

## Report to Cabinet

22 July 2021

By the Cabinet Member for Planning and Development

### KEY DECISION



**Horsham  
District  
Council**

Not Exempt

## Gatwick Airport Development Consent Order - Governance Arrangements

### Executive Summary

Gatwick Airport Ltd (GAL) have prepared a Masterplan for the future development of the airport. This includes proposals to bring the standby runway into routine use alongside the existing runway. This would result in two runways in operation at the airport.

The planning application to bring the standby runway into routine use would be considered a 'Nationally Significant Infrastructure Project'. This means that planning consents for these schemes are determined by the Secretary of State through an application process known as a Development Consent Order (DCO).

To participate in the DCO process, the Council will be required to make representations within prescribed timetables set out in law. To ensure the views of this Council can be submitted in accordance with these deadlines, this report sets out a request to delegate authority to the Director of Place, in consultation with the Cabinet Members for Planning and Development and the Local Economy, to respond to the relevant consultation or engagement stages of the Development Consent Order process.

### Recommendations

The Cabinet is recommended:

- i) To delegate authority to the Director of Place, in consultation with the Cabinet Member for Planning and Development and the Cabinet Member for the Local Economy, to respond to procedural consultations and engagement as part of the Development Consent Order application process.

### Reasons for Recommendations

Without delegated authority it is unlikely that the Council will be able to effectively engage with the DCO process. If responses are not submitted in accordance with the statutory timescales they cannot be taken into account. Without the requested delegation in place,

this could result in a recommendation made to the Secretary of State regarding the future of Gatwick Airport which does not fully take account of impacts upon Horsham District.

## **Background Papers**

- Gatwick Airport Master Plan 2019
- The Planning Inspectorate Advice Note Two: The role of local authorities in the development consent process

**Wards affected:** All wards.

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## **Background Information**

### **1 Introduction and Background**

- 1.1 Gatwick Airport Ltd (GAL) have prepared a Master Plan for the future development of the airport. This was published in 2019. This Master Plan includes proposals to bring the standby runway into routine use alongside the existing runway. This would result in two runways in operation at the airport. This is referred to by GAL as the “Northern Runway Programme”.
- 1.2 The proposal to bring the standby runway into routine use is of a scale that means the proposal is considered to be a ‘Nationally Significant Infrastructure Project’. Planning consents for these schemes are determined by the Secretary of State through an application process known as a Development Consent Order (DCO). The process is managed by the Planning Inspectorate (PINS).
- 1.3 To participate in the process, the Council will be required to make representations within prescribed timetables. To ensure that these timescales can be met and that the views of the Council can be represented, this report sets out a request to delegate authority to the Director of Place, in consultation with the Cabinet Members for Planning and Development and the Local Economy, to respond to these consultation or engagement aspects of the Development Consent Order process.

### **2 Relevant Council policy**

- 2.1 In 2015, this Council agreed to strongly oppose runway expansion at Gatwick Airport in response to the Airports Commission’s assessment of an additional runway at Gatwick Airport in 2015. This is currently the agreed position of the Council on any runway expansion at Gatwick Airport. Once the details and evidence base of the Northern Runway Programme become known, any decision to change this position would need to be determined by the Council.
- 2.2 In considering any proposals put forward by GAL as part of the Development Consent Order the Council will also need to take account of the Horsham District Council Corporate Plan 2019 – 2023, the planning policies within the Local Plan, currently the Horsham District Planning Framework (HDPF) November 2015, the Economic Strategy 2017 – 2027 and the Visitor Economy Strategy 2018 – 2023.

