



## Meeting note

<b>Project name</b>	Gatwick Airport Northern Runway
<b>File reference</b>	TR020005
<b>Status</b>	<b>Final</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	17 January 2023
<b>Meeting with</b>	Gatwick Officer Group
<b>Venue</b>	Microsoft Teams
<b>Meeting objectives</b>	Local authority out-reach
<b>Circulation</b>	Certain attendees

### Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008. Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

### Planning Act 2008 (PA2008) presentation

The Inspectorate provided an overview and explained the principles of the PA2008 process to the meeting attendees. A copy of the presentation can be seen at **Annex A**.

The Inspectorate advised that the National Infrastructure Planning website contained information, legislation, and detailed advice which has been provided on various projects and recommended the Gatwick Officer Group members to continue familiarising themselves with the Advice Notes and information provided.

The Inspectorate suggested next steps for the local authorities as follows:

- Each authority to check its scheme of delegation.
- Start thinking of their approach to the drafting of Local Impact Report(s) (LIR) and identify areas to comment on along with consideration of any joint LIRs.
- To look at the use of potential Principle Areas of Disagreement Summary Statements (PADSS). The Inspectorate explained that PADSS were the opposite of a Statement of Common Ground (SoCG), as PADSS focus on current disagreements. The Inspectorate suggested to look at how PADSS in other recent Nationally Significant Infrastructure Projects (NSIP) have been structured in readiness for the Gatwick Airport Northern Runway Development Consent Order (DCO) application, should it be accepted for examination.

- To look at the structure, requirements, legal obligation, and controls of DCOs dealt with during the Examination process.

**Post-meeting note:** The Planning Inspectorate will issue 'warm-up' letters to all 'B' and 'C' (or 'host') local authorities, and all 'A' and 'D' (or 'neighbouring') local authorities, a minimum of ten working days prior to the submission date of the DCO application. The letter identifies actions for local authorities to take prior to, and immediately following, submission of the application.

## Questions and advice

Following the presentation from the Inspectorate, a number of questions were raised by the Gatwick Officer Group members and the Inspectorate provided advice as follows:

1. It was noted that the planning process was front-loaded, meaning the potential for design and elasticity is more achievable at the Pre-application stage of the Gatwick Airport DCO application. How would the Inspectorate catch any discrepancies with the application now if any issues were raised?

The Inspectorate advised it was unable to force the Applicant to make amendments to the DCO but does encourage applicants to consider any issues that have been raised and offer advice where it can in support of preventing or mitigating issues further through the process. The Inspectorate emphasised to the local authorities that at this stage of the process, they are encouraged to engage with the Applicant and focus attention on what they can achieve in preparation for submission.

2. The scope of Adequacy of Consultation (AoC) is for the local authority to decide what will be within the representation. If the local authorities were to include commentary on sections (s) 49 and 50 of the PA2008, would this be taken into consideration by the Inspectorate?

The Inspectorate confirmed that the local authorities are not prevented from providing any information in support of their AoC responses and the Inspectorate must have regard to any AoC response received, although s49 and 50 of the PA2008 would not form part of the Acceptance tests to be considered in relation to whether the Applicant has fulfilled its duty in relation to carrying out consultation in accordance with s42, s47 and s48 of the PA2008.

3. The Gatwick Officer Group had a meeting with Gatwick Airport Limited (GAL), which confirmed it would not be making printed copies of the DCO available. How would the local authorities cover any exclusions to groups not able to access the information online?

The Inspectorate confirmed the requirements for the Applicant are set out in the legislation, which include making arrangements for the documents to be accessed at deposit locations such as local libraries and to provide opportunities for copies to be requested by other means. Some methods such as posting hard copies may incur a charge although it will be for the Applicant to set these details out when carrying out any consultations or notifications.

4. It was noted that the Relevant Representation word limit appeared to be 500 words. Is this a definite limit or is this just guidance?

The Inspectorate explained that a Relevant Representation was a summary, and a more detailed Written Representation could be made during the Examination. The 500-word limit is a recommended word limit but not a restriction. The Inspectorate also confirmed that 'B' and 'C' authorities would automatically become Interested Parties (IP), but 'A' and 'D' authorities would need to make a Relevant Representation to become an IP. The Inspectorate does however recommend all authorities make a Relevant Representation.

**Post-meeting note:** 'A' and 'D' (neighbouring) local authorities may also request IP status in writing at any time during the Examination even if they have not made a Relevant Representation.

