

## Appendix 2

### The Past approach to Safeguarding

- 1 It is worth understanding the history of safeguarding at Gatwick Airport and the premise on which it was based. In the political and national policy context which prevailed at the time the Crawley Core Strategy (2007) and the CBLP (2015) were adopted, Government policy was that land should be safeguarded for additional runway capacity; this was embodied in Core Strategy Policy G2, which was superseded by Policy GAT2 in the adopted CBLP. A number of policy documents prevailed as outlined below.
- 2 The now withdrawn PPG 13 Annex B (2001) contained no guidance on safeguarding, instead noting that for the purposes of determining planning applications and defining planning policy, LPAs should consider the extent development is related to the operation of the airport. It went on to define operational needs (e.g. terminals); related development (e.g. airport car parking), and less directly related development (e.g. hotels / offices) which should be justified by their relationship to airport related businesses and appropriate in scale relative to core airport uses.
- 3 The now revoked Air Transport White Paper (ATWP, 2003) noted that if conditions attached to construction of a third runway at Heathrow could not be met, and as there was a strong case for a second runway at Gatwick after 2019, land should be safeguarded for this. The ATWP contained a plan that showed proposed Safeguarded Land at Gatwick extending east of Balcombe Road based on a second wide-spaced runway.
- 4 The Guidance on the Preparation of Airport Master Plans (2004) contains guidance on safeguarding and remains extant. The guidance states that master plans should identify long-term land requirements for future airport development and whether these require changes to airport boundaries. Such additional land should be clearly identified to minimise long-term uncertainty and non-statutory blight.
- 5 The above guidance and planning policy formed the backdrop to the identification of the Safeguarded Land in Gatwick Airport's Master Plans of 2005<sup>1</sup> and 2006<sup>2</sup>. In turn, these informed the Safeguarded Land boundary in the Core Strategy (2007).
- 6 Following adoption of the Core Strategy, the first iteration of the National Planning Policy Framework (NPPF, 2012) emerged, which required that the extent of any safeguarding should be justified by 'robust' evidence that sites or routes are 'critical' to providing the infrastructure (this remains unchanged in the current NPPF (2019)). This guidance was reiterated in the Aviation

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<sup>1</sup> Gatwick Airport Outline Master Plan, Draft for Consultation, BAA, March 2005

<sup>2</sup> Gatwick Airport Interim Master Plan, BAA, July 2006

Policy Framework (APF - 2013), but critically this was qualified in the following way: *“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”* (Savills emphasis). This qualification time limited the need for safeguarding to the release of Government policy on aviation. In effect, the need for safeguarding was retained only whilst a policy vacuum existed.

- 7 Whilst the NPPF (2012 – para 41) embodied in planning policy the need to consider safeguarding land for future infrastructure previously contained in the ATWP (in relation to airports), it did so with the pre-requisites relating to ‘robust’ evidence and that such land was ‘critical’ to the provision. Subsequently, the APF (2013) reinforced the need for safeguarding, but only until the Government had released its final aviation policy in response to the findings of the Airports Commission. The CBLP (2015) was prepared in this context and at the time of its Examination, the Airports Commission had not reported, so the guidance in the APF and NPPF prevailed. The Inspector therefore confirmed that Policy GAT2 and the Safeguarded Land boundary were sound. The Safeguarded Land area in the adopted CBLP (2015) is similar to that in the Core Strategy, but was adjusted to reflect the boundary shown in the 2012 Airport Master Plan<sup>3</sup>.
- 8 Based on this assessment of past national policy and guidance, the principle of safeguarding land for the second runway at Gatwick remained a sound approach at that time until the future of aviation had been decided through the Airports Commission process. However, this is no longer the case, as explained in the principal representations on behalf of by TWG on Chapter 10 (Gatwick Airport) of the submission DCBLP (2020) and in further evidence from Mott MacDonald contained in Appendix 3 to that representation.

### **Crawley Borough Council’s past position on safeguarding**

- 9 The evolution of CBC’s position on safeguarding since 2010 reveals that whilst it has paid heed to earlier Government aviation policy, it has over time aired its concerns over the impacts of safeguarding and justification for it in both principle and extent. This is set out in a number of planning Topic Papers on airport growth. The Topic papers can be summarised as follows:
  - **Topic Paper 9 (2010)** – Despite the Government’s decision (at that time) to proceed with expansion at Heathrow and Stansted, land must continue to be safeguarded for a second runway at Gatwick because this was policy in ATWP (2003) and because the South East Plan (Regional Spatial Strategy) had a policy requiring land to be safeguarded.
  - **Topic Paper 9 (2012)** – This noted that the Government was preparing a UK Framework on Aviation, but that in the meantime, the ATWP remained extant policy including

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<sup>3</sup> Gatwick Airport Master Plan, GAL, July 2012

safeguarding land at Gatwick Airport. However, the Topic Paper considered what the position might be in the context of the UK Framework on Aviation stating that *“It is felt that there needs to be discussion, if it is concluded that a second runway at Gatwick is not currently required, about whether it may be prudent to safeguard land on a very long term basis to retain it as a future option even if it is not needed now”*. The Council was clearly acknowledging that in the event that a second runway is not currently required, it would need to look closely at whether safeguarding land on a very long term basis was prudent.

- **Topic Paper 1 (2014)** – This Topic Paper informed the EiP on the CBLP. It was issued following the publication of the APF in 2013 which contained generic advice on the need for safeguarding at airports and which also led to the revocation of the ATWP (containing the specific requirement to safeguard land at Gatwick), but in advance of the decision of the Airports Commission on runway capacity. The Paper put forward three scenarios (1) that a second runway is promoted by Government, (2) that a second runway is not supported and safeguarding at Gatwick is lifted, and (3) that a second runway is not supported, but that safeguarding at Gatwick should remain.

10 In relation to Topic paper 1, the aviation policy-vacuum meant that a second runway at Gatwick remained a possibility in aviation policy terms, so the Council retained safeguarding in its Local Plan. This position was reinforced by the Inspector at the CBLP Examination in 2015 in which he confirmed that land north of Manor Royal and east of the Airport were the preferred locations for strategic employment to complement the existing provision at Manor Royal and the Airport utilising established transport connections and infrastructure and that *“there is no realistic prospect of bringing this land forward in advance of the Government’s decision on airport expansion”*. Topic Paper 1 provided the backdrop to the adopted CBLP: given that aviation policy was in a state of uncertainty in 2014/2015, safeguarding was retained in the adopted CBLP (2015).