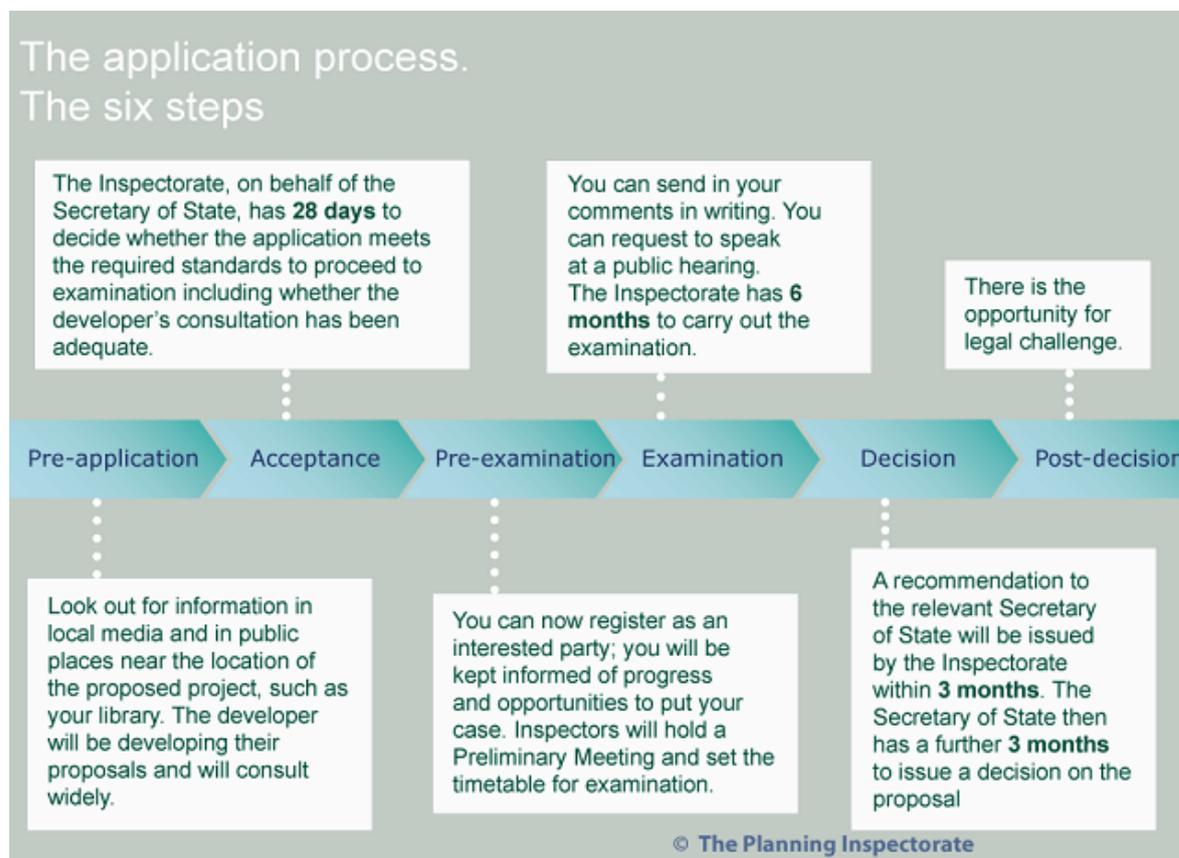
### **3 Details**

#### **The Development Consent Order Process**

- 3.1 As outlined in the section 1 of this report, the proposals by GAL are of a scale which mean they are classified as a Nationally Significant Infrastructure Project (NSIP), and planning consent must be obtained through the Development Consent Order

process. The decision is ultimately taken by the relevant Secretary of State, but the application is submitted to and examined by the Planning Inspectorate.

- 3.2 The Development Consent Order process has six stages: pre-application, acceptance, pre-examination, examination, decision and post-decision. The diagram below sets out a summary of the process together with key timescales and the means by which the public and others can become involved.



### The Gatwick Northern Runway Programme Development Consent Order Application

- 3.3 Gatwick Airport Ltd initially commenced the the Northern Runway Programme with the publication of its Final Master Plan in 2019. The programme was however paused by the airport as a result of the Covid-19 pandemic. In December 2020 Gatwick Airport Ltd wrote to this Council advising of the re-commencement of the Development Consent Order application.
- 3.4 Gatwick Airport Ltd has identified 10 local authorities regarding its Northern Runway Programme. Under the terms of the DCO, the local authorities in which the administrative boundary the application falls are termed 'host' authorities. These are:
- (i) Crawley Borough Council
  - (ii) West Sussex County Council
  - (iii) Surrey County Council
  - (iv) Mole Valley District Council

- (v) Reigate & Banstead Borough Council
- (vi) Tandridge District Council

3.5 Adjoining authorities to the planning application area are termed 'neighbouring authorities'. These are:

- (i) Horsham District Council
- (ii) Mid Sussex District Council
- (iii) East Sussex County Council
- (iv) Kent County Council.

3.6 Both host and neighbouring authorities have a statutory role in the DCO process, both as the local planning authority and their wider role in terms of supporting local communities and businesses.

3.7 From the information provided by Gatwick Airport Ltd to the host and neighbouring authorities, the anticipated key stages and dates of the Development Consent Order process are set out below.

- 'Section 42' Statutory Consultation (Sept / Oct 2021)
- Development Consent Order application submission to PINS (Jul 2022)
- Acceptance of the application by PINS (Aug 2022)
- Pre-examination preparation (Sept 2022 – Jan 2023)
- Examination conducted by PINs (Jan – Jul 2023)
- Secretary of State review (June – Sept 2023)
- Earliest decision by the Secretary of State (Jan 2024)

3.8 At this stage the full details of the application have not been published by GAL. It is therefore not possible to form a view on the impact of the proposals currently. It is however envisaged that the proposals will potentially have significant impacts on Horsham District on matters such as noise, air quality and transport. It is therefore paramount that the Council is in a position to fully engage with the Development Consent Order process to ensure that the range of potential impacts are understood and taken into account, prior to the decision by the Secretary of State.

