



# Crawley 2035

Ref No:

Office use only

## Crawley Submission draft Local Plan Representation

Please return your completed representation form to Crawley Borough Council  
by 5pm on 2 March 2020.

Representations can be made via this form and emailed to [forward.planning@crawley.gov.uk](mailto:forward.planning@crawley.gov.uk) or sent via post to: Local Plan Consultation, Strategic Planning, Crawley Borough Council, Town Hall, The Boulevard, Crawley, RH10 1UZ. Alternatively, representations can be made online using the [eform](#) which allows attachments of documents.

This form has two parts:

### PART A – Personal details

By law, representations cannot be made anonymously. All representations will be published alongside your name, company name (if applicable), and your client's name/company (if applicable). The Council will use the information you submit to assist with formulating planning policy.

Further information about Data Protection Rights in line with the provisions of the General Data Protection Regulations and Data Protection Act 2018, for example, how to contact the Data Protection Officer, how long information is held or how we process your personal information can be found at [www.crawley.gov.uk/privacy](http://www.crawley.gov.uk/privacy). Specific reference to the Local Plan and planning policy related public consultation can be found on: [www.crawley.gov.uk/pw/web/PUB351893](http://www.crawley.gov.uk/pw/web/PUB351893)

### PART B – Your representation

Please fill in a separate sheet for each representation you wish to make. You may submit multiple "PART B" sections with a single "PART A" completed.

### PART A – Personal details

Please ensure that you complete all fields in 1. If a planning agent is appointed, please enter the Title, Name and Organisation in 1, and complete the full contact details of the agent in 2.

	1. Personal details	2. Agent's details
Title:	Ms	Mr
First name:	Sally	Simon
Surname:	Fish	Fife
Organisation:	Wilky Group	Savills
Address line 1:	Fetcham Park	Wessex House

Address line 2: Lower Road

Priors Walk

Town/city: Leatherhead

Wimborne

Postcode: KT22 9HD

BH21 1PB

Telephone: 01483 230320

01202856912

Email: Sally.Fish@Wilky.co.uk

sfife@savills.com

## PART B – Your representation

### 3. Please tick the document that you would like to make a representation on:

- Crawley submission Local Plan
- Crawley submission Local Plan Map
- Crawley submission Sustainability Appraisal
- Habitats Regulation Assessment Screening Report

### 4. Which part of the Local Plan does this representation relate to?

Paragraph: 10.4-10.10

Policy:

Other: Chapter 10

### 5. Do you consider the Local Plan to be: (Please tick)

- |   |   |                             |
|---|---|-----------------------------|
| 5.1. Legally compliant?                     | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 5.2. Sound?                                 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 5.3. Compliant with the duty to co-operate? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

### 6. Please give details explaining your response to 5.1, 5.2, or 5.3 below. Please be as clear as possible.

#### 1.0 Introduction

##### Background

- 1.1 This representation is submitted on behalf of the Wilky Group (TWG or Wilky), which has a long-standing interest in the promotion of strategic employment land within the Crawley Borough Council (CBC) area. It relates to Chapter 10, Gatwick Airport in the Draft Crawley Borough Local Plan, 2020 (DCBLP) and specifically paragraphs 10.4 to 10.10 that address the position on 'Safeguarded Land' for a second runway at Gatwick.
- 1.2 TWG owns about 63.3 ha (149 acres) of land east of Gatwick Airport and north and south of the

M23 spur road between Junctions 9 and 9a. The land south of the M23 spur road is being promoted by TWG as a strategic employment opportunity known as Gatwick Green (the Site). The Site is identified on the plan at Appendix 1, which shows the extent of the Gatwick Green opportunity, comprising about 59 ha. TWG owns about 47 ha of land within the Gatwick Green opportunity; about 80% of the Site – the extent of land owned by Wilky is shown on the plan at Appendix 1.

- 1.3 Wilky is in discussions with Aberdeen Standard Investments over how they can work together in respect of Wilky's strategic landholding adjacent to Gatwick Airport to bring forward an integrated mixed-use commercial development with a co-ordinated infrastructure solution.

