

## Agenda Item 5

<b>Cabinet Member</b>	Councillor Margaret Cooksey, Cabinet Member for Planning
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<b>Date</b>	24 September 2019

<b>Wards affected</b>	Southern Mole Valley	<b>Key Decision</b>	Yes
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<b>Subject</b>	Gatwick Airport Development Consent Order
<b>Recommendations</b>	
<ol style="list-style-type: none"> <li>1. To delegate authority to the Executive Head of Service (Place and Environment), in consultation with the Cabinet Member for Planning, to respond to procedural consultations and engagement as part of the Development Consent Order application process.</li> <li>2. To note that a response to the substantive proposal will remain with the Cabinet.</li> </ol>	

<p><b>Executive Summary</b></p> <p>Gatwick Airport Limited (GAL) has announced its intention to use the existing emergency (standby) runway for regular departures, alongside the existing main runway.</p> <p>To use both runways at once, GAL must obtain consent (akin to planning permission) through a Development Consent Order (DCO), determined by the Secretary of State for Transport.</p> <p>Mole Valley District Council (MVDC) has a role to play in the DCO process. The process is one in which there are a number of time-limited consultations both prior to submission of the DCO, and during its consideration by the Secretary of State.</p> <p>To ensure that effective representations can be made in a timely manner, the Cabinet is asked to delegate authority to the Executive Head of Service, in consultation with the Cabinet Member for Planning, to respond to the procedural aspects of the DCO process. The Cabinet Member for Planning will continue to use the Aviation Working Group to seek the views of other Members where necessary.</p> <p>For MVDC's substantive response to the proposal, the decision will remain with the Cabinet. This is not expected until 2020/21.</p>
<p><b>Corporate Priority</b></p> <p><b>Environment</b></p> <p><b>A highly attractive area with housing that meets local need</b></p> <ul style="list-style-type: none"> <li>• Protect and enhance the natural and built environment, and ensure our areas of natural beauty and wildlife are well looked-after</li> <li>• Work with other agencies to lessen the impact of environmental pollution,</li> </ul>

paying particular attention to air quality and flooding

Participating in the DCO process will ensure that concerns relating to the natural and built environment in Mole Valley are raised. The process will allow MVDC to work with other agencies, including local authorities and government organisations such as the Environment Agency, Natural England and Highways England, to understand and address potential impacts on the environment.

## **Prosperity**

### **A vibrant local economy with thriving towns and villages**

- Work with rural communities and businesses to enhance their strengths and address their challenges, helping them thrive and become more sustainable
- Work towards making Mole Valley a prime business location with improved infrastructure to attract and retain creative, entrepreneurial and innovative talent

Growth of Gatwick Airport could have a positive impact on the local and regional economy, and the DCO presents an opportunity to address local infrastructure needs. Rural communities and businesses could benefit indirectly from airport growth.

## **Community Wellbeing**

### **Active communities and support for those who need it**

- Promote opportunities for residents of all ages to live safe, healthy and fulfilling lives

By taking an active role in the DCO process, MVDC will ensure that wellbeing concerns relating to possible negative impacts of airport growth are raised and addressed.