5. GAL is currently making changes to its application proposal, so it is difficult to draft the LIR. Is this normal?

The Inspectorate confirmed this was not abnormal, and as part of the Pre-application stage the Applicant may decide to make changes to its proposals as a result of its consultation; however, the Inspectorate recommended local authorities start thinking about how they may want to prepare the structure of the report in readiness and encouraged the local authorities to look at examples of LIRs submitted to date on other NSIPs. With regards to any subsequent changes that an Applicant may make to an application post-Acceptance, should they be accepted for examination by an Examining Authority, the Inspectorate advised these would be made available on the project webpage of the National Infrastructure Planning website alongside all other Examination documents.

6. There are land ownership issues connected with the Gatwick Airport Northern Runway project. Should the local authorities be including this in their LIRs?

Local authorities are encouraged to include any related issues as part of their Relevant Representations, and where relevant the LIR may reference where there are local impacts.

**Post meeting note:** Applicants will need to demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and that it is necessary and proportionate, however where the Applicant and local authorities are not able to reach agreement, an Examining Authority may examine these as part of any written questions or Issue Specific Hearings and can include matters around special category land. Where agreements have not been met ahead of any Examination, Examining Authorities are likely to require updates throughout the Examination regarding any progress made.

7. During the meeting the Gatwick Officer Group had with GAL, some concerns had been raised about the DCO application being submitted around the same time as the pre-election period (purdah). There are concerns this will impact on the local authorities' ability to comment. Is there any advice the Inspectorate can offer regarding this?

The Inspectorate acknowledged timings of applications will at times fall in periods such as purdah, however NSIPs will still be progressed, although the Inspectorate would look to provide further guidance on this.

**Post-meeting note:** The Inspectorate can confirm that the consideration of an NSIP application is not affected by any pre-election period. The Inspectorate would strongly encourage local authorities to ensure that they have adequate schemes of delegation in place to allow officers to respond to requests from the Examining Authority and participate in the process. Local authorities should contact the Inspectorate's case team should they have any specific concerns with this. Further advice is available in the [Inspectorate's Advice Note 2](#).

8. How should SoCGs be structured?

The Inspectorate stated that these should contain any issues that are in progress or are agreed, and whilst these can often include statements of uncommon ground which can be equally beneficial for parties to understand, they should focus on the matters that are or will be agreed. From experience across other Examinations, whilst not a formal requirement of the legislation, a Statement of Commonality is often produced as a way of joining up issues across where there is commonality for more than one party. The use of these and how they are structured may differ to other projects, however for a project the size and scale of Gatwick, the Statement of Commonality could be a useful tool to bring the SoCGs together.

9. With regards to the general election happening next year, will the Inspectorate aim to get the application over the line beforehand?

The Inspectorate advised that it was unable to confirm timescales for any application, as it is dependent on the application submission date and the timing of subsequent stages which are not within the Inspectorate's control such as the Pre-examination stage, and it is for the Examining Authority to set any Examination timetable. Based on the Applicant's submission as currently anticipated, and if the Pre-examination, Examination, Recommendation and Decision periods followed the minimal expected timescales as set out in the relevant guidance, then it could theoretically be complete before the general election, however until such an application is received the Inspectorate is unable to provide any kind of certainty of when a decision could be expected and is bound by the PA2008 statutory timescales which the Inspectorate is required to work within.

10. With regards to SoCGs, the local authorities are happy to agree with some parts of the proposal (air quality specifically). GAL has now finished air quality modeling work however it is not proposed to share the results with local authorities. The local authorities agree in principal with some of the proposals but may not agree with details within the proposal as they do not have the full details. How do they reflect this in the SoCGs?

The Inspectorate advised the local authorities to reflect as best they can within the SoCG. The Inspectorate advised at this stage the SoCG is likely to be in draft, and this would be ongoing, with changes being updated throughout. The Inspectorate confirmed that if the application was accepted for examination, all application

documents, including the Environmental Statement (ES), would be published and available to all parties as well as subsequent submissions as part of the process.

11. The Inspectorate were asked whether it would consider the effect of other NSIP examinations overlapping to minimise impacts on local authorities with multiple ongoing NSIPs or Local Plan examinations.

The Inspectorate noted the potential challenges for certain local authorities where there are more than one NSIP, Local Plan or other planning related events happening at the same time as the proposed Gatwick DCO application. The Inspectorate will make every effort from an operational perspective to avoid direct clashes where it can, however the Inspectorate is required to adhere to the PA2008 statutory timescales and therefore it is not possible to stagger such Examinations. Local authorities were advised to raise any specific concerns about proposed timetables on specific projects early on with any relevant Examining Authority or Inspector(s) carrying out other Planning Inspectorate work.





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# Planning Act 2008 process: Overview, where we are, and next steps...