### **Executive Summary**

- 1.4 TWG has submitted substantive representations on the DCBLP in relation to its land interests east of Gatwick Airport and Balcombe Road to the north of Crawley (59 ha). Its case is primarily concerned with the approach in the DCBLP to safeguarding land for future growth of the airport, the proposal to designate the formerly safeguarded land for the North Crawley AAP and the short and long term approach to identifying land for strategic employment contained in Policies EC1 (Sustainable Economic Growth) and SD3 (North Crawley AAP).
- 1.5 TWG considers that there is no legal or national policy basis to safeguard land for a second runway at Gatwick and consequently the unmet planning and socio-economic needs of the Borough can be accommodated through the identification of land. Runway capacity has been provided for at Heathrow to meet forecast demand, alongside the expansion of other airports based on their existing runway infrastructure. National policy on aviation and airports therefore no longer requires any safeguarding at Gatwick, so TWG fully supports the removal of blanket safeguarding in the DCBLP.
- 1.6 The NPPF requires Local planning Authorities to place significant weight on supporting sustainable economic growth by, *inter alia*, identifying strategic sites for inward investment to accommodate business needs and wider opportunities. Regional and sub-regional economic policy support focusing growth at Crawley/Gatwick in recognition of the area's current role and future potential. Importantly, the evidence base for the Local Industrial Strategy, which planning policy should reflect, supports the identification of major economic development adjacent to Gatwick, identifying land east of the Airport in this regard.
- 1.7 TWG supports the policy to identify land for strategic employment and other needs via an AAP for north Crawley, but has put forward evidence that the unmet economic needs of the Borough are higher than noted in policy. In recognition of this and having regard to the removal of blanket safeguarding, evidence has been put forward to support the identification of Gatwick Green for strategic employment to meet the long-standing and urgent unmet needs of the area. Gatwick

Green is immediately available to address the short term shortfall of employment land.

## **2.0 Summary of position on safeguarding**

- 2.1 In the DCBLP, the blanket safeguarding that is applied by Policy GAT2 of the adopted Local Plan has been removed and replaced with a designation for the North Crawley Area Action Plan (AAP) under Policy SD3. This policy removes the blanket safeguarding and applies interim controls over development that might prejudice the provision of a second runway at Gatwick. These controls are similar (though more restrictive) than those in Policy GAT2 and would apply until an AAP is adopted.
- 2.2 Wilky's position on safeguarding was set out clearly in its representation on the Regulation 18 DCBLP, Policy GAT2. This explained that in terms of national aviation/airports policy, there is no longer any justification for safeguarding land for the construction of a second runway, outside of the Airport's operational boundary. The representation went on to state that any safeguarding must be justified by robust evidence of need with the area being no more than is critical to serve the purpose of the safeguarding, i.e. related to operational airport infrastructure. TWG therefore supports Crawley Borough Council's (CBC) decision to remove blanket safeguarding from the DCBLP. CBC proposes the North Crawley AAP as a mechanism to address any justifiable infrastructure needs of the Airport alongside meeting the other pressing planning and socio-economic needs of the Borough. TWG considers that the proposal to formally remove the safeguarding and identify the area for a future AAP in accordance with draft Policy SD3 is sound. However, it is aware that Gatwick Airport Limited is likely to make representations against the AAP proposal. In the event that the Examination needs to consider whether to continue safeguarding or allocate currently safeguarded land for other uses, TWG considers that the safeguarded land to the east of the airport, including TWG's land at Gatwick Green, should be removed from safeguarding and allocated for employment purposes as set out in its various representations. TWG considers that there is a clear case to allocate land to address the proper planning and socio-economic needs of the Borough, but acknowledges that the proposed AAP offers a sound, though more protracted, mechanism by which these land use demands can be addressed.
- 2.3 This representation therefore responds to the Council's position on safeguarding set out at paragraphs 10.4-10.10 on the DCBLP. Gatwick Airport Ltd (GAL) made representations in strong support of retaining safeguarding in the Local Plan based on its view that such a position was supported by Government policy. However, following opposing representations by TWG and others on the Regulation 18 DCBLP, the Council decided that there was no longer any justification for blanket safeguarding land at Gatwick Airport for a second runway. The Council's rationale for this position is based on the significant shift on national aviation policy since the CBLP was adopted in 2015 such that future runway capacity up to 2050 is to be accommodated at Heathrow (3rd runway) and through making best use of existing runways at other airports,

including at Gatwick. This representation therefore sets out the basis of TWG's support for the approach to safeguarding in Chapter 10 and by implication, Policy SD3's designation of the North Crawley Area Action Plan.