**The Cabinet has authority to determine the recommendations.**

## **1.0 Background**

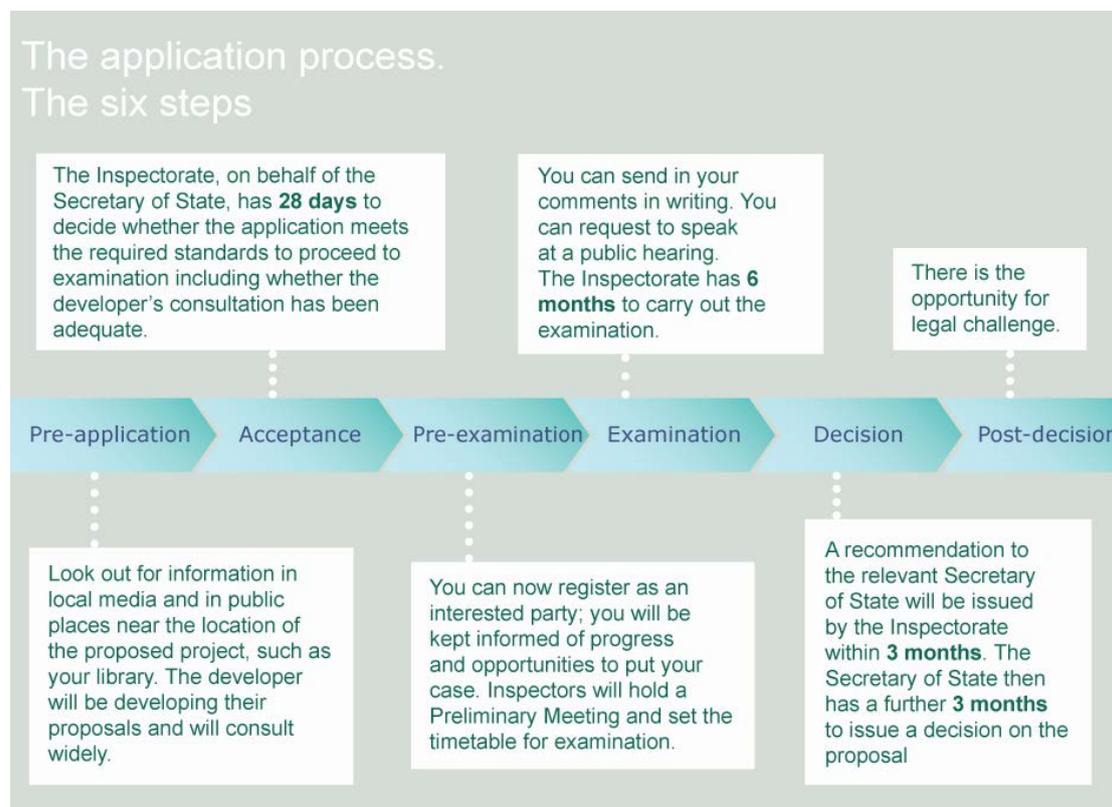
- 1.1 In 2018, Gatwick Airport Limited (GAL) published a Draft Masterplan that set out possible growth scenarios for the airport over the next fifteen years. One of these growth scenarios was to explore the use of the existing emergency (standby) runway at the same time as the main runway for regular departures. The emergency runway lies to the north of the main runway and is currently used when the main runway is undergoing maintenance, or for taxiing of aircraft.
- 1.2 A 1979 legal agreement between the airport and West Sussex County Council precluding the simultaneous use of both runways expired in 2019, opening the way for such a proposal to be considered. Use of the standby runway for regular departures would be in line with government aviation policy, which seeks to 'make best use of existing runways'<sup>1</sup>.
- 1.3 GAL consulted on the Draft Masterplan at the end of 2018. While recognising the potential economic benefits, MVDC raised a number of concerns with the use of the standby runway relating to noise, air quality and surface access issues, as well as highlighting the lack of supporting technical information.

<sup>1</sup> <https://www.gov.uk/government/publications/aviation-strategy-making-best-use-of-existing-runways>

- 1.4 On 18 July 2019, GAL published its final Masterplan<sup>2</sup>. This confirmed their intention to use the emergency (standby) runway for regular departures, and begin the Development Consent Order process.

### Development Consent Order process

- 1.5 The Planning Act 2008 introduced a new form of planning consent that can be sought direct from the Government called a Development Consent Order. This applies to certain types of projects above specified thresholds, known as Nationally Significant Infrastructure Projects (NSIPs). As airport growth at Gatwick resulting from use of the emergency runway is forecast to be above ten million passengers per annum, the proposal would qualify as an NSIP and therefore allows GAL to make an application for a DCO directly to the Secretary of State.
- 1.6 The DCO process has six stages: pre-application, acceptance, pre-examination, examination, decision and post-submission (see below). Host and neighbouring authorities have a statutory role in the process, as representatives of local community and business interests as well as their responsibility for development of the local area.



- 1.7 A DCO application requires an authority or authorities to assume the role of 'host authority'. This is normally the authority within which the development will occur (at district or county level) although in instances where the proposed development affects a wider area there can be more than one host authority.

<sup>2</sup> <https://www.gatwickairport.com/globalassets/business--community/growing-gatwick/master-plan-2019/gatwick-master-plan-2019.pdf>

1.8 Host authorities play an important role throughout the process. Neighbouring authorities also have to be consulted as prescribed consultees, although the extent of their involvement is optional. Prescribed consultees can gain 'interested party' status through making a 'relevant representation' at the pre-submission stage.