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# Principles

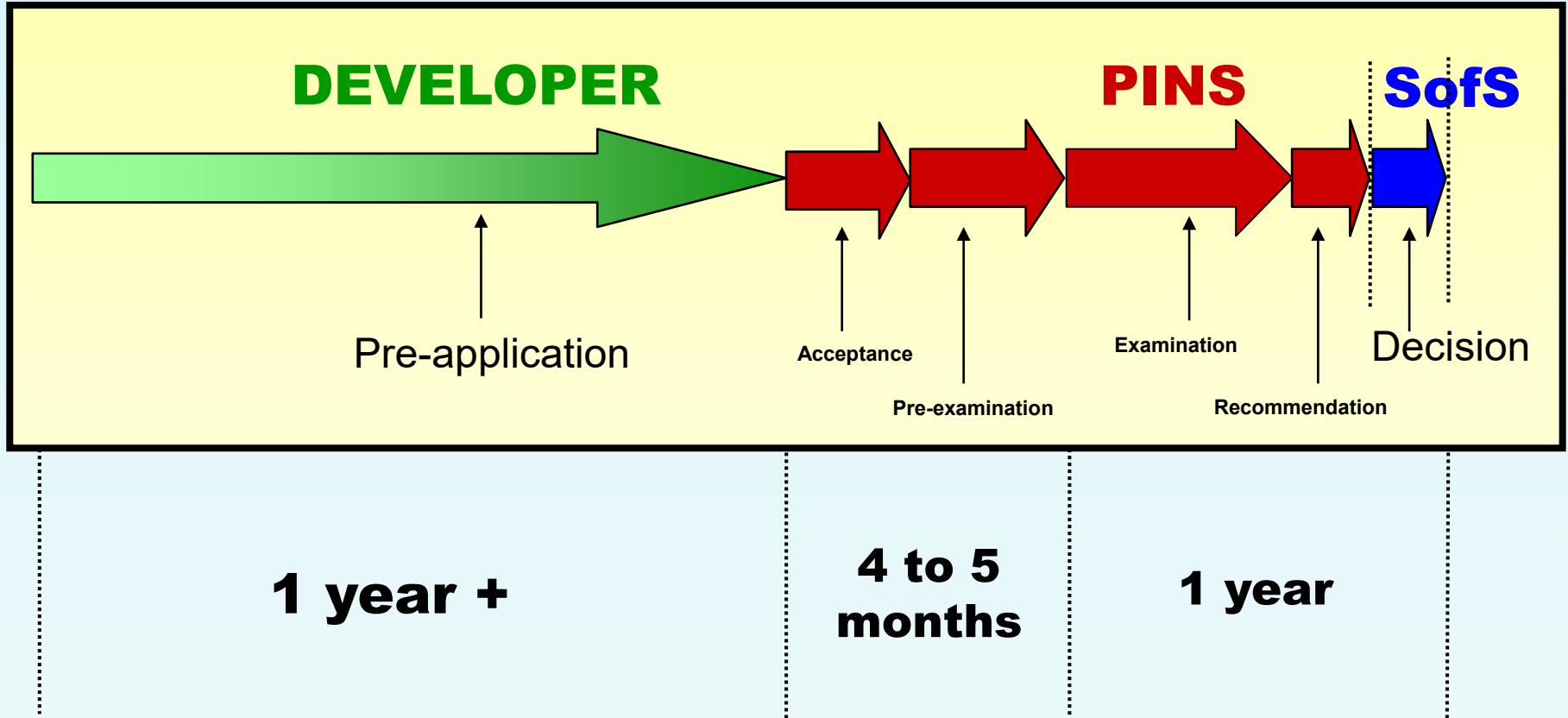
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- Single consents regime
  - Statutory timescales
  - National Policy Statements
  - Frontloaded
  - Written process
  - Inquisitorial





# The PA2008 process

Recommendation





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# Where we are now...

# Pre-application stage



# Next steps...

# Acceptance, Pre-examination, and beyond



# Acceptance stage

- APFP Regulations
- 28 days to decide
- Principal tests:
  - NSIP
  - **Adequacy of Consultation**
  - Full suite of documents
  - Ensure all plans are correct
  - Satisfactory standard





# Pre-examination

- Application accepted
- Examining Authority appointed
- **Relevant Representations**
  - Outline of main issues/ concerns/ views related to the Proposed Development (only needs to be a summary).
  - Helps inform the ExA's Initial Assessment of Principle Issues.
  - A deadline for submission of Written Representation will be included in the Examination Timetable.
  - Written Representations should expand on matters raised in Relevant Representations.
- Preliminary Meeting
- **Local authorities**
  - Local Impact Report
  - SoCG

