

Crawley

Local Plan

Crawley Borough Local Plan Topic Paper 2: Gatwick Airport



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1. INTRODUCTION

1.1 This Topic Paper is part of the evidence base for the Crawley Borough Local Plan 2021 – 2037¹. It clarifies the position of the Local Plan in relation to potential future growth and expansion at Gatwick Airport over the Plan period and provides a summary of the technical information supporting the council's approach to Gatwick Airport which is detailed in the submission Local Plan policies:

- GAT1: Development of the Airport with a Single Runway
- GAT2: Safeguarded Land
- GAT3: Gatwick Airport Related Parking
- GAT4: Employment Uses at Gatwick
- EC7: Hotel and Visitor Accommodation
- DD5: Aerodrome Safeguarding

1.2 Other policies relevant to the safeguarding section of this Topic Paper, but also covered in more detail in Topic Paper 2: Employment Needs and Land Supply are:

- Policy EC1: Sustainable Economic Growth and
- Policy EC4: Strategic Employment Location.

Policy ST4: Safeguarding of a Search Corridor for a Crawley Western Link Road is also addressed in the section on safeguarded land.

1.3 Aircraft noise is a key issue related to Gatwick Airport but it is not covered in this Topic Paper, (except in relation to safeguarding), as the Development and Noise Policy EP4 is explained in more detail in the Local Plan Annex and Topic Paper 7: Development and Noise which address this key issue for the borough.

1.4 This Topic Paper and the Local Plan policies are supported by the Sustainability Appraisal².

2. BACKGROUND

2.1 Crawley Borough Local Plan 2015

2.1.1 The Crawley Borough Local Plan was adopted in December 2015. It includes the same suite of four policies related to Gatwick Airport as listed in paragraph 1.1 above, albeit that the wording of the policies has now been amended in some cases.

2.1.2 The Local Plan Inspector considered the extent of safeguarding required by Policy GAT2, particularly in the light of representations regarding employment sites across the safeguarded area. Information available at that time on the southern runway scheme, as submitted by GAL to the Airports Commission³ showed no detail for the area to the east of the airport,

¹ Submission Draft Crawley Borough Local Plan (October 2020) CBC

² Crawley Sustainability Appraisal/Strategic Environmental Assessment (2020) CBC

³ Gatwick Airport: A Second Runway for Gatwick Our April 2014 Runway Options

https://www.gatwickairport.com/globalassets/publicationfiles/business_and_community/all_public_publications/second_runway/consultation_full.pdf and Gatwick Airport Consultation document: Plan 0A-3C (Layout, Boundary, noise contour plans)

referencing it as “Ancillary and Surface Transport facilities including parking”. The Local Plan Inspector considered (para 80⁴) that *‘the large area of surface parking for which most of this land is provisionally identified in the Gatwick Master Plan represents a sub-optimal use of land, given its scarcity, and that decked parking could free up land for employment uses. However, the safeguarded area has been identified for many years, it is endorsed by the Civil Aviation Authority, and there is no compelling evidence to suggest it would not all be required should a second runway be built’*. On this basis, echoing the approach for the Core Strategy (2008) Inspector, he concluded that *“it is difficult to identify on a contingent basis the precise area of land required for such a complex major project and it is not unreasonable to include some flexibility even if not all the land is ultimately used”*.

- 2.1.3 The Inspector also considered in para. 81 whether a strategic employment allocation should be made east of the airport at Gatwick Green, but did not accept the promoter’s proposal, in anticipation that a national decision would be forthcoming on the location for additional runway capacity and on lifting safeguarding and that this would pre-empt a decision about the location of a strategic employment site. Gatwick Airport safeguarding was therefore retained through the 2015 Local Plan.
- 2.1.2 Policy GAT3, Gatwick Airport Related Parking, which restricts additional or replacement parking to within the airport boundary, received particular scrutiny at the Examination into the 2015 Local Plan. In his report, concluding that Policy GAT3 is sound, the Local Plan Inspector endorsed the policy approach, observing in para. 88 that *“there is obvious logic to the argument that car parks close to the terminals will minimise the length of car journeys for most people, and that on-airport provision is therefore a more sustainable option..... Furthermore, given the scarcity of land in Crawley and the available capacity at the airport, there is a strong argument that the priority for land which becomes available outside the airport should be a more productive use such as housing or employment”*.
- 2.1.3 The Local Plan approach in Policy GAT3 was subsequently challenged at the High Court. The Challenge had centred on the 2015 SA/SEA assessment regarding the sustainability of airport-related parking being permitted in on-airport or off-airport locations. The claimant had contended that airport-related parking on and off airport operates in various different ways, including Meet and Greet, and Park and Ride, but only two fundamental options had been assessed in the SA/SEA which did not consider the possible alternatives of imposing limitations on off-airport parking. However, Mr Justice Collins⁵ ruled against the quashing of Policy GAT3, concluding that the

https://www.gatwickairport.com/globalassets/publicationfiles/business_and_community/all_public_publications/second_runway/pull_out_maps.pdf

⁴Report on the Examination into Crawley Borough Local Plan 2015-2030 (2 November 2015) Inspector Martin Pike BA MA MRTPI. <https://crawley.gov.uk/sites/default/files/documents/PUB270981.pdf>

⁵ Holiday Extras Ltd v Crawley Borough Council [2016] EWHC 3247 (Admin) <https://www.bailii.org/ew/cases/EWHC/Admin/2016/3247.html>

approach taken in the SEA was compliant with regulation 12(2) of the 2004 Regulations, as the Inspector had found when reviewing the soundness of the Local Plan. The judgement confirmed that the alternative put forward by the council was lawful, and it was not considered necessary for the council to specify particular ways in which off-airport parking could be approached as an alternative to purely on-airport parking in the Plan in order to comply with the Regulations.