**Gatwick Airport DCO**

1.9 GAL has signalled its intention to pursue a DCO to use the emergency runway for regular departures.

1.10 The following have been identified as host authorities:

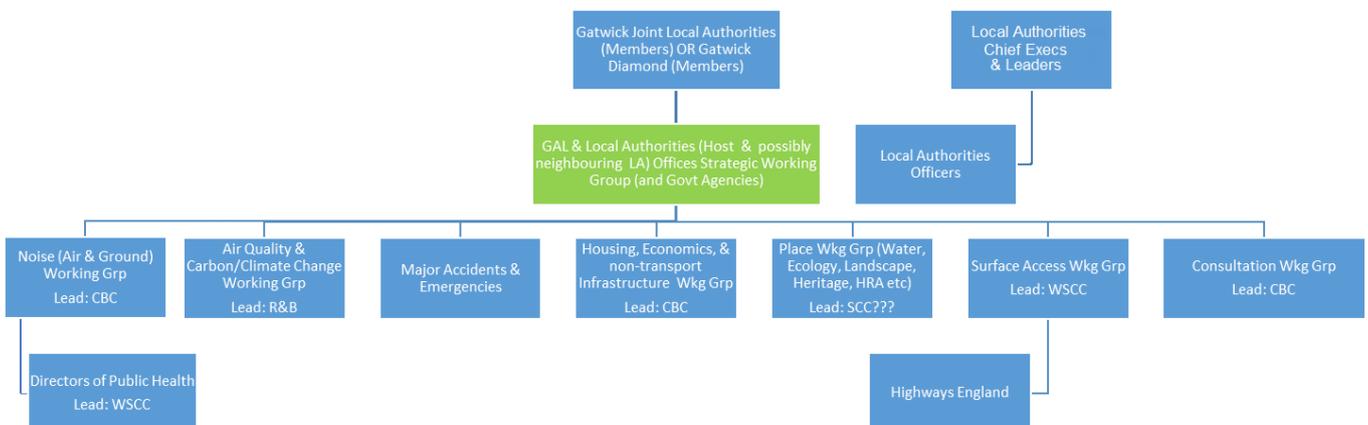
- Crawley Borough Council
- Mole Valley District Council
- Reigate & Banstead Borough Council
- Tandridge District Council
- West Sussex County Council
- Surrey County Council

1.11 Other neighbouring authorities which have indicated a wish to be involved in the process include Mid Sussex District Council, Horsham District Council, East Sussex County Council and Kent County Council. Other local authorities will be notified of the process but are unlikely to be involved to the same extent.

1.12 The main stages of the process and the likely timing of each is as follows:

- Pre-application technical assessments – 2019/20
- Acceptance as DCO - 2020
- Pre-examination, including consultation – 2020
- Examination – 2020/21
- Decision – 2022
- Post decision start of runway operation – 2026
- Completion of related development and infrastructure – mid 2030s

1.13 GAL have proposed collaborative working with local authorities through a series of topic working groups that seek to address key issues pertaining to the DCO. The draft proposed working arrangements are shown below:



- 1.14 The final working arrangement will be confirmed in due course, with MVDC being represented on all working groups, as well as responding to consultation, to negotiate the best outcomes for local people in partnership with other host authorities.
- 1.15 Other bodies, such as GATCOM, will also be involved in the DCO process and will be asked to respond at the appropriate time. MVDC will have the opportunity to contribute towards GATCOM's responses through our representation on that body.

### **Likely impacts on Mole Valley**

- 1.16 The likely impacts on Mole Valley residents and businesses will include noise, air quality and surface access issues; and additional pressures for housing and employment growth. It is felt necessary that MVDC engage fully with the DCO process to ensure that the potential impacts are fully understood and taken into account prior to a decision by the Secretary of State.