3.9 To participate in the DCO process, the Council will be required to make representations during the pre-examination and examination phases to ensure relevant impacts of development are addressed. This will include, but is not limited to:

- Attendance of and input to Topic Working Groups convened by GAL
- Making representations on the Environmental Impact Assessment (EIA) Scoping Report
- Preparing and submission of responses as part of the pre-examination consultation
- Attendance at meetings convened by the Planning Inspectorate during pre-examination stage
- Preparation and submission of the 'Local Impact Report' to PINs
- Input into Statements of Common Ground

- Preparation and submission of representations to the Planning Inspectorate during Examination
- Responses to the Examining Authority's (PINS) written questions
- Attendance of hearings during examination phase

3.9 The submission of many of the reports and representations are set out in statute as part of the DCO process. Many of these timescales are very short (typically 14 or 28 days). In addition, much of the work will be of a technical nature, requiring professional knowledge and understanding of planning and environmental matters.

## **4 Next Steps**

4.1 Given the detailed nature of the work required, together with the tight timescales, it is not considered it will be possible to gain Cabinet consent for officers to make representations at the required times within the DCO process. This could prevent the Council making representations regarding the impact of the airport, and could result in a recommendation made to the Secretary of State regarding the future of Gatwick which does not fully take account of impacts upon Horsham District.

4.2 The Cabinet is asked to delegate authority to the Director of Place, in consultation with the Cabinet Member for Planning and Development and the Cabinet Member for the Local Economy, to ensure that the Council can respond to the consultation or engagement aspects of the Development Consent Order process in accordance with the relevant timescales. Where appropriate, the Cabinet Members will seek the views of other Members through the respective Policy Development Advisory Groups.

## **5 Views of the Policy Development Advisory Group and Outcome of Consultations**

5.1 Officers of the Council presented to the Planning and Development Policy Development Advisory Group on 8 March 2021 in which they outlined the DCO process and the context in which the proposals for additional runway capacity at Gatwick Airport will be considered. The Group noted the role of local authorities in the application process and discussed the expected timescales for this application.

5.2 The views of the Monitoring Officer, Director of Corporate Resources and the Head of Finance have been incorporated into this report.

5.3 The Development Consent Order process will be run by the Planning Inspectorate. Gatwick Airport, as the applicant, will conduct public consultation on the proposals when they emerge in due course. PINS Advice Note Two on the role of local authorities in the development consent process (February 2015) is very clear that *“there should be no ambiguity about who and where members of the public should provide their comments to. In this context, it is not helpful for local authorities to run their own consultation events in relation to a NSIP project”*. Given this, and the potential for divergent views to emerge on any proposals across the District, it is not the intention of the Council to organise any consultations on the Airport's expansion proposals. It is however considered that the Council should help make the

community aware of any public consultation and indicate where they can submit their views.

## **6 Other Courses of Action Considered but Rejected**

- 6.1 It has been considered whether authority of the Cabinet should be sought at the different stages of the DCO process. As set out in para 4.1 this has been rejected due to the need to meet statutory timescales and the risk that the application would be determined without taking account of the impacts upon Horsham District.
- 6.2 The Council could also decide not to respond to the DCO process. This course of action has also been rejected as the impacts of Gatwick's Northern Runway Programme on local communities within the District would not be taken into account and any opportunity to secure mitigation for the impacts would be lost.

## **7 Resource Consequences**

- 7.1 This report relates only to the governance arrangements for responding to the Gatwick Airport DCO and therefore there are no direct resource or financial implications arising from the delegation of authority.

## **8 Legal Considerations and Implications**

- 8.1 The legal requirements governing the determination of the DCO process are set out in the Planning Act 2008. As has been indicated in this report, the Development Consent Order process sets out response timescales by statute. By agreeing this delegation of authority, the Council will be in a position where it can respond to the legal obligations placed upon the authority in its role as a 'neighbouring authority'

## **9 Risk Assessment**

- 9.1 It is considered that by agreeing this delegation of authority, the key risk to the Council of being unable to respond to the DCO can be avoided.

## **10 Procurement implications**

- 10.1 There are no direct procurement implications arising from the contents of this report. It is possible that participation in the Development Consent Order process will require some external resources and this will be addressed through the usual budgetary expenditure processes. If required, any procurement would take place in accordance with the Council's procurement policies.

## **11 Equalities and Human Rights implications / Public Sector Equality Duty**

- 11.1 There are no specific equalities or human rights implications arising from the contents of this report. Any impact on these matters arising from the runway proposals published by GAL will be considered in due course and can be fed back as part of the DCO process.

## **12 Environmental Implications**

- 12.1 There are no specific environmental implications directly arising from the contents of this report. Any environmental issues as a result of the Development Consent Order application to bring the standby runway into routine use will be considered as part of the Development Consent Order process.

## **13 Other Considerations**

- 13.1 There are no GDPR / data protection or crime and disorder consequences arising from the contents of this report.