- 2.1.4 **Section 106 Agreement:** The latest version of the S106 Agreement was signed between Gatwick Airport Limited (GAL), West Sussex County Council (WSSC) and Crawley Borough Council (CBC) in April 2019. This supports the growth of the airport by making best use of its existing one runway, two terminal configuration, whilst ensuring that measures are in place to minimise its short and longer-term environmental impacts. It also considers how the councils around the airport work together to bring benefits to the Airport and the communities it serves and affects.
- 2.1.5 **Gatwick Airport Supplementary Planning Document (SPD):** An SPD for the Airport was adopted in 2008 but, as the December 2020 Local Development Scheme⁶ sets out, this document will be updated in light of the Local Plan Review, the Gatwick Airport Masterplan 2019, updates to the S106 Agreement between CBC, WSSC and GAL, the application for a Development Consent Order (DCO) and national aviation policy.
- 2.2 **National Policy**
- 2.2.1 **The National Planning Policy Framework⁷ (NPPF)** 2019 sets out the purpose of the planning system to contribute to the achievement of sustainable development, linking the three overarching economic, social and environmental objectives. In relation to the economic objective, para 8a outlines the need *'to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure'*. Para. 8b outlines the social objective to support strong, vibrant and healthy communities, and para. 8c outlines the environmental objective to contribute to protecting and enhancing our natural, built and historic environment, including through making effective use of land and minimising waste and pollution.
- 2.2.2 In relation specifically to Promoting Sustainable Transport para 104. states that: *"Planning policies should...*
c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;

⁶ Crawley Borough Council Local Development Scheme 2020-2023 <https://crawley.gov.uk/sites/default/files/2020-12/Local%20Development%20Scheme%20December%202020.pdf>

⁷ National Planning Policy Framework (2019) MHCLG

e) provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements;”

- 2.2.3 The National Aviation Policy Framework, 2013⁸, para. 5.8 also references the same wording in the NPPF, (unchanged in the 2019 document) and confirms it “*could apply to airport infrastructure*”. In para. 5.9 it states: “*Land outside existing airports that may be required for airport development in the future needs to be protected against incompatible development until the Government has established any relevant policies and proposals in response to the findings of the Airports Commission, which is due to report in summer 2015.*”
- 2.2.4 The independent Airports Commission examined the scale and timing of any requirement for additional runway capacity in the south east and published its final report in July 2015⁹. This unanimously concluded that the proposal for a new Northwest runway at Heathrow presented the strongest case to meet the need it had confirmed for additional capacity in the south east. It also highlighted the need for shorter term increases in capacity at other airports. Following the conclusions of the Airports Commission, and upon further work and consultation, the Government adopted the “Airports National Policy Statement, (ANPS): new runway capacity and infrastructure at airports in the South East of England”¹⁰, in June 2018. This confirmed the Government’s position that (para. 2.32) “*there is clear and strong evidence that there is a need to increase capacity in the South East of England by 2030 by constructing one new runway*” and identifies that the Northwest Runway at Heathrow is the Government’s preferred scheme.
- 2.2.5 In February 2020, the Court of Appeal ruled that the government had failed to take the 2015 Paris climate agreement into account in its support for a third runway at Heathrow, ruling that the ANPS was unlawful. With the ANPS held to be of no effect by the Court of Appeal, national policy at that time reverted back to the 2013 Aviation Policy Framework. The Government accepted the Court of Appeal decision, but Heathrow challenged it through the Supreme Court and a judgement was made on 16 December 2020. Giving a summary of the Supreme Court's ruling, Lord Sales said the Secretary of State’s decision to support Heathrow’s third runway was lawful and that he

⁸ National Aviation Policy Framework, 2013

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/153776/aviation-policy-framework.pdf

⁹ Airports Commission Final Report July 2015

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/440316/airports-commission-final-report.pdf

¹⁰ “Airports National Policy Statement, (ANPS): new runway capacity and infrastructure at airports in the South East of England”¹⁰, DfT June 2018

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/858533/airports-nps-new-runway-capacity-and-infrastructure-at-airports-in-the-south-east-of-england-web-version.pdf

was under 'no obligation' to discuss the Paris Agreement separately in the ANPS. The Supreme Court unanimously concluded the appeal should be allowed and that the decision of the Court of Appeal is 'set aside'. The ANPS is not affected by any unlawfulness and is valid.

- 2.2.6 Also published in June 2018, in the document “Beyond the Horizon: The Future of UK Aviation: Making best use of existing runways”¹¹, the government recognises that the Department for Transport (DfT)’s more recent aviation forecasts (2017) were predicting higher levels of growth than those taken account of in the Airports Commission’s work, reflecting accelerated growth at London’s main airports. This was found to be putting pressure on existing infrastructure, despite significant financial investments by airports over the past decade.
- 2.2.7 “Beyond the Horizon”, para 1.29, therefore states clearly that *“the Government is supportive of airports beyond Heathrow making best use of their existing runways”*. However, it recognises that *“the development of airports can have negative as well as positive local impacts, including on noise levels”*.....and therefore *“consider that any proposals should be judged by the relevant planning authority taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations.”* In para 1.22, the document makes it clear that *“The government recognises the impact on communities living near airports and understands their concerns over local environmental issues, particularly noise, air quality and surface access. As airports look to make the best use of their existing runways, it is important that communities surrounding those airports share in the economic benefits of this, and that adverse impacts such as noise are mitigated where possible”*. It expects the majority of local environmental concerns to be taken into account as part of the consideration of planning applications.
- 2.2.8 The government’s draft Aviation Strategy, “Aviation 2050; The Future of UK Aviation”¹² was published in December 2018 although this has not yet been progressed further. The draft document aims to achieve a safe, secure and sustainable aviation sector that meets the needs of consumers and a global, outward-looking Britain. It supports the growth of aviation and the benefits this would deliver, but recognises that *“its growth must be sustainable – with affected communities supported and the environment protected”* (Section 3). Para 3.3 recognises that *“Growth can have significant environmental impacts which affect local communities and increase emissions. There are also significant infrastructure constraints which require urgent attention, such as*

¹¹ Beyond the Horizon: The Future of UK Aviation: Making best use of existing runways
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714069/making-best-use-of-existing-runways.pdf

¹² “Aviation 2050; The Future of UK Aviation”¹²
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/769695/aviation-2050-web.pdf

the need to modernise our airspace, improve transport links to airports and consider whether new runways are required. Therefore, while the government supports continued growth in aviation over the next 30 years, it also believes that the UK must be more ambitious on environmental protection to ensure that growth is sustainable". For example, the document seeks to clarify the overarching policy, originally set out in para 17 of the 2013 Aviation Policy Framework, *"to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise as part of a policy of sharing benefits of noise reduction with industry in support of sustainable development."* It also introduces a new objective to *"limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise."*

2.2.9 The draft document (para 3.11, 3.12) states that the government believes forecasted aviation demand up to 2030 can be met through expansion at Heathrow and by other airports making best use of their existing runways subject to environmental issues being addressed. It notes that the Airports Commission recognised that whilst there may be a demand case beyond 2030, there is not necessarily a corresponding environmental or commercial case and that the government is not at the point of making a decision on long term need.