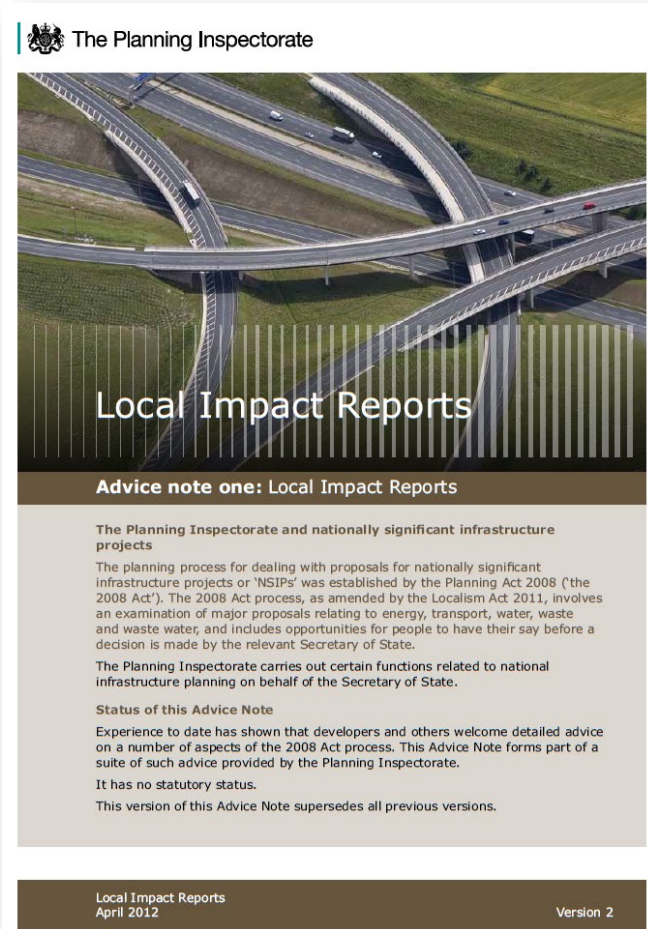




# Local Impact Reports

*“...a report in writing giving details of the likely impact of the proposed development on the authority’s area (or any part of that area)”.*  
(Section 60 PA2008)

- ExA and SoS must have regard
- Positive, negative and neutral impacts on local area
- Joint LIR
- A428 Black Cat, A66, Manston Airport



<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-one-local-impact-reports/>



# Examination stage

- Six months
- Certainty
- Inquisitorial
- Relevant and important
- NPS(s)
- Local policy context



# Recommendation and Decision stage

- The ExA has 3 months to submit its recommendation report (including recommended DCO)
- The relevant SoS will then have 3 months to make its decision taking account of:
  - National Policy Statement(s)
  - Local Impact Reports
  - Important and relevant matters
  - International obligations
- Judicial review (post-decision)







# Legislation, guidance and advice

## National Infrastructure Planning

[Cymraeg](#)

[FAQs](#)

[Contact](#)

[Sitemap](#)

Enquiries: 0303 444 5000

The screenshot shows the website's navigation structure. At the top, there are links for 'Cymraeg', 'FAQs', 'Contact', and 'Sitemap'. Below these is a search bar with the text 'Enquiries: 0303 444 5000'. The main navigation menu includes 'Home', 'Projects', 'Application process', 'Legislation and advice', and 'Help'. The 'Legislation and advice' menu is expanded, showing sub-links for 'Legislation', 'Guidance', 'Advice notes', 'National Policy Statements', 'Consents Service Unit', and 'Register of advice'. The 'Help' menu is also expanded, showing a search bar and a 'Go' button. The main content area features a banner image of wind turbines and a 'Welcome to National Infrastructure' section with introductory text.

- Planning Act 2008 and Regs/ Rules
- DCLG Guidance (statutory)
- PINS Advice Notes (non-statutory)

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/>



# Local Authorities - what next?

- Check Council Scheme of Delegation
- Start drafting your LIR
- Look at the use of PADSS in A66 examination
- Familiarisation with Advice Notes

Lastly:

- Structure, requirements, legal obligation and controls of the DCO dealt with during examination.



# Further information

- Pre-application service
  - [Pre-application service for Nationally Significant Infrastructure Projects - Prospectus for Applicants](#)
- DCLG Guidance
  - [Planning Act 2008: examination of applications for development consent](#)
- PINS Advice Notes
  - [Advice Note 1: Local Impact Reports](#)
  - [Advice Note 2: The role of local authorities in the development consent process](#)
  - [Advice Note 8: Overview of the nationally significant infrastructure planning process](#)
- [Video on the Planning Act 2008 process](#)





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# Questions?



**Contact details for the Gatwick Case Team**

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