- 2.4 The national aviation and airports policy framework that prevailed in 2015 supported retaining safeguarding at Gatwick. This policy framework has fundamentally changed such that there is no longer an in-principle case for safeguarding land at Gatwick for a second runway. Accordingly, in the absence of a national policy to safeguard land at Gatwick and any robust evidence from GAL to justify perpetuating safeguarding, the Council has resolved to remove Policy GAT2 (Regulation 18 option 1) and the safeguarding designation from the Local Plan Map.
- 2.5 Consequently, the Council intends to undertake an Area Action Plan (AAP) following the adoption of the DCBLP covering most of the former Safeguarded Land to plan for the long-standing unmet economic, housing, infrastructure and community needs of its residents. In contrast with the unjustified need for a new (effectively third) runway at Gatwick Airport, these socio-economic needs are pressing, acknowledged in current policy and exist now. The AAP will also address any legitimate and robust long terms needs of the Airport and will identify any land use requirements in policy. The Council intends to reconcile these potentially competing interests via the AAP.
- 2.6 TWG therefore supports the Council's position on safeguarding and sets out its position in this regard in this supporting representation.

### **3.0 Safeguarded Land**

#### **Introduction**

- 3.1 There are two fundamental questions that need to be answered in order to come to a position on the need to safeguard land for a second runway at Gatwick:
  1. Is safeguarding land justified in principle in the context of the national policy framework on aviation and airports?
  2. Has Gatwick Airport Limited (GAL) put forward 'robust' evidence in its Airport Master Plan (AMP) or in its Regulation 18 representations to support the extent and configuration of land that is 'critical' to accommodate infrastructure as required by national policy and the NPPF, such that this land should be safeguarded from prejudicial development?
- 3.2 In summary, it is considered that whilst safeguarding land may have been justified in principle at the time the CBLP was examined and adopted in 2015, the national policy framework on aviation and airports has fundamentally changed such that continuing with safeguarding is no longer justified, particularly in the context of Crawley's critical and acknowledged unmet need for economic infrastructure, housing, transport infrastructure and community facilities. This approach is consistent with the Council's long-standing position, which recognised that safeguarding would

need to be revisited if central government decided that a new runway should be built at Heathrow and not Gatwick.

- 3.3 Furthermore, it is considered that GAL has not provided any robust evidence to underpin the extent and configuration of the safeguarded land east of the Airport the Gatwick Area Master Plan<sup>1</sup> (GAMP). Consequently, national policy on when safeguarding may be justified has not been met and cannot be met.

## **Question 1 - the principle of Safeguarding**

### **Past policy on Safeguarding**

- 3.4 **Appendix 2** sets out the past approach to safeguarding land for a second runway at Gatwick and notes that up until 2018 and the release of the Airports National Policy Statement<sup>2</sup> (ANPS), there was a case to retain safeguarding at Gatwick for a second runway. Consequently, the Crawley Core Strategy (2007) and the Crawley Borough Local Plan (2015) included a policy to safeguard land at Gatwick for a second runway. The extent of the Safeguarded Land however, is not something which TWG supported in its past representations on the Crawley Core Strategy (2007) and the CBLP (2015).