2.2.10 With regard to the safeguarding of land for airport growth, the draft Aviation Strategy states in para 3.66, *"Several airports safeguard land for future developments. The safeguarded land can be a mix of airport, council and private ownership, depending on the individual airport's circumstances. It is prudent to continue with a safeguarding policy to maintain a supply of land for future national requirements and to ensure that inappropriate developments do not hinder sustainable aviation growth. The National Planning Policy Framework (NPPF) has restated the government's commitment to "identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice". The government believes that this provides sufficient guidance for local authorities to consider the future needs of airports and their associated surface access requirements, when developing local plans".* This document was published after the ANPS supporting expansion at Heathrow was in place.

2.3 Evidence

Gatwick Master Plan

2.3.1 The Gatwick Airport Master Plan¹³ (July 2019), through its Scenario 1, anticipates capacity on its single runway could increase to between 58 and 61 million passengers per annum by 2032/33. The Master Plan sets out two further scenarios for growth of the airport; through operational use of the

¹³ Gatwick Airport Master Plan July 2019 <https://www.gatwickairport.com/globalassets/business--community/growing-gatwick/master-plan-2019/gatwick-master-plan-2019.pdf>

existing standby runway (Scenario 2), and through continuing to safeguard land for an additional runway to the south of the airport (Scenario 3).

- 2.3.2 Gatwick Airport Master Plan Scenario 2 sets out proposals to bring its Northern Runway into regular operational use, it currently being restricted by planning condition to use only in emergency situations or when the main runway is undergoing planned maintenance. This would increase capacity of the airport to over 70mmpa. Growth as per Scenario 2 will require new development at the Airport and is the subject of an ongoing Development Consent Order application.
- 2.3.3 Gatwick Airport Master Plan, para 5.4.1, states that Gatwick is no longer actively pursuing Scenario 3 plans for an additional runway, but outlines that there nevertheless remains the possibility that the airport may wish to build and operate one in the future. The document states that it is in the national interest to continue with the strategy of land safeguarding and recommends (para 5.4.12) that the area safeguarded for the additional runway by the Local Planning Authorities conforms to the safeguarding boundary identified in Plan 21 of its Master Plan. The Gatwick Airport Master Plan also makes specific reference to an amended airport boundary, based on GAL's land ownership, and recommends (para 2.3.6) that their "*boundary represented in Plan 4 is adopted by other organisations wanting to illustrate the perimeter of the airport*". Through representations submitted during the Local Plan review process, GAL has reiterated its position that land should continue to be safeguarded.

Economic Growth Assessment

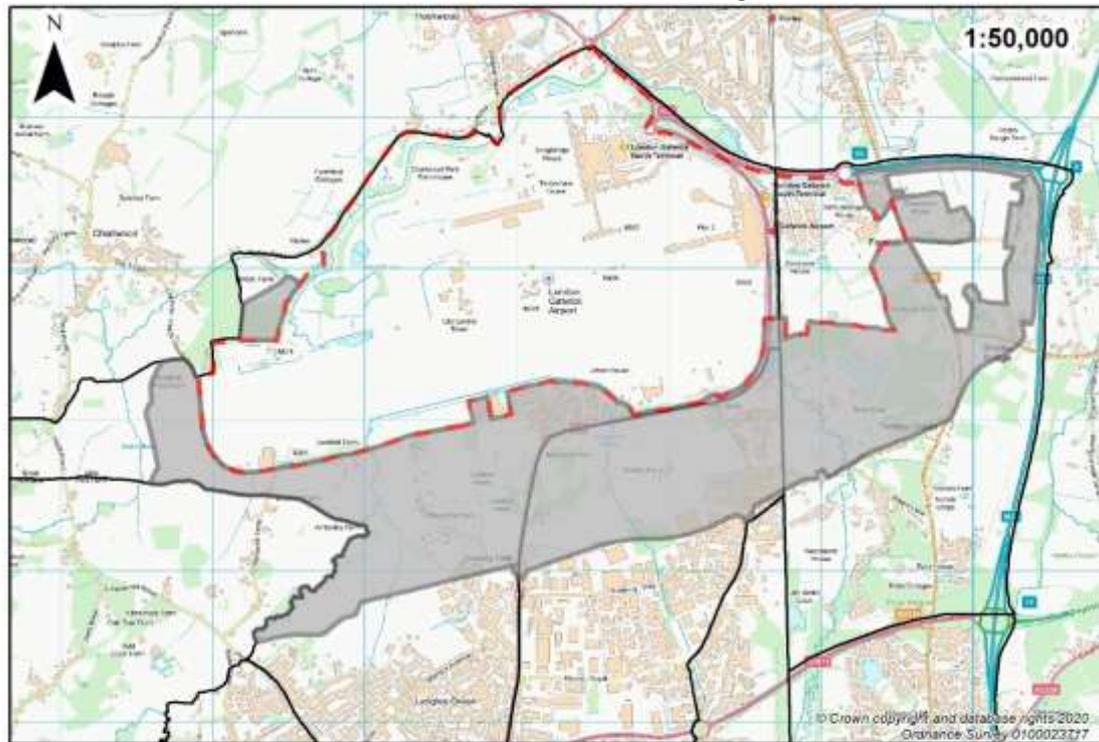
- 2.3.4 The Northern West Sussex Economic Growth Assessment (January 2020) and its Crawley focussed update (September 2020) undertake robust economic analysis to forecast future employment land and floorspace needs. Based on Experian Baseline Job Growth projections, there is need for 38.7 hectares new business land in Crawley to 2036, significantly within the industrial¹⁴ sector. Taking account of Crawley's employment land supply pipeline, there remains an outstanding need for 24.1ha industrial land that needs to be planned for through the Local Plan. The requirement to safeguard land for a possible southern runway has historically impacted on Crawley's ability to accommodate its employment needs within the borough, constraining economic growth. Given the significant outstanding need for industrial land, the Local Plan process has needed to consider carefully the justification and extent of safeguarding. Further detail on meeting Crawley's employment land need is set out in *Topic Paper 5: Employment Needs and Land Supply*.

¹⁴ Industrial is specifically defined as uses falling within Class B2 (general industrial) and Class B8 (storage & distribution).

