline 7.

4 Action Point 8

4.1.1 **The Examining Authority has asked the Applicant to respond to the specifics of [REP5-115](#). The following response is provided.**

4.1.2 The Applicant had understood from ISH8 Hearing that this action point related to Annex 1 of the **West Sussex Joint Local Authorities' Comments on the Applicant's Deadline 4 Submissions** [\[REP5-117\]](#) regarding the concept of 'excepted development' formerly put forward by the Applicant, rather than [\[REP5-115\]](#) as per the ExA's published action point list. This understanding correlates with the **ISH8 Day 1 (Part 3) Transcript** [\[EV17-008\]](#) (pages 18 to 19).

4.1.3 In this regard, the Applicant does not consider anything in the JLAs' submission to detract from the position the Applicant set out in its **Note on Excepted Development and the Airport Development Principle** [\[REP4-030\]](#). The Applicant maintains this position and supplements it in line with its oral submissions at ISH8 as follows.

4.1.4 The Applicant is concerned that there is a perception from the JLAs that the design of the authorised development is in some way 'uncontrolled', and that the original principle of 'excepted development', now superseded by an alternative (and inverted) concept of 'listed works', has confused the JLA's understanding of the Applicant's position.

4.1.5 To clarify, all elements of the authorised development are subject to design control, with no exceptions. This is achieved collectively through requirements 4 to 6 of the draft DCO, applicable to the local and national highway works (requirements 5 and 6) and to the rest of the authorised development (requirement 4) – each of which provide, at a minimum, that such development must be in accordance with the **Design Principles** [\[REP5-031\]](#), which are a certified document.

4.1.6 There are also other provisions which regulate the physical dimensions of the authorised development and provide comfort in that respect to the JLAs – most importantly, article 6 (limits of works), which regulates the lateral extent of works

by reference to the **Works Plans** (Doc Ref. 4.5) and, where relevant, their maximum height by reference to the **Parameter Plans** (Doc Ref. 4.7). Elements of the Applicant's mitigation package are also relevant, such as the maximum heights for temporary construction compounds in Table 4.1 of the **Code of Construction Practice** (Doc Ref. 5.3). None of these provisions distinguish between 'listed works' and other works and for all works they control many of the factors that would be considered in a detailed design approval – i.e. layout, siting and scale. If any of these provisions were breached, the Applicant would be in breach of the DCO and it would be open to the JLAs to seek enforcement action.

- 4.1.7 The Applicant has made extensive submissions to date and in ISH 8 about why it considers the **Design Principles** (Doc Ref. 7.3) to be appropriate and proportionate to regulate the design of the development, as its detail is developed post consent. To the extent the JLAs, or indeed any other party, consider there are specific gaps in the **Design Principles** (Doc Ref. 7.3), then the Applicant is happy to receive suggested drafting amendments and to consider these and incorporate them where appropriate, as it has in previous updates to the document during this examination. However, the Applicant does not consider any further amendments are necessary to ensure adequate and appropriate control.
- 4.1.8 Given the controls set out above, the JLAs' concern appears to be focussed on the JLAs' lack of design 'approval' in relation to certain elements of the authorised development – what was previously termed 'excepted development' under the original drafting of the DCO.
- 4.1.9 The Applicant's simple rationale for this concept was that it was unnecessary for the JLAs to have approval rights in relation to these elements of the authorised development as they are a type of development which does not justify a design approval process by a local authority, a body without specialist expertise of on-airport development.
- 4.1.10 To reiterate the above, all development must still be brought forward in accordance with the **Design Principles** [\[REP5-031\]](#) and works not subject to detailed approval would still be subject to 'consultation' with Crawley Borough Council ("**CBC**"), through which CBC would be in a position to make comments and challenge any perceived non-compliance with the **Design Principles** [\[REP5-031\]](#) and the lateral and vertical parameters where necessary. The only thing removed is an 'approval' right.
- 4.1.11 The Applicant originally sought to explain, and define, this proposition by reference to the scope of development which would ordinarily fall within the

scope of its permitted development rights, and so does not ordinarily require design approval. Whilst drawing this analogy to permitted development rights was considered useful for explanatory purposes it appears to have caused alarm with the JLAs and put the focus on the principle of permitted development rights and the specifics of their statutory regime, rather than the principle of 'design approval' of these elements of the authorised development, which is all that is under discussion here.

- 4.1.12 The JLAs have made submissions (including [REP5-117](#)) to the effect that such development in the context of the Project is not permitted development because, principally, the Project as a whole is a single, indivisible project and EIA development and so permitted development rights do not apply. For the avoidance of doubt, the Applicant agrees with that analysis, which is why it has submitted a DCO application, carried out a full EIA in its respect and why it is undergoing examination.
- 4.1.13 The JLAs varyingly suggest the Applicant is seeking to 'carve out control' of design, which for the reasons explained above is factually not correct. To the extent the Applicant developed any part of the authorised development otherwise than in accordance with the **Design Principles** [\[REP5-031\]](#) and parameters or failed to consult with CBC, then the Applicant would be in breach of the DCO and the JLAs would be able to seek enforcement action as a result.
- 4.1.14 If what the JLAs instead mean is that their 'control' as an authority is diluted because they do not have prior 'approval' rights, then that is correct; however, there must be a reason for such 'approval' rights. It is not sufficient to simply state that such enhanced design 'approval' is needed beyond what the DCO already provides – the JLAs must explain *why* it is required and what benefit it provides by reference to legislation, policy and/or practicality, given the additional process this will create (with correlative resource implications for CBC).
- 4.1.15 Version 7 of the **draft DCO** [\[REP5-005\]](#) stipulates the elements of the development which will be subject to design 'approval' – the listed works in Schedule 12, which are those elements of the development that are of a nature and/or scale where the Applicant considers that is appropriate (i.e. the terminal extensions, hotel development and the pedestrian footbridge outside the operational airport). By way of clarification, the conversion of the existing Destinations Place office into a hotel (Work No. 29) is not included as that work is purely internal and so there is no external 'design' element that is relevant for this purpose.