### **Current policy on Safeguarding**

- 3.5 The current national policy context for airport expansion is very different from that which prevailed at the time of the CBLP 2015. The Airports National Policy Statement (ANPS, June 2018) confirmed an additional runway at Heathrow Airport that fulfilled the future demand for air travel up to 2050, outside of the "best use" of existing runway facilities to increase capacity at other airports.
- 3.6 The ANPS was followed by a policy document on the future of UK aviation outwith Heathrow Airport ('Beyond the Horizons'<sup>3</sup> - BtH). This policy re-states the approach to airport expansion contained in the 2013 Aviation Policy Framework<sup>4</sup> (APF), namely that airports should make the best use of their existing runways. Gatwick is in the process of giving effect to this new national policy by seeking consent to lift its flight cap and use its existing emergency or standby runway as a second runway. The original policy and factual basis for safeguarding for an additional runway at Gatwick therefore no longer exists.

---

<sup>1</sup> Gatwick Airport Master Plan, GAL, July 2019

<sup>2</sup> Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England, Department for Transport, June 2018

<sup>3</sup> Beyond the horizon: The future of UK aviation - Making best use of existing runways, UK Government, Department for Transport, June 2018

<sup>4</sup> Aviation Policy Framework, Department for Transport, March 2013

- 3.7 In summary, the ANPS, the 'Beyond the Horizons'(BtH) document and the draft Aviation Strategy<sup>5</sup> (AS) approved the third runway at Heathrow and limited all other airport expansion to making the best use of existing runways. National policy therefore no longer identifies a specific need for a further new major runway in the South East (much less at Gatwick itself) and does not identify any specific time when such a runway will be needed. Nor does it require land for any such hypothetical runway to be safeguarded. Generic guidance on the approach to safeguarding land for infrastructure related to widening transport choice or to support large scale development is contained in the National Planning Policy Framework (NPPF) at paragraph 104 (c).
- 3.8 In the light of the Government's decision to proceed with a third runway at Heathrow and limit expansion elsewhere to making best use of existing runways, the current policy pertaining to airport capacity and safeguarding land for future development at airports can be summarised as:
- National policy contained in the 'Beyond the Horizons' document (2018) requires that outside Heathrow, airports should make the best use of existing runway infrastructure.
  - The December 2018 draft AS reaffirms that consideration of safeguarding for airports and their associated surface access requirements, is one for local plan-making authorities applying general national policy in the NPPF. There is no airport-specific runway safeguarding policy at national level.
  - The NPPF 2019 clearly sets out that the application of a safeguarding planning policy is one that must be tested and justified by local planning authorities based on robust evidence which must clearly demonstrate what is critical to accommodate any infrastructure (para 104(c)).
- 3.9 It is therefore clear that circumstances have materially changed since the adoption of the current Local Plan in 2015. There is no longer any policy requirement at a national level for the continued safeguarding of land for a second runway at Gatwick Airport. The Government has taken the policy decision to support an additional runway at Heathrow to meet capacity need up to 2050. The reason for safeguarding land at Gatwick given in the 2013 APF has now fallen away. As far as other airports like Gatwick are concerned, Government policy is to support additional capacity based on their existing runway infrastructure. This does not require any safeguarding of land at Gatwick. Under these circumstances, retaining blanket safeguarding in the Local Plan would be anachronistic and contrary to national policy and related guidance.
- 3.10 Based on Government policy, there is presently no established need for a further new runway, nor any established policy that future needs should be met by further runway development. In the context of the current climate emergency – which casts doubt over the scale of additional runway capacity that could be accommodated in environmental terms – the future direction of aviation policy becomes more uncertain. Both current policy and the available evidence suggests that there is significant uncertainty over the need for a second / additional runway at Gatwick and would in any event be a very long term proposition. Safeguarding under these circumstances

---

<sup>5</sup> Aviation 2050: The future of UK aviation – a consultation, UK Government, Department for Transport, December 2018

would be untenable given that it would condemn land acknowledged in policy as being suitable and required for strategic employment, to long term sterilisation. TWG's land has been sterilised for over 15 years – in the current aviation policy context, it would have been wholly unreasonable to deny critical socio-economic infrastructure and sterilise the land for 30 years up to 2035 and beyond.