3. STRATEGIC ISSUES

3.1 Gatwick Airport Boundary

Figure 1: Extract from Local Plan



3.1.1 The Local Plan Airport Boundary, shown in Figure 1 above, is a planning policy boundary, not intended to define operational land nor land ownership. It defines where the council considers airport related uses should be located, and where the relevant Gatwick Airport policies apply. A location inside or outside the Local Plan Airport Boundary has significant implications for land use, in relation to Policies GAT1 and GAT3 in particular, and the Local Plan Airport Boundary is drawn tightly around land the council considers necessary to be included on-airport. It does not, therefore, correspond in all areas with the airport boundary proposed by Gatwick in its Master Plan, which is based on land within the ownership of GAL.

3.1.2 The Local Plan Airport Boundary does not include countryside in the ownership of GAL that is situated to the south east of the airport. This area is subject to environmental designations, including an area of Ancient Woodland, and Local Plan designations including a Biodiversity Opportunity Area and Local Wildlife Site. Incorporating this area within the Airport Boundary would mean it would become an on-airport location, particularly relevant given the significant new area of surface parking the Master Plan 2019 identifies in this location, as well as the decking of existing parking proposed adjacent to the Ancient Woodland. The council considers that

GAL's growth aspirations should be sustainable, prioritising the efficient use of land within the airport boundary as defined in the Local Plan. Where new on-airport parking is proposed, and is justified by a demonstrable need, this should be achieved through intensifying the use of existing surface parking through decking, block parking and robotics, all of which the Master Plan promotes for its Northern Runway proposals, rather than seeking to expand the boundary outwards in order to develop further surface car parking on land of biodiversity value that is currently identified as countryside.

- 3.1.3 An area to the north west of the airport is also excluded from the Local Plan Airport Boundary, whereas it is incorporated in the Master Plan airport boundary following GAL's purchase of this land. This land is currently in agricultural use and given the proximity to Charlwood and the on-airport ecological assets in the North West Zone of the airport, it is anticipated that it could have an important role in the future strategy for biodiversity associated with the airport. Like the land to the SE, it is not considered necessary, however, for it to be included in a Local Plan policy boundary which could leave it vulnerable to development as the airport grows.
- 3.1.4 The Local Plan Airport Boundary also includes land in the north east corner of the airport, where two hotels, on-airport car parking, Horley Fire Station, and a petrol station are located. These are considered to be appropriate supportive uses within the airport boundary, as identified in para. 10.15 of the Local Plan, although this area is not included within the Master Plan airport boundary.
- 3.1.5 As discussed, the airport boundary shown by the Local Plan is only intended for use in the application of Local Plan policies. There is a marked difference between the airport boundary where airport related development may be acceptable in policy terms and the delineation of operational land where permitted development rights for operational development apply. It is not correct to assume that all land within the airport boundary is operational land, with S.263 and S.264 of the Town and County Planning Act 1990 providing what operational land means in relation to statutory undertakers. As outlined by the Inspector considering the Holiday Extras off-airport parking appeal¹⁵, it is important to note that the GDPO rights "*only attach to the 'airport operator' (in this instance GAL) and not to third parties (such as hotel operators). Furthermore, GPDO rights only apply on 'operational land', and not all the land within the airport boundary falls within that category.*"

3.2 Growth of the Airport with a Single Runway

- 3.2.1 As outlined in Section 2.2 above, national policy, whilst supportive of the sustainable growth of aviation and highlighting its importance to the national and local economies, is increasingly recognising the environmental and

¹⁵ Appeal by Holiday Extras Limited against the refusal by CBC of planning permission in respect of land adjacent to the Lowfield Heath Service Station. PINS: App/ Q3820/W/17/3173443. MCJ Nunn BA, BPL LLB LLM BCL MRTPI. Decision date 31 January 2019

community impacts of airports. It highlights the need for adverse impacts to be limited and mitigated, and for communities around airports to share in the economic benefits of aviation growth. With this greater emphasis in national policy regarding the need to minimise and mitigate the impacts of aviation, Local Plan Policy GAT1 has been strengthened and made more specific. It seeks to ensure that growth at Gatwick is fully scrutinised and occurs in a way which minimises so far as possible adverse impacts on the environment and local communities.

3.2.2 The number of flights and passengers at Gatwick is not restricted by any extant planning permission. The S106 Agreement is, unusually, not linked to any previous planning permission for a specific development, rather it is and has always been a voluntary agreement on the part of the Airport making commitments to a range of environmental and other measures. Gatwick Airport's Master Plan 2019 Scenario 1 predicts growth from the 2019 level of 46 million passengers per annum (mppa), increasing to 61 mppa on its existing main runway by 2032. The council is concerned about the impacts on the local environment and community from this increase in growth, as outlined in its response to the Master Plan¹⁶. This particularly flagged concerns about noise, air quality, carbon emissions, surface access, including airport parking, housing and infrastructure needs, as well the need to maximise the economic benefits arising from airport growth, including proactive support in improving local employment opportunities and skills for local residents.

3.2.3 However, it is recognised that the increase in passengers through maximising the use of the existing main runway is primarily to be achieved by:

- increasing the number of daily aircraft movements during off-peak periods, particularly through seasonal peak spreading but also different times of the day;
- increasing peak hourly movements through investment in improved air traffic technology;
- a shift towards larger aircraft with greater passenger loadings and increasing the average occupancy levels of flights.

The anticipated increase in capability is primarily brought about by these operational changes, rather than requiring physical development that would require planning consent. Much of the work that does constitute development falls within the scope of permitted development rights for aviation¹⁷, and therefore it is considered that a Local Plan policy which sought to limit passenger numbers or Air Traffic Movements would not be effective, because it could only be taken into account where development is taking place. These operational changes are themselves subject to scrutiny and

¹⁶ CBC Response to Gatwick Airport Master Plan: Item 6, and Minutes
<https://democracy.crawley.gov.uk/documents/g1888/Public%20reports%20pack%2012th-Dec-2018%2019.30%20Full%20Council.pdf?T=10>
<https://crawleyintranet.moderngov.co.uk/documents/g1888/Printed%20minutes%2012th-Dec-2018%2019.30%20Full%20Council.pdf?T=1>

¹⁷ Class F of Part 8 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).

regulation by other regimes, for example, noise, aerodrome safeguarding and air quality regulation controls which are separate and not regulated under planning legislation.

