Wealden District Council's Response to PINs on Gatwick Airport Ltd Development Consent Order (DCO) for the Gatwick Airport Northern Runway Project – Adequacy of Consultation Request

Introduction

1. This 'adequacy of consultation' response is submitted by Wealden District Council at the invitation of the Planning Inspectorate on 7 July 2023 (Reference TR020005) in relation to the application by Gatwick Airport Limited for an Order Granting Development Consent for the Gatwick Airport Northern Runway Project.

2. This response sets out the position of Wealden District Council as to whether the applicant has complied with the requirements of Sections 42, 47 and 48 of the Planning Act 2008 (the 'Act') regarding consultation and publicity.

3. Paragraph 42(1)(b) of the Planning Act 2008 requires the applicant to consult with each local authority within paragraph 43 of the Planning Act 2008, including Wealden District Council. The Council can confirm that these consultations were undertaken, and sufficient notification was given as set out in paragraph 45 of the Planning Act 2008.

4. Wealden District Council has made the following representations to the Gatwick Airport Northern Runway Project:

    a. WDC Response to the Environmental Impact Assessment (EIA) Scoping Consultation – 26 September 2019
    b. WDC Response to 'Our Northern Runway: making best use of Gatwick' Consultation Document – Autumn 2021
    c. WDC Response to 'Our Northern Runway: making best use of Gatwick', Highway Improvement Changes and Project Update: Consultation Document - Summer 2022

Representations by Wealden District Council

5. In the Council's response to the 2019 EIA scoping consultation, the Council raised issues relating to the impact on the district regarding the impact on Wealden's natural environment, noise and air pollution, nitrogen deposition and the provision of better public transport links for residents of Wealden employed at Gatwick.

6. The issues raised within the EIA Scoping consultation were taken forward and considered; however, due to the outbreak of the Covid-19 pandemic, the project was put on hold and when restarted it was necessary to re-evaluate the information provided.

7. In the Council's response to the Autumn 2021 consultation, the Council again raised issues relating to the impact on the district regarding the impact on Wealden's natural environment, noise and air pollution, nitrogen deposition and

the provision of better public transport links needed for residents of Wealden District employed at Gatwick Airport.

8. While these issues have generally been addressed in later publications, the detail provided for all areas of concern has been limited, evidencing final solutions without the benefit of information on how these were analysed, and the conclusions decided upon.

9. As a district on the periphery of the consultation area (i.e. not an adjoining local authority), the information provided in this consultation appeared to concentrate primarily on the impacts to those adjacent local authorities. Whilst it is accepted that these local authorities have a greater number of issues associated within the expansion of Gatwick Airport, there will continue to be impacts for local authorities on the periphery such as Wealden, which has several national/international protected ecological and landscape sites including the High Weald Area of Outstanding Natural Beauty (AONB), the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) specific and detailed consideration should be given to the observations of the local authority, particularly where major transport routes to the airport (i.e. the A22) run through these designated ecological sites.

10. Furthermore, as Wealden District is located within both the travel to work and labour market areas for Gatwick Airport, improved public transport links to the district were supported. Again, the request for further sustainable transport provision within the district (for commuters and users of Gatwick Airport) appears to have gone unanswered and as with the ecological feedback, as a peripheral local authority, the concerns appear to have been minimised.

11. At this stage in the process (Autumn, 2021), it was also noted that the Carbon and Climate Change Action Plan had not been published as part of the 2021 Autumn consultation. Wealden District Council is committed to protecting and improving our natural environment, reducing our emissions, and enhancing quality of life for our residents. Publication of this information would have allowed a more detailed analysis of the information and the impact on our district and residents.

12. The Council's response to the Summer 2022 consultation raised the same issues as those noted in the 2021 Autumn response, indicating that these concerns had not been addressed in full.

13. Had evidence been provided to show how earlier feedback for the Autumn 2021 consultation had been reviewed, analysed and conclusions drawn, it would not have been necessary to resubmit these concerns as there would have been an understanding on how the issues had been addressed.