- 3.11 This uncertainty is starkly illustrated in the draft AS (paras 3.11-3.14) in relation to planning for further runway capacity. Para 3.13 indicates that any new framework for growth could accommodate additional runways beyond 2030 if the needs case could be proven (the Airports Commission concluded there was likely to be a demand case for a second additional runway by 2050 or possibly earlier, but not an environmental or commercial case (Airports Commission, Final Report<sup>6</sup>, para 3.64). The Government therefore proposes to ask the National Infrastructure Commission (NIC) to include airport capacity in future national infrastructure assessments to determine whether there is a needs case for further runways. If a need is identified, the preferred location could be decided through (1) a National Infrastructure Commission (NIC) sector study, (2) an independent commission (like the Airports Commission), or (3) an aviation NPS to either set out the criteria any development consent application would need to meet, or by naming airport(s). The Government's preferred approach is an NPS to set out the criteria, but not name specific airports, so leaving it to industry to determine whether and when to bring forward proposals.
- 3.12 In summary, it is considered that there is no longer a national aviation policy basis for the blanket safeguarding of land at Gatwick Airport for a second runway.

### **Gatwick Airport Master Plan (GAMP), 2019**

- 3.13 Government policy is focused on delivering the third runway at Heathrow and maximising the use of existing runways elsewhere. Consistent with this approach, the proposals for the expansion of Gatwick Airport contained in the Gatwick Airport Master Plan (GAMP, 2019) are focused on expansion via the use of new technology to increase capacity based on the existing runway, and through the routine use of the standby runway for departures.
- 3.14 The GAMP contains a short section on the need to safeguard land for a possible future second runway. The introduction sets out the underlying rationale for continuing with safeguarding (para 5.4.1):

*"Gatwick is no longer actively pursuing plans for an additional runway, but there nevertheless remains the possibility of building and operating one in the future. Should this, or a future, Government decide to support an additional runway at Gatwick, we would be ready to take this forward with a view to seeking development consent. Should such policy support materialise, then it would be feasible to open the additional runway towards the end of the 5 to 15 year period. It is for this reason that we have included the additional runway in this draft master plan."*

---

<sup>6</sup> Airports Commission: Final Report, Airports Commission, July 2015



- 3.15 This illustrates the fragility of GAL's case for safeguarding – GAL is no longer pursuing plans for a second runway; the prospect of a second runway is no more than a 'possibility'; and bringing forward a proposal is dependent on a future decision by the Government. The draft AS confirms that such a decision is unlikely given the Government's preference for allowing Airports to bring forward schemes based on criteria contained in a future NPS. The Airports Commission found that there was likely to be demand for an additional runway in the South East around 2050 and the draft AS stated that it could emerge after 2030: it is therefore unlikely that there will be demand for an additional runway in the South East until at least 2040, some years after the end date of the DCBLP. Even if such demand materialised, the environmental and economic cases were doubted by the Airports Commission, and without such justification, potential future demand alone – even if it materialised – would not justify safeguarding. The environmental impacts of aviation expansion may impose a brake on aviation growth in the context of the UK policy to end its contribution to global warming by 2050: further airport expansion may be severely restricted or impossible in this policy context.
- 3.16 The GAMP goes on to state that land is safeguarded for a second runway as "required by Government" (para 5.4.10). As noted in this representation, there is no such requirement in national policy or guidance in relation to Gatwick Airport. No justification for safeguarding exists, and no explanation has been given as to why the extent of land proposed for safeguarding by GAL should be the same as it was before the Heathrow decision was made.
- 3.17 It is worth noting that the GAMP proposes to bring forward the regular use of the standby emergency runway, which in effect is a second runway. A legal agreement in 1979 with West Sussex County Council (WSSCC) prevented a second runway being promoted until 2019 – that GAL has brought forward its plans for the use of the standby runway now the time limit has expired, points to the proposal being a second runway for the Airport.
- 3.18 The short section on safeguarding in the GAMP provides no evidence-based rationale to underpin the extent of the land area for safeguarding has been put forward. There is no acknowledgement of the Council's current, pressing and ever growing planning and economic needs, and no explanation for how these have been taken into account in drawing the proposed boundary of the safeguarded land. The section in the GAMP on safeguarding offers no clear evidence to support the extent of safeguarding in the GAMP and falls significantly short of meeting the tests relating to 'robust' and 'critical' evidence required by the NPPF.
- 3.19 Ultimately, the AS places the responsibility on plan-making authorities to 'consider' the future needs of airports in the context of national policy on airport expansion. Absent any national policy to provide a new runway at Gatwick and any robust evidence from GAL on the need for safeguarding, it is considered that the Council has made the correct judgement to exclude blanket safeguarding from the Local Plan review.

