

Interested Party Reference No: 20044943

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Date: 21 August 2024

Application by Gatwick Airport Limited for an Order Granting Development Consent for the Gatwick Airport Northern Runway Project

CLOSING SUBMISSION ON BEHALF OF SURREY COUNTY COUNCIL AS LANDOWNER

INTRODUCTION

1. These are the closing submissions on behalf of Surrey County Council as Landowner ("SCCaL") following the examination conducted by the Examining Authority ("the ExA") into the application by Gatwick Airport Limited ("GAL") pursuant to the Planning Act 2008 for an Order Granting Development Consent ("DCO") in respect of the Gatwick Airport Northern Runway Project ("the Project"). A separate Closing Submission has been made by Surrey County Council as host local authority.
2. SCCaL's position has been set out in its respective Relevant Representation [RR-4399] and Written Representation [REP1-096] and in the CAH2 Post Hearing Submission [AS-165] as well as its responses to ExA's questions. All of these representations and submissions, together with this Closing Submission, should be taken into account collectively.
3. The purpose of this submission is to assist the ExA and ultimately the Secretary of State ("SoS") in understanding the current position reached in negotiations with GAL regarding SCCaL's land at Bayhorne Farm and Gatwick Dairy Farm, which are both impacted by the works proposed by GAL under the Project, and to highlight issues that still remain unresolved.

BAYHORNE FARM

4. SCCaL has proactively engaged with GAL since the early part of 2022 in respect of GAL's proposals for the Project which are as set out at Schedule 1 to the draft DCO under Work No. 35 and which will potentially have a significant impact on the future development and delivery, on the Bayhorne Farm site ("the Site"), of Horley Business Park which is allocated as a Strategic Employment Area under Policy HOR9 of the Reigate and Banstead Development Management Plan. The policy requires the access for the Business Park to be only from the South Terminal Roundabout ("STR") junction.
5. From the outset, SCCaL has been seeking transport modelling and technical information on the proposals for the Project from GAL so far as it is relevant to the strategic road network ("SRN") around the Site, particularly the STR junction. This modelling information is necessary so that the traffic data can be assessed for both the Project and its impact on the future development of the Site.
6. On 19 August 2024, SCCaL received partial and extremely limited modelling and technical information (some of which is difficult to reconcile with the plans provided in the draft DCO), which was as referred to in the CAH2 Post Hearing Submission but, prior to this date, none of the other information that was required by SCCaL, and its consultants, was made available. The information that is required since early 2022 remains the same, and for clarity is set out in a list at Annex A to this Submission. SCCaL request that this information be made fully available by GAL no later than the 31st August 2024. (As far as SCCaL is aware all such information is readily available to GAL and has been so for many months).

7. Without the transport information requested, SCCaL cannot assess the impact on the Site and meaningfully engage with National Highways, GAL, and other highway authorities regarding access into the SRN from the Site and, particularly, direct access to and from the STR. SCCaL is committed to taking all necessary steps to engage and seek consents from the relevant highway authorities but it must have the relevant information to inform its assessment of appropriate mitigation to make positive passive provision for unimpeded access arrangements into the Site. SCCaL needs to understand how the proposed realignment and reconfiguration of the STR, both temporarily and permanently, will impact future access arrangements into the Site or constrain the quantum of development that can be undertaken on the Site.
8. SCCaL, together with the other landowners of the Site, is committed to bringing forward the development of the Site. As evidenced in the supporting statement of Sackville UK Property submitted to the ExA [AS-160], SCCaL and the adjoining landowners are working to develop the planning strategy for the Site and to apply for outline planning consent as soon as possible. The Site is allocated as a Strategic Employment Area, a key site allocation that will deliver employment uses and create jobs, supporting the local economy and which will include airport related activities.
9. The development of the Site cannot be postponed until the completion of the Project and SCCaL wishes to work with GAL to secure the mitigation of impact of the Project on the proposals for development of the Site and to ensure that positive passive provision is made for access off the STR to prevent sterilisation of the Site, and to prevent any reduction in the quantum of the development that may be brought forward on the Site. Policy HOR9 requires the main access/egress for the Site to be taken from the STR and the current proposals for the temporary 4th spur from the STR and permanent layout appear to severely constrain or impact future access into the Site. Early indications are that these proposals will significantly restrict any construction access to the site and the capacity of any future fourth arm and require works that may impact on the proposed attenuation pond. These aspects can only be fully assessed when the necessary information is provided. Whilst GAL has agreed not to create a “ransom strip” through land ownership off the STR, this concession does not go far enough without the positive passive provision that has been requested.
10. No agreement has been reached on the location of the attenuation pond. However, it is noted that the ExA, in its letter of 20 August 2024 [PD-030] has requested further information from GAL on its discounting of alternative locations for the proposed drainage attenuation pond and what consideration has been given to possible alternative sites. SCCaL welcomes this further enquiry as to the decision made by GAL to site the attenuation pond on part of the Site which could be developed for alternative uses. SCCaL also notes that the location of the attenuation pond may be affected by the infrastructure needed to enable future access to the Site, but this concern can only be reviewed once the necessary information has been provided.