### **Cabinet Decision**

- 1.17 To participate in the process, MVDC will be required to make representations during the pre-examination and examination phases to ensure relevant impacts of development are addressed. Such representations will include:

- Input to topic working groups
- Statement of Community Consultation (SoCC)
- Environmental Impact Assessment (EIA) scoping report
- Pre-examination consultation
- Adequacy of consultation representation
- Relevant representation to the Planning Inspectorate (PINS) during pre-examination phase
- Local Impact Report
- Written representation to PINS during examination
- Statement of Common Ground
- Respond to Examining Authority's written questions
- Attend hearings during examination phase

- 1.18 Much of the process will require engagement on short timescales (typically within 14 or 28 days). The Cabinet is asked to delegate authority to the Head of Service for Planning, in consultation with the Cabinet Member for Planning, to respond to these consultation or engagement aspects of the DCO process. Where appropriate, the Cabinet Member for Planning will continue to make use of the Aviation Working Group to seek the views of other Members, either by convening the Group or circulating information for comment by email.
- 1.19 A substantive response to the DCO (whether to support or object) will remain with the Cabinet. This decision is not expected to be due until 2020/21.

### **Financial Implications**

A significant amount of resource will be required to contribute to the DCO process, both through officer time spent on the topic working groups, and responding to the statutory consultations involved in the process.

Discussions are being held between GAL and host authorities to meet the cost of resourcing this engagement through a joint Planning Performance Agreement (PPA). It may also be necessary for local authorities to jointly appoint consultants to offer

technical expertise throughout the process. A resource plan up to 31 October 2019 is likely to be agreed initially, by which point the scope of the work required from local authorities will have become clearer and a further PPA will then be agreed with GAL.

### **Legal Implications**

Relevant legislation (principally the Planning Act 2008 (as amended) and subordinate legislation) provides for a streamlined process for nationally significant infrastructure projects such as those relating to relevant airport development. The intention of the legislation includes making the process faster. This process is separate to the statutory framework where local planning authorities determine planning applications.

MVDC is a host authority in the DCO process. Members should note that:

- (i) NSIP applications are “front loaded”, with consultations taking place prior to acceptance of the application by PINS on behalf of the Secretary of State
- (ii) It is appropriate to delegate a wide range of matters as MVDC will not want to inadvertently miss the opportunity to contribute due to short lead times for responses provided by relevant NSIP legislation

## **2.0 Options**

The Cabinet has the following options:

Option 1: Delegate authority to the Executive Head responsible for planning, in consultation with the Cabinet Member for Planning, to respond to consultations and engage with GAL in a timely manner as part of the Development Consent Order (recommended).

Option 2: Do not delegate authority, with all responses being decided by the Cabinet.

Option 3: Do not participate in the DCO process.

## **3.0 Corporate Implications**

### **Monitoring Officer commentary**

The Monitoring Officer is satisfied that all relevant legal implications have been taken into account.

### **S151 Officer commentary**

The S151 Officer confirms that all relevant financial risks and implications have been taken into account.

### **Risk Implications**

Option 1: This option enables MVDC to respond in a timely way to each element of the consultation process.

Option 2: Should authority not be delegated, it is likely that the Cabinet will not be able to respond to various stages in the DCO process within the timescales required, and therefore the Council's views might not be taken into account.

Option 3: Should the Cabinet not participate in the DCO process, there is a risk that the impacts of using the emergency runway on local communities will not be taken into account, and the opportunity to negotiate any mitigation measures will be lost.

### **Equalities Implications**

None.

### **Employment Issues**

A significant amount of officer time will be required to input to the DCO process. MVDC will seek to enter into a formal PPA with GAL, to adequately resource officer

time with the intention of this time being 'backfilled' so that cost to the Council is minimised. It may be necessary to employ persons on a temporary basis to assume the regular workload of any officers that spend a significant amount of time working on DCO-related matters.

### **Sustainability Issues**

None relating to delegating authority to respond. Sustainability issues concerning the use of the emergency (standby) runway will be considered as part of the DCO process.

### **Consultation**

MVDC is a consultee in the DCO process. Consultation at pre-examination and examination stages is proscribed as part of the DCO process, and GAL propose a topic group to consider how consultation should be undertaken.

### **Communications**

A press release was issued on 18 July 2019 setting out the Council's intentions to represent local communities in Mole Valley through the DCO process. This followed an initial press release at the time of responding to the draft Master Plan, which raised concerns with the potential scale of growth of the airport and the lack of technical evidence to support claims in the draft Master Plan.

It is open for MVDC to issue further press releases, particularly when responding to the elements of the DCO process. The Communications team will be involved in the consultation topic working group.

### **Background Papers**

None.