## **Crawley Borough Council corporate position on Safeguarding**

- 3.20 CBC's corporate position has unequivocally rejected safeguarding. A Full Council meeting on 12 December 2018 considered the Council's response to the draft Gatwick Airport Master Plan (2018). In relation to safeguarding, the report to Full Council noted its past objection (to the Airports Commission) to the second runway on environmental impact grounds, particularly noise and the pressure on housing supply. The report also notes that the Council objects to the second runway because the Borough has considerable unmet employment needs much of which could be accommodated within the safeguarded area of 523 ha. The report went on to recommend that the Council only supports the future safeguarding if directed to do so by the Government in the forthcoming Aviation Strategy.
- 3.21 It is noted from the minutes of the Full Council meeting that Members spoke of the need for CBC to "take back" safeguarded land for strategic development and also of the importance of diversification within the existing employment offering. The Council resolved that it "strongly disagrees that the land be safeguarded for the future construction of an additional runway" consistent with its previous corporate position. National policy allows the Council to dispense with safeguarding in accordance with its corporate intention and it has now done so through the DCBLP.

## **Sustainability Assessment**

- 3.22 There is a statutory duty under section 19 of the Planning and Compulsory Purchase Act 2004 to carry out a sustainability appraisal of each of the proposals in a Local Plan during its preparation. One of the requirements of the Strategic Environmental Assessment (SEA) Regulations is to include an assessment of any reasonable alternatives, taking into account the objectives and the geographical extent of the plan or programme. The DCBLP SEA<sup>7</sup> contains such an assessment in relation to the alternative options in relation to safeguarding.
- 3.23 The SEA contains an assessment of four policy options for safeguarding namely (1) to retain safeguarding, (2) to remove safeguarding but do not designate an AAP, (3) safeguard part of the area, or (4) designate land north of Crawley's built up area, south and east of Gatwick Airport for an AAP.
- 3.24 For option 1 (safeguard land), the Council's analysis correctly identifies a large number of negatives against the nine assessment criteria, principally from the significant level of socio-economic needs across the Borough that would remain unmet. The Council considered that option 2 (remove safeguarding) would lead to some negatives resulting from the ad hoc approach to allocating land for development in the absence of the comprehensive evidence base to address

---

<sup>7</sup> SUSTAINABILITY APPRAISAL / STRATEGIC ENVIRONMENTAL ASSESSMENT, DRAFT REPORT For the Submission Local Plan, Crawley Borough Council, January 2020

the scale and spatial distribution of development allocations. The Council considered that option 3 (safeguard part of the area) was untenable in that the needs of the Airport are unknown, so would result in uncertainty over the land available for other land uses.

- 3.25 The Council therefore favoured option 4 as it had a number of positives against the nine assessment criteria: it provided for an interim policy arrangement whereby the blanket safeguarding in the adopted CBLP could be removed and replaced by an AAP designation under Policy SD3 that would allow the potential future growth needs of the Airport to be properly considered alongside other development needs in Crawley.
- 3.26 The SEA has informed the Council's decision to remove blanket safeguarding, but defer a final decision on the need for any safeguarding to an AAP. TWG support this approach, but considers the corollary to be some further delay in addressing the unmet needs of the Borough with some negative consequences. The consequences include the continuation of tight restrictions on development in the AAP area with the consequent perpetuation of planning blight and ongoing uncertainty with regard to meeting the Council's unmet needs. Further, the Inspector for the 2015 CBLP EiP found that the unmet needs of the Borough must be addressed within five years (i.e. by 2020): the departure from this advice is not an ideal outcome in the context of the NPPF requirement to plan positively for growth and meet objectively assessed needs. Nevertheless, TWG accepts the findings of the SEA and ultimately agrees with the soundness of the proposed AAP approach.
- 3.27 In summary, TWG supports the Council's decision to remove blanket safeguarding and the related policy from the DCBLP, but considers on balance that the AAP designation whilst sound, is a less than optimal policy response given the potential negative consequences noted above.