14. The key concerns of the local authority remained regarding the regularity, frequency, and ability of existing and proposed public transport/sustainable transport measures to adequately provide for shift work at the airport and to support the shift from use of the car as the main method of travel. The north of the district does not contain any railway station that directly travels to Gatwick

Airport, even though it's a relatively short distance between some settlements in Wealden District to Gatwick Airport (e.g. Forest Row is under 30 minutes' drive to the airport).

15. Again, at this later consultation, the proposed Carbon and Climate Change Action Plan was not published. Therefore, the Council was again unable to comment specifically on the detailed measures GAL intended to bring forward to mitigate the impact on climate change. This information is considered critical and should have been shared with all local authorities considering both the Government's and our own 2050 net zero carbon targets.

The Consultation Process to Date

16. Whilst the requirements of Sections 42, 47 and 48 of the Planning Act 2008 (the 'Act') regarding consultation and publicity have been met at a basic level, the information provided at each subsequent consultation does not appear to have addressed issues raised previously. No evidence has been provided to show how concerns have been analysed and why solutions have been proposed. The working group meetings are presented with limited information via a series of power point slides, without any supporting evidence and with generally only a short window of time (usually 5 working days) to review the information before discussion.

17. The scheduling of meetings and invitations to presentations has been somewhat haphazard during the overall process. In fairness, the onset of Covid-19 pandemic did disrupt this process somewhat. However, it would appear from discussions attended by officers from Wealden, that other meetings have been undertaken to which they had not been invited, which has made the analysis of information more complex. This is exacerbated by the lack of minutes from earlier meetings, which would allow for us to follow up on issues unresolved.

18. Unresolved issues raised resulting from consultations and earlier meetings is an issue. While this is not the experience of Wealden District Council, it is obvious from the meetings attended that other local authorities and consultees return to the same issues again and again, as they have not been addressed within the information released to the working parties.

19. Additionally, the Council has had difficulties in accessing shared information with several requests being made for access to the sharepoint portal going unanswered despite contact details being provided. This is still an ongoing issue with currently only one representative from the Council having access to the information for this adequacy of consultation request.

20. This inability to access key documentation has been an ongoing issue throughout the consultation process. The lack of transparency around subjects such as the Environmental Statement and Transport Assessment has precluded a more comprehensive understanding of the full picture, which will make understanding the overall impact of the project more difficult.

Furthermore, as a local authority that has made representation at all consultations, highlighting several concerns, it is also disappointing to have not been invited to undertake a Statement of Common Ground (SoCG) with GAL. This issue has now been resolved but as a regular respondent and a statutory consultee this failure to engage was an error.

Conclusion

21. The Council's support of the Northern Runway Proposals remains reliant on adequate demonstration, to the satisfaction of the authority, that there will be no significant impact upon Wealden's environment, important protected ecological designations, or the quality of life of our communities. As with the previous consultation responses, it is considered important to safeguard Wealden District Councils' interest in relation to the potential environmental impacts of growth at Gatwick Airport, and as such, maintain the key environmental impacts of concern in relation to noise levels, air pollution and impacts on ecological and landscape designations, especially in relation to the High Weald AONB, the Ashdown Forest SAC and SPA.

22. The Council remains committed to working collaboratively with GAL to maximise the benefits of the Northern Runway Proposal, whilst also ensuring there will be no negative impact on those designated landscape/ecological sites within Wealden District, or our residents.

23. In conclusion while the Council believes that the requirements of Sections 42, 47 and 48 of the Planning Act 2008 (the 'Act') regarding consultation and publicity have been met at a basic level, the lack of response to and feedback from these consultations fails in the "Duty to take account of responses to consultation and publicity" (Section 49 PA 2008). As evidence of these actions in the form of supporting documentation has not been forthcoming, thereby failing to allow a full and frank assessment of all consultation documentation, it is the opinion of the Council that there are concerns regarding the extent and breadth of the works undertaken in response to the consultations feedback.