GATWICK DAIRY FARM

11. GAL and SCCaL have settled Heads of Terms in principle for an agreement granting an option to GAL for the land it requires at the Dairy Farm.
12. It is anticipated that the parties will have signed Heads of Terms by the close of the Examination with the intention that matters should be progressed to the completion of legal agreements prior to the ExA making its recommendation to the SoS.

CONCLUDING SUBMISSIONS

13. It has been noted that the ExA in the letter referred to in paragraph 10 above, has asked whether consideration has been given to the drafting of Protective Provisions in respect of the issues around Bayhorne Farm. It is considered that Protective Provisions could be appropriate and SCCaL is willing to work productively and collaboratively with GAL, and in good faith, to try and settle agreed wording for these Protective Provisions even if reaching agreement on the wording may occur beyond Deadline 10.

14. SCCaL remains committed to seeking agreement with GAL on the outstanding issues but asks the ExA to support SCCaL in ensuring the release of the traffic modelling and other technical data and to allow SCCaL sufficient time to review this data and consult with National Highways (and other relevant highway authorities), prior to submission of its report and recommendation to the SoS. It is proposed that SCCaL will provide an update to the ExA on the progress of negotiations and agreements with GAL, by the week commencing 25 November 2024, so as to inform any recommendation made to the SoS.
15. SCCaL respectfully asks that the ExA in reporting upon this DCO application, and the SoS in determining, take full account of the above and the content of the representations previously made.

ANNEX A

Information needed from GAL to understand the impact of proposals on SCCaL land- – 20/8/24

Information is required to assess the implications of the GAL proposed increase in traffic and the highway proposals on the use of SCCaL Land at Bayhorne Farm during the various GAL scenarios. As far as SCCaL is aware all this information is already available to GAL and has probably been provided to various highway authorities already by GAL, but not to SCCaL.

The information is required for the following scenarios, for weekday AM and PM peak hours (and any assessment hours as agreed by GAL with the highway authorities for assessment:

1. Current Baseline Year
2. Future Baseline for Business As Usual without Project
3. Future Baseline for Business As Usual with Project
4. Business as Usual with Project (with signalling of South Terminal Roundabout in place)
5. Future baseline with construction scenario year
6. Future baseline with construction scenario (with fourth arm of South Terminal Roundabout)
7. Interim assessment year 2032 without Project
8. Interim assessment year 2032 with Project
9. 2047 without Project scenario
10. 2047 with Project scenario.
11. Any sensitivity or other scenarios (for example agreed mode share reductions) which affect traffic volumes for any of the above.

The following information is required for the above scenarios to enable us understand the impact on the South Terminal roundabout and adjacent junctions (North Terminal Roundabout and M23 Junction 9) and any future potential access arrangements.

The traffic modelling and other technical information required is as follows:

1. Signal timings information for relevant junctions
2. CAD plans of the existing situation and proposed BAU, temporary and future schemes (the PDFs submitted with the DCO cannot be interpreted properly and appear to conflict with some information supplied on 15th August by GAL to SCCaL). The plans we have obtained from the DCO do not seem to show full road markings to enable an understanding of how traffic will use the entry, exit and circulatory lanes and hence their capacity and this information is also requested.
3. Any CAD cross/long sections or 3D modelling of the relevant junctions and associated attenuation pond so these aspects can be understood.
4. Topographical information on the junctions
5. Traffic movements (and any supporting information to show how they have been derived) at the South Terminal Roundabout, North Terminal Roundabout and M23 Junction 9 in PCUs by origin/destination. (GAL provided this information on 19/8/24 for one scenario, 2047 with GAL, no other scenarios have been provided.) GAL appear to have extracted the above turning movement from the existing VISSIM model, and if this model was passed to SCCaL this could be used to obtain this data and understand the implications of the scheme without this additional work by GAL. SCCaL would be pleased to discuss this with GAL and sign any appropriate NDA should this be an issue.

6. Detailed traffic models of the scenarios – including any Junctions 10/ARCADY LinSig and VISSIM models to enable the understanding of the performance of the junction and queueing/capacity etc. All relevant reports or technical notes on the models including validation and forecast reports and any highway authority comments/agreements on these.
7. Any safety audits undertaken of the GAL proposals and Designer's Responses
8. Any agreed position/discussions highway authorities on the proposed designs