- 3.2.4 It is considered that a robust GAT1 policy is required to ensure that, when consulted on proposed permitted development at the airport, the council can carefully assess the cumulative impact of the proposals, seeking to ensure that adverse impacts on the environment and local community are minimised and where necessary mitigated, and any potential benefits are maximised. It is also important in the consideration of applications for development on the airport which does need planning permission, such as additional hotels and airline offices. These developments are responding to the operational changes which enable passenger growth, rather than creating the additional capability themselves. Such applications would also be considered against all the relevant Local Plan policies particularly, for example, Policies GAT3, EC4 and EC7.
- 3.2.5 The council is working with GAL and WSCC to update the current S106 as it expires in December 2021, but it will be through the Development Consent Order process that the council can fully assess the impacts of growth on Gatwick's main runway together with those arising from operational use of the Northern Runway. It has been agreed that a new airport-wide S106 Agreement will be prepared through the DCO process.

3.3 Gatwick Airport and Safeguarded Land

- 3.3.1 In line with Government aviation policy, outlined above, the Crawley Borough Local Plan has safeguarded land for a potential future southern runway since 2007 in the Core Strategy, after it was required in the 2003 Aviation White Paper¹⁸. This has had a major impact on borough's land supply – both physically and also because safeguarding against the noise impact for a future southern runway reduces land availability even further for noise sensitive uses such as housing and schools. However, given the national policy position in January 2020 with the ANPS supporting Heathrow, the council's previous Regulation 19 Consultation (January to March 2020) had suggested a different approach, removing safeguarding across the whole area and allowing for consideration of the future needs of the airport alongside employment land needs as part of a future Area Action Plan (AAP). This was intended to allow the principle of lifting safeguarding to be considered first, through the Local Plan Examination, with the subsequent AAP process enabling consideration of all issues, allowing for the growth needs of the airport to be demonstrated by the airport operator and/or any future protection for some or all of the area for airport purposes to be justified alongside consideration of other development needs including employment, housing and infrastructure.

¹⁸ The Future of Air Transport December 2003 DfT para.11.11
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/685595/6046.pdf

- 3.3.2 However, this approach was robustly objected to by GAL and, critically, the Inspector at the council's Advisory Visit from the Planning Inspectorate in April 2020 did not support the AAP approach. He advised that the Local Plan had to include a strategy to address Crawley's employment needs, and stated that the removal of safeguarding cannot be regarded as certain. He said this was partly owing to the position regarding the Airports National Policy Statement which had at that time been declared unlawful by the Appeal Court (Feb 2020), but also referenced Gatwick Airport's objection to the removal of the safeguarding, and the fact that the Gatwick Airport Masterplan (published when the ANPS was in force) states that it is in the national interest to continue with the strategy of safeguarding. The Inspector was also clear that were a large area of land to be released from safeguarding during the life of the plan, this would probably result in a significant change to the plan's overall development strategy, and in those circumstances, an AAP would not be appropriate because AAPs should be consistent with the strategy of the submitted plan.
- 3.3.3 Therefore, the Inspector advised that the AAP for the development of the safeguarded area for economic, housing and other uses, was unlikely to be effective. Rather than a reference to an AAP, the Inspector advised that the submitted plan should continue to safeguard and instead contain a review trigger enabling the plan's whole development and spatial strategy to be re-examined should certainty be gained over national aviation policy on safeguarding and additional land become available for possible development.
- 3.3.4 The council, in determining a way forward for the Local Plan, considered that, even if, as has now proven to be the case, the ANPS confirming a runway at Heathrow is supported by the Supreme Court, the draft national Aviation Strategy's statement that it is prudent to continue to safeguard land (as set out in para.2.2.10 above) means there is still uncertainty regarding the need to safeguard land at Gatwick. The council's response to the draft Aviation Strategy consultation sought clarity on this wording regarding safeguarding, including through direct engagement with the DfT, but it is not known when the Aviation Strategy 2050 will be finalised. With the current pandemic crisis, the Paris Agreement and net zero potentially leading to a rethink of trends and aviation policy, it could be some time before it is published and the Local Plan cannot be delayed awaiting certainty on safeguarding.
- 3.3.5 Taking the Advisory Inspector's advice into account, the council has therefore considered the extent of safeguarding, rather than the principle of it. The Local Plan therefore no longer proposes an AAP through which to explore if and how the safeguarded land can best be utilised. Instead, safeguarding is retained based on an amended land take, enabling a strategic employment location to be allocated whilst safeguarding from development the land that would be required to accommodate a possible southern runway and associated infrastructure.

- 3.3.6 This change is fundamental to the approach of the Local Plan and is one of the reasons the Plan has been republished for a further Regulation 19 consultation. The Supreme Court decision, December 16 2020, was issued after the Local Plan was published with the council's papers for its Cabinet on November 25 2020. Therefore, factual updates have been made to the supporting text of the Plan to reflect this. A Communication Item was provided for the Full Council in the Supplementary Agenda papers so that members were aware of the Supreme Court decision before making their decision to support the Local Plan on the evening of December 16 2020. This can be viewed at Appendix 1 of this Topic Paper.
- 3.3.7 As advised by the PINS Inspector, the Local Plan includes a trigger in para 1.33 *"In particular, should changes to national aviation policy allow for the removal of the safeguarding of all the land for Gatwick Airport expansion, the opportunities and constraints of this land will be considered comprehensively through a review of the Local Plan, rather than as piecemeal development"*. This confirms that a further review of the Plan will be undertaken once the national position on safeguarding is clear – that would be through the adoption of a clear national Aviation Strategy and not just the Heathrow Court decision. This approach should 'future proof' the Local Plan in light of legal challenges that may separately be made in relation to Heathrow and national aviation policy.
- 3.4 Strategic Employment Location
- 3.4.1 In considering the extent of safeguarding, following review of the borough's employment land needs (see Topic Paper 5: Employment Needs and Land Supply) and the detail of the Gatwick Master Plan, the council considers there is an appropriate strategy to bring forward new employment land/ floorspace through the allocation of the Gatwick Green Strategic Employment Location at East of Balcombe Rd and south of the M23 spur, as shown on Figure 2 below. This land, as shown by Plan 20: Airport Layout: Additional Runway in the Gatwick Airport Master Plan (Figure 3 below) is not required to accommodate the physical land-take of a possible future southern runway, nor any essential road diversions. The allocated site area is shown in the Master Plan as being utilised only for a large area of surface car parking. Given the constrained land supply within the borough and its significant employment needs, the council does not consider surface parking to represent an efficient use of this land. This is particularly the case given that the airport is currently accommodating parking more efficiently through decked and robotic parking, and its Surface Access Strategy seeks to reduce access to the airport by car in favour of sustainable public transport modes. Safeguarding has been maintained around the Strategic Employment Location allocation to enable the diversion of the A23 and the Balcombe Road shown in the Masterplan as key infrastructure requirements should a southern runway come forward in the future.