- 4.1.16 In view of the above and as discussed at the hearing, the Applicant considers that the debate regarding 'listed works' and detailed design approval is best progressed through the JLAs articulating, with justification, particular additional works for which they consider they require detailed design approval. The Applicant therefore awaits the JLAs' response to Action Point 6 at this deadline, to which it will in turn respond at Deadline 7.
- 4.1.17 Notwithstanding the above, given that the ExA's published action point referred to REP5-115, the Applicant has also responded to this document as follows:
- 4.1.18 The Applicant has responded to design-matters raised in **West Sussex County Council's updated Principal Areas of Disagreement Summary Statement** [\[REP5-115\]](#) at previous deadlines, given these are not new matters and have been raised by other members of the JLAs, most recently in:
- Section 2.7, Section 2.8, Section 2.9, Section 2.10, Section 2.12, Section 2.13, Section 2.16 and Section 3.17 of **The Applicant's Response to Deadline 4 Submissions** [\[REP5-072\]](#);
 - Updated **DAS Appendix 1: Design Principles** (Clean) [\[REP5-031\]](#) and (Tracked) [\[REP5-032\]](#), including new Annex A on the Design Advisor's role and process;
 - Section 2.5 and Section 4 of **The Applicant's Response to Deadline 3 Submissions** [\[REP4-031\]](#); and
 - **Zone of Theoretical Visibility of the Temporary Construction Compounds** [\[REP4-040\]](#).

5 Action Point 9

- 5.1.1 **The Examining Authority has asked the Applicant to incorporate design issues relating to construction compounds within DAS Appendix 1. The following response is provided.**
- 5.1.2 The Applicant will update DAS Appendix 1 to incorporate construction-related design principles in response to ISH8 Action Point 9, by reference to **Section 4.5** of the **ES Appendix 5.3.2: Code of Construction Practice** [\[REP4-007\]](#).
- 5.1.3 Given the Joint Local Authorities are requested to provide specific comments on the DAS Appendix 1 at Deadline 6 under ISH8 Action Point 7, the Applicant considers it appropriate to await the JLAs' comments and provide an updated version of DAS Appendix 1 at Deadline 7. The Deadline 7 version of DAS Appendix 1 will take account of the JLAs comments, where agreed by the Applicant, and address ISH8 Action Point 9.

6 Action Point 10

6.1.1 **The Examining Authority has asked the Applicant to consider changes to the range of specified elements in paragraph 1.4.1 of Annex A of DAS Appendix 1. The following response is provided.**

6.1.2 Annex A of the DAS Appendix 1 will be updated to reflect the comments in response to this action point and will be submitted at Deadline 7 with the updated DAS. At this stage, the Applicant will include the pedestrian footbridge over the River Mole (Work Plan 40(a)) into paragraph 1.4.1 of Annex A.

7 Action Point 11

7.1.1 **The Examining Authority has asked the Applicant to consider amendments to wording of paragraphs 1.6.3 and 1.6.5 of Annex A of DAS Appendix 1. The following response is provided.**

7.1.2 Annex A of the DAS Appendix 1 will be updated to reflect the comments in response to this action point and will be submitted at Deadline 7 with the DAS.

7.1.3 Paragraph 1.6.3 of Annex A: The Design Adviser's role and process – (**Design and Access Statement: Appendix 1 – Design Principles**) [\[REP5-031\]](#) states that the Design report, prepared by the Design Adviser will be 'advisory and non-binding on GAL'. Paragraph 1.6.4 does however confirm that GAL will take into account any recommendations made in the Design report.

7.1.4 The Applicant considers that the wording is sufficiently clear, and that it is normal practice for reviews undertaken by Design Advisers / panels to be advisory, and for the ultimate decision to be taken by the applicant. Any developer will need to consider a variety of issues in deciding how best to proceed with a development which will include taking into account the views of the Design Adviser. The Applicant has also committed to explaining why a design may differ from the Design Adviser's recommendation, so that this is clearly stated and understood.

7.1.5 Paragraph 1.6.2 of Annex A: The Design Adviser's role and process – (**Design and Access Statement: Appendix 1 – Design Principles**) [\[REP5-031\]](#) sets out the information that the Design Report, prepared by the Design Adviser, should contain:

- An executive summary;
- A review of the design presented and its appropriateness given the local context and any constraints and other requirements placed on GAL;

- The views of any design review meeting, where appropriate;
- Set out recommendations including any areas for further consideration by GAL's design team, prior to finalising the design.

7.1.6 Paragraph 1.6.5 then sets out the information, GAL would provide, in the form of a Design Review Statement, to the relevant authority to discharge requirements. To provide some clarification, the intent was that in providing 'a summary of the Design Report' this would be the Executive Summary prepared by the Design Adviser, as stated in paragraph 1.6.2.

7.1.7 Therefore, Annex A Para 1.6.5 wording will be updated at Deadline 7 to confirm that the executive summary of the Design Adviser's design report will be included in the Design Review Statement submitted with proposals under DCO Requirement 4, 5 and 6 where a Design review has been carried out.

8 Action Point 12

8.1.1 **The Examining Authority has asked the Applicant to submit details (CV etc) of the stated Design Advisor. The following response is provided.**

The Applicant has submitted a copy of the CV for Paul Finch (proposed Design Adviser) as **Appendix A** to this document.