### **Conclusions on the principle of Safeguarding**

- 3.28 In conclusion, it is considered that there is no longer a basis for safeguarding land at Gatwick Airport for a new (effectively third) runway and the Council's decision to omit blanket safeguarding from the DCBLP is therefore a sound and robust one. Government policy is focused on delivering the third runway at Heathrow and maximising the use of existing runways elsewhere. There is no longer any policy or guidance to specifically safeguard land at Gatwick Airport for a second runway. The GAMP acknowledges that GAL is no longer actively pursuing its plans for an additional runway, although it considers it to be a possibility in the future. Given uncertainty over the need for and timing of any new runway capacity in the South East, combined with the growing limitation on airport growth implied by the need to address climate change, the rationale for a new runway at Gatwick must be weaker than GAL's view that it is a possibility in the future. In this context, CBC has rightly adopted a corporate position to reject ongoing safeguarding and focus on addressing its immediate and significant unmet socio-economic and employment needs.

3.29 From a plan-making perspective, CBC has clearly scrutinised and tested the robustness of any evidence relating to continued safeguarding contained in the GAMP and in GAL's representations on the Regulation 18 DCBLP. Based on its assessment, CBC has decided to remove blanket safeguarding from the DCBLP and instead review the Airport's longer term needs via an AAP under Policy SD3.

### **Question 2 – The existence of 'robust' evidence for Safeguarding for 'critical' infrastructure**

3.30 With no national policy to safeguard land at Gatwick for a second runway, any safeguarding must be justified both in principle and in extent in the context of the general provisions relating to safeguarding land for infrastructure. These policy provisions require a robust case to be demonstrated to support the nature and extent of any safeguarding if a Local Plan is to be found sound. In this regard, while the Government's UK Aviation Green Paper, known as the draft Aviation Strategy (AS, 2018) notes that *"..it is prudent to continue with safeguarding policy to maintain a supply of land for future national requirements and to ensure that inappropriate developments do not hinder sustainable aviation growth"* (para 3.66), it goes on to re-state the guidance in the NPPF and that this provides sufficient *"guidance for local planning authorities to consider the future needs of airports and their associated surface access requirements, when developing local plans"*.

3.31 In the context of the policy and guidance contained in the APF, the NPPF and the draft AS, the need for any land to be safeguarded must be tested through the plan-making process. The Council has decided to test this need through the AAP, alongside meeting the critical unmet economic, infrastructure and social needs of Crawley. The evidence for safeguarding any land would therefore need to be 'robust' and demonstrate that it extends only so far as to accommodate infrastructure that is 'critical' to the Airport's known expansion plans.

3.32 GAL can no longer rely on Government aviation policy so it will need to put forward evidence to justify any safeguarding both in principle and in detail against the tests in the APF and the NPPF. GAL has supported the retention of safeguarding in its Regulation 18 representations: in this context the question arises as to the extent of safeguarded land that is 'critical' to accommodate land for airport operational infrastructure.

3.33 TWG has long made the case that there is no justification for safeguarding land at Gatwick Airport east of Balcombe Road (covering the Site / Gatwick Green); an area shown on Plan 22 of the GAMP for surface car parking. Safeguarding this land is not justified by any 'robust' evidence and is not 'critical' to serving the purpose of the existing safeguarding extent, namely a second runway. The veracity of the safeguarding east of Balcombe Road has been assessed by Mott MacDonald's aviation team, the conclusion of which is that there is no justification for this area of

Safeguarded Land: see assessment at **Appendix 3**.