Figure 2: Extract from Local Plan: Safeguarded Land & Strategic Employment Location

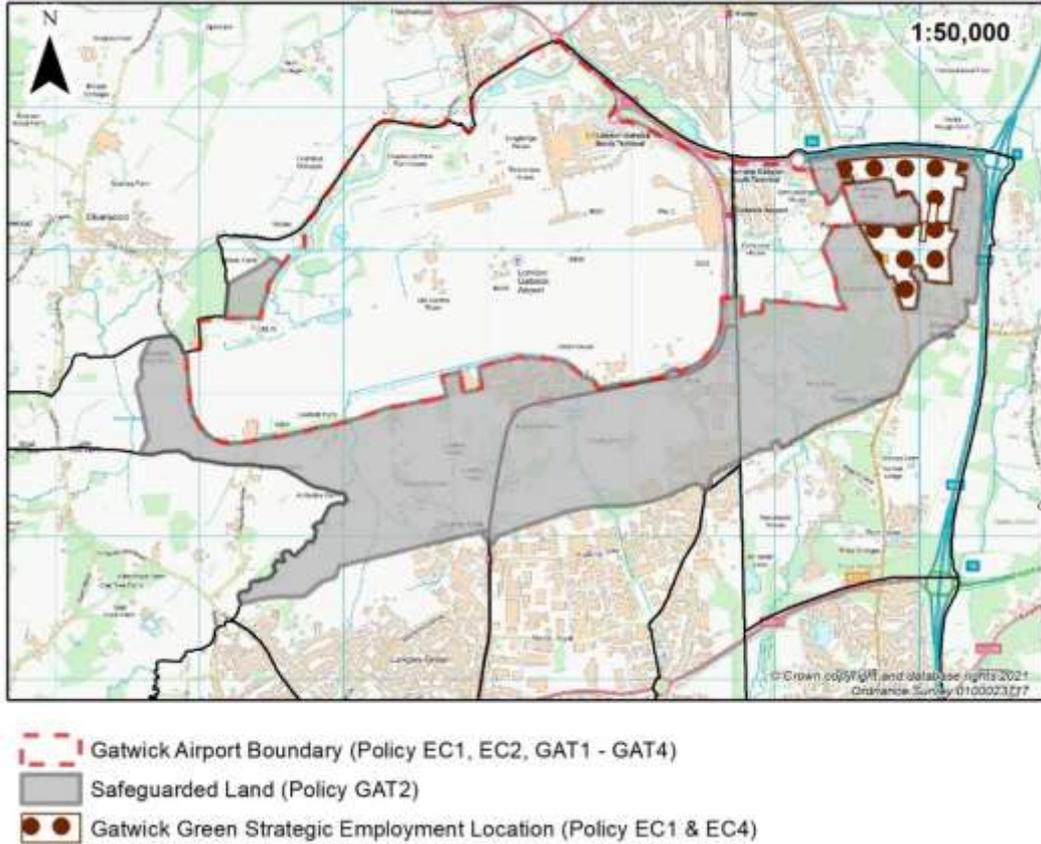


Figure 3: Extract from Gatwick Airport Master Plan 2019



3.5 Crawley Western Link Road

3.5.1 The Local Plan, Policy ST4, safeguards a Search Corridor for a Crawley Western Link Road, which is considered necessary because a number of key junctions in Crawley are already congested and alternatives are needed to prevent increased congestion, remove through traffic from the neighbourhoods, reduce inappropriate traffic using rural routes to Gatwick Airport and reduce pressure on the M23 Junctions 10 and 11. It will also help mitigate the surface access impacts of growth at the Airport, once aviation recovers, and will provide an alternative route to help address impacts from permitted new developments at Kilnwood Vale, Pease Pottage and North Horsham and from potential future development on the western side of Crawley.

3.5.2 The council's Transport Modelling includes sensitivity testing to specifically consider the changed highway demands arising from strategic development west of Crawley, within Horsham District, being promoted by Homes England. The council and Homes England are engaging with Gatwick Airport with regard to the boundaries between the safeguarded areas as the current Search Corridor is located at the southern edge of land safeguarded for a potential future runway at Gatwick Airport.

3.6 Gatwick Airport Related Parking

3.6.1 As passenger throughput at Gatwick Airport grows, so too will the number of people travelling to and from the airport, with access taking place by a variety of means of surface transport. There are negative environmental impacts associated with car journeys being made, and the provision of airport car parking generates car journeys and trips which impacts negatively on the achievement of sustainability objectives relating to the promotion of sustainable journeys and on the minimisation of and adaptation to climate change.

3.6.2 Through the 2019 S106 Legal Agreement between CBC, WSCC and GAL, commitments are in place to promote sustainable travel for passengers and staff. Obligation 5.6 of the Agreement sets out a requirement for the airport operator to provide *'sufficient but no more on-airport car parking spaces than necessary to achieve a combined on and off airport supply that is proportionate to 48% of non-transfer passengers choosing to use public transport for their journeys to and from the airport by 2022'*.

3.6.3 It is recognised that a proportion of non-transfer passengers will choose to drive to the airport by private car, and the achieving of this target still requires the provision of significant on-airport parking facilities for those who access the airport in this way. Further growth at the airport will mean more passengers travelling by car even if the proportion of passengers using public transport increases. To ensure that the surface access obligations of the S106 Agreement can be met, the amount of car parking provided on-airport must be commensurate with the target of 48% of passengers travelling to the

airport arriving by public transport. The airport operator's approach in seeking to maintain and increase the proportion of passengers using public transport is set out in its interim Car Parking Strategy (April 2017) and the Gatwick Airport Surface Access Strategy (May 2018).