- 3.34 This conclusion is supported by the DCBLP at paragraph 3.20, which states that *“the indicative plans for a southern runway provided in the Gatwick Airport Masterplan show a large area for surface car parking, indicating an inefficient use of valuable land in a constrained borough with high development needs. A more consolidated approach could potentially open up opportunities for other developments”*.

### **Crawley Borough Council's policy response**

- 3.35 When deciding on whether to identify Safeguarded Land for long term airport expansion, the NPPF contains general guidance at paragraph 104(c), which 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;”*

- 3.36 The above tests are particularly important for the future of Crawley given the conflict between providing for unmet employment needs and safeguarding land for airport infrastructure. The NPPF is clear that the question of whether safeguarding policies should be included in a Local Plan is, in the first instance, a matter for the local plan-making authority to consider and justify.
- 3.37 In this context, CBC has concluded that based on the GAMP and the evidence presented by GAL at the Regulation 18 stage, continued blanket safeguarding of land for a notional second runway development cannot be sustained. It has therefore decided to review whether there is any robust evidence to support any land being safeguarded for Airport expansion beyond that which GAL is now proposing as part of its Development Consent Order (DCO). This will be reviewed alongside the Council's other critical and evidenced unmet needs related to economic growth, housing, infrastructure and community facilities.
- 3.38 The need for and extent of safeguarding will be determined through the AAP process, but the evidence contained at **Appendix 3** demonstrates that at the very least, safeguarding is not justified over the Gatwick Green site east of Balcombe Road.

*If required, please continue your response on an additional piece of paper and securely attach it to this response*

- 7. Please set out what modification(s) you consider necessary to resolve the issues you have identified above. You need to state why this modification will make the Local Plan legally compliant or sound. It would be helpful if you are able to suggest how the wording of any policy or text should be revised. Please be as clear as possible. Any non-compliance with the duty to co-operate is incapable of modification at examination.**

#### **4.0 Conclusions**

4.1 In principle, the past policy of safeguarding land for the second runway at Gatwick was a sound approach in the adopted Local Plan until such time as the future of aviation had been decided through the Airports Commission process. National policy is now clear: an additional runway is proposed at Heathrow Airport; other airports are to maximise the use of their existing runways, and there is no longer a specific policy to safeguard land at Gatwick Airport. In this context, it is considered that there is no longer any justification in-principle to safeguard land at Gatwick in the DCBLP and the Council's decision to remove the safeguarding policy designation from the Key Diagram and Local Plan Map is supported.

4.2 For reasons stated in this representation, the removal of the blanket safeguarding from the DCBLP is supported by TWG. The replacement of the safeguarded area with an AAP designation is also supported, although it may not be the optimum policy response given the critique of the SEA contained in this representation. Nevertheless, it is considered that on balance the overall approach to safeguarding in the DCBLP is sound in that:

1. It removes blanket safeguarding under adopted Policy GAT2, so placing the onus on GAL to demonstrate why safeguarding is justified by 'robust' evidence on the principle and on its extent in terms of what is 'critical'. This approach is consistent with national aviation/airports policy and national planning policy in the NPPF.
2. It proposes to review the need for, and extent of any, safeguarding under Policy SD3 and the North Crawley AAP, which introduces interim controls to restrict the scale and nature of development that will be supported within the AAP area. TWG has some concerns about the tightness of those controls, which are addressed in its representation on Policy SD3.

3. It enables the significant and urgent unmet socio-economic needs of the Borough to be addressed over the next two years via the AAP – this approach represents an appropriate response to requirement in the NPPF to plan proactively for the objectively assessed needs of the Borough.
- 4.3 It is therefore considered that the DCBLP is sound in relation to its approach to safeguarding contained in Chapter 10 and in Policy SD3 because (1) it removes blanket safeguarding from the Local Plan (2) it provides a policy mechanism for the allocation of land to meet the objectively assessed employment and other needs of the Borough, and (3) it is consistent with national policy which requires that LPAs proactively encourage sustainable economic growth and identify strategic sites for inward investment (NPPF, paras 80-