- 3.6.4 Consistent with the approach of the S106 Agreement, the 2015 Local Plan, through Policy GAT3, outlines the provision of additional or replacement airport-related parking will only be permitted where it is (i) located within the airport boundary, and (ii) it is justified by a demonstrable need in the context of proposals for achieving a sustainable approach to surface transport access to the airport.
- 3.6.5 Ensuring that airport parking is provided on-airport minimises the number of trips and also the distance travelled by vehicle and passenger in travelling between the car park and the airport terminals, and allows it to be taken account of in the airport operator's Surface Access Strategy promoting more sustainable access to the airport. The approach is therefore considered to result in greater sustainability than would be the case for airport car parking sites located further away from the airport at off-airport sites. The policy ensures that any growth of airport-related car parking provision is located on-airport (within the airport boundary) and is clear that it will be permitted only where it is justified based on demonstrable need in the context of the overall strategy for increasing the proportion of non-transfer passengers using public transport.
- 3.6.6 As explained in para 2.1.2 above, this approach was found to be sound in relation to the Local Plan 2015, where the Inspector observed that on-airport provision is a more sustainable option. The 2015 Local Plan approach was also successfully defended at the High Court, as set out in para 2.1.3 above, with the judgement confirming that on-airport and off-airport parking represented the two alternatives that should be considered by the SA/SEA.
- 3.6.7 Further, Policy GAT3 has been successfully defended at separate planning inquiries¹⁹, relating to proposals for off-airport car parking. Appellants have sought to argue that the two 'limbs' of Policy GAT3 should be considered separately, that is to say that either limb of the policy can be satisfied. The council has successfully argued this is not the correct reading of the policy; rather the second limb applies to proposals that already comply with the first limb, the two parts of the policy being read conjunctively rather than disjunctively. In dismissing these appeals, Inspectors have confirmed the correct application of Policy GAT3 as requiring all new airport parking to be within the airport boundary (on the basis that this is the most sustainable

¹⁹ Ref: APP/Q3820/W/17/3182041 Former Gas Holder Station Car Park, North of Crawley Avenue, Pound Hill, Crawley, West Sussex, RH10 3PH; Ref: APP/Q3820/W/17/3173443 Land adjacent to Lowfield Heath Service Station, London Road, Lowfield Heath, Crawley, West Sussex, RH10 9SW; Appeal A: APP/Q3820/C/17/3175231 and Appeal B: APP/Q3820/C/17/3175232 Southways Business Park, London Road, Lowfield Heath, Crawley, Surrey, RH10 9TG

location) and to be evidenced by a demonstrable need in the context of achieving a sustainable approach to surface transport access to the airport.

- 3.6.8 These appeals reinforce GAT3 as representing an appropriate and sustainable approach to the provision of airport car parking, helping to encourage the use of sustainable alternative transport modes whilst ensuring sufficient parking is available on-airport to those who have no other option. Policy GAT3 is therefore retained in the Local Plan review, with a minor textual amendment (the addition of 'and' between limbs) made to clarify the established position that both limbs of the policy must be satisfied.

3.7 Employment Uses at Gatwick Airport

- 3.7.1 Gatwick Airport is designated in the Local Plan as a Main Employment Area, with offices and other forms of employment floorspace situated within the airport boundary. Many of these uses contribute to the safe and efficient operation of the airport, for example offices for airlines, handling agents and the airport operator, and cargo/freight warehousing. Recent years have seen an increasing level of vacant property, particularly offices at the airport, due in part to the changing needs of airlines and airport businesses which require less office space than previously. Local Plan Policy GAT4 therefore provides scope for the loss of airport-related employment floorspace within the airport boundary where it can be demonstrated that development will not have a detrimental impact on the long term ability of the airport to provide floorspace to meet its operational needs as the airport grows. New non-airport related floorspace will be permitted provided that this does not have a detrimental impact on the ability of the airport to meet its future land and floorspace requirements, and subject to demonstrating that there will not be an unacceptable impact on the role and function of other main employment areas including Manor Royal.
- 3.7.2 The GAT4 approach is rolled forward from the 2015 Local Plan, having been subject to minor textual amendments for clarity. The approach has been applied flexibly, providing a mechanism to relax conditions and re-use vacant space, often on a temporary basis, provided that sufficient evidence is provided to demonstrate that the policy requirements are met. Most recently, an application of this type has been received for the on-airport office space at First Point²⁰ seeking the temporary 10 year use of the identified space for non-airport use. Supporting information submitted with the application finds there to be a landside on-airport office portfolio of 34,389sqm, of which 4,107sqm is vacant.
- 3.7.3 In responding to consultation on GAL's draft Master Plan, the council has raised the issue that there would appear to be some inconsistency between GAL's approach in identifying a surplus of office space within the airport boundary, and its Master Plan approach which identifies new office space as

²⁰ <https://planningregister.crawley.gov.uk/Planning/Display/CR/2018/0642/NCC>

being required. The new office space is shown in the Master Plan as being located on land close to the terminals that is currently occupied by airport parking, this seemingly necessitating the relocation of this car parking to sites further away from the terminals (as discussed in para 3.1.2 above). Such relocation of car parking could potentially be seen as reducing the effectiveness of Gatwick's approach to sustainably manage surface access to the airport and make the most efficient use of its limited land, and the council has urged GAL to maximise the use of its existing on-airport office portfolio for airport-related uses before new office provision is made.

3.8 Hotel and Visitor Accommodation

- 3.8.1 Hotel and visitor accommodation provides an important role in Crawley, both in creating jobs and in meeting the needs of business visitors, including those at Manor Royal, and people flying to/from Gatwick Airport. Hotel and visitor accommodation is identified in the NPPF as a main town centre use, and is subject to the sequential test. However, it is recognised that in Crawley hotels also serve a particular airport-related function for passengers, air crew and other airport users, and therefore Gatwick Airport also represents a sustainable location for visitor accommodation. Through its representations to the previous Regulation 19 Local Plan consultation in January-March 2020, GAL objected to the draft iteration of the policy, outlining the specific role of on-airport hotels in reducing the duration of the journey from hotel to the terminals, and therefore making the case that the sequential test should not apply.
- 3.8.2 The council has amended Local Plan Policy EC7, responding to the specific local circumstances through removing the requirement to undertake the sequential test where hotel development is situated within the airport boundary. This approach is consistent with the principles of sustainable development, helping to ensure that hotels that would be used by passengers to and from the airport are located within the airport itself. In line with Policy GAT4, it will be necessary for hotel development to demonstrate that it will not have a detrimental impact on the long-term ability of the airport to meet its operational land and floorspace requirements as it grows
- 3.8.3 Airport-related car parking includes parking associated with hotel guests leaving cars whilst flying from the airport. For consistency with Policy GAT3, it is important that airport-related parking is not allowed at off-airport hotels or locations, and is only allowed at on-airport hotels where justified by a demonstrable need in the context of proposals for achieving a sustainable approach to surface transport access to the airport. This matter is addressed through Policy GAT3 and also the dedicated hotel and visitor accommodation focus of Policy EC7.

3.9 Aerodrome Safeguarding

- 3.9.1 Aerodrome safeguarding is the process used to ensure the safe and efficient operation of airports. It is in place to help protect aircraft and passengers during take-off and landing and while flying in the vicinity of the airport. This in turn helps ensure the safety of people living and working nearby. Aerodrome safeguarding differs to the principle of safeguarding land for a possible additional runway to the south of Gatwick Airport. Instead, it relates to how a development could impact on aviation safety.
- 3.9.2 Gatwick Airport is a European Aviation Safety Agency (EASA) certified aerodrome. Therefore, the council is required by the International Civil Aviation Organisation (ICAO) & EASA, to consult Gatwick Airport Limited on all planning applications where aerodrome safeguarding applies. This requirement is also embedded in the Town & Country Planning process by way of ODPM/DfT circular 01/2003 'Safeguarding of aerodromes & military explosives storage areas' Direction 2002.
- 3.9.3 The council has historically, as required, consulted with GAL on matters of aerodrome safeguarding. However, recent evidence prepared by Lichfields²¹ in liaison with the General Aviation Awareness Council has found that guidance in Planning Circular 01/2003 is not being applied consistently by local planning authorities, and recommends that for clarity, local plans should include an aerodrome safeguarding policy where relevant. Policy DD5 has therefore been included to raise awareness of the requirements of Aerodrome Safeguarding and ensure the safe operation of Gatwick Airport is taken into account in the design of development. The approach has been supported by GAL in its representation to the Local Plan.

4. CONCLUSION

- 4.1 The presence of an international airport within the borough creates specific planning issues which need to be addressed by local planning policies. The submission draft Local Plan includes the same suite of policies as the adopted Local Plan 2015, strengthened and clarified over time.
- 4.2 Matters of particular focus which have sought to be resolved through the review have included:
- The draft Local Plan policy boundary for the airport has significant implications for land use, particularly in relation to airport related parking which is a major issue in the borough, and is therefore drawn as tightly as considered appropriate.
 - Whilst uncertainty in national policy means the draft Local Plan retains safeguarding for a potential future southern runway for Gatwick Airport,

²¹ Safely Landed? Is the current aerodrome safeguarding process fit for purpose? Lichfields 2018
<https://lichfields.uk/blog/2018/july/18/safely-landed-is-the-current-aerodrome-safeguarding-process-fit-for-purpose/>

it has challenged the extent of the required safeguarding in order to enable the employment needs of the borough to be addressed.

- Flexibility for non-airport related employment uses on airport, including hotels, is provided in the Plan, whilst ensuring that development will not have a detrimental impact on the long term ability of the airport to meet its operational needs as it grows.
- A new Aerodrome Safeguarding policy has been added to the Local Plan.

DRAFT

APPENDIX 1: FULL COUNCIL SUPPLEMENTARY AGENDA 16 DECEMBER 2020

Public Document Pack
Crawley Borough Council
Full Council



Supplementary Agenda – Order Paper
Wednesday, 16 December 2020

A handwritten signature in black ink, appearing to read 'S. Patel', written in a cursive style.

Chief Executive

	Pages
2 Disclosures of Interest	5 - 6
Enclosed are the Disclosures of Interests received in advance of this meeting.	
4 Communications	7 - 8
Attached is a Cabinet Member Announcement from Councillor Peter Smith Cabinet Member For Planning And Economic Development	
5 Public Question Time	
There have been <u>no</u> written public questions received	
8 Councillors' Questions Time	9 - 14
Enclosed are the Councillors' written questions along with the response to those Questions	
9 Receiving the Minutes of the Cabinet, Overview and Scrutiny Commission and Other Committees including Items for Debate	
There have been <u>no</u> item reserved for debate.	

- 11 Pound Hill North & Forge Wood Councillors Amendment to Recommendation 2 Submission of Mission Crawley Local Plan 2021 - 2037

15 - 16

Enclosed is the Pound Hill North & Forge Wood Councillors Amendment to Recommendation 2 – Submission of Mission Crawley Local Plan 2021 - 2037 (Cabinet, 29 January 2020, Minute 4, p.40) to be moved by Councillor Burrett and seconded by Councillor McCarthy.

This amendment will be discussed under item 6 Consideration of Full Council Recommendations and Call-in Decision, as part of the discussion on Recommendation 2 – Submission of Mission Crawley Local Plan 2021 - 2037

NOTE: The Mayor has agreed that, although this report and information was not available for at least five clear days before the meeting, there are special circumstances justifying its urgent consideration.

Agenda Item 4

COMMUNICATIONS –

Cabinet Member Announcement from Councillor Peter Smith Cabinet Member For Planning And Economic Development

SUPREME COURT JUDGEMENT: December 16th 2020

Heathrow and Airports National Policy Statement

Background

In February 2020, the Court of Appeal ruled that the government had failed to take the 2015 Paris Climate Agreement into account in its support for a third runway at Heathrow, ruling that the Airports National Policy Statement, (ANPS), published in 2018 was unlawful. The Government accepted this decision, but Heathrow challenged it.

The Supreme Court Judgement

Giving a summary of the Supreme Court's ruling, made today (December 16th 2020), Lord Sales said the Supreme Court unanimously concluded the appeal should be allowed and that the ANPS was not affected by any unlawfulness and is valid.

The Implications for the Local Plan

This is an important decision but does not change the position of the Local Plan with regard to safeguarding nor the allocation of a Strategic Employment Location at Gatwick Green. Factual updates to the supporting text only will be made to reference this judgement.

The approach of the previous Regulation 19 Local Plan, published in January 2020, removing safeguarding and proposing an Area Action Plan was made when the ANPS was in force.

However, we cannot revert to this approach because our Advisory Inspector in April 2020 did not support it, citing continued uncertainty regarding safeguarding only partly caused by the ANPS Court of Appeal case, and referencing the Gatwick Airport Master Plan which states it is in the national interest to continue with the strategy of safeguarding and GAL's objection to the Regulation 19 Local Plan. The Inspector was also clear that the Local Plan must contain a strategy to address Crawley's employment needs, and that a trigger should be included in the Plan for it to be reviewed should there be certainty on national policy regarding safeguarding. Also, the national Aviation Strategy, published in December 2018, still remains in draft form, and states that it would be prudent to continue safeguarding at Gatwick. The new Local Plan has, therefore, challenged the extent of safeguarding, rather than the principle of it, with the allocation of Gatwick Green to meet Crawley's employment needs considered to be possible whether safeguarding is required or not.

This allows the Local Plan to progress, which is essential for it to provide clarity on meeting Crawley's development needs and for it to be within the timeline to be able to use the Government's transitional arrangements prior to the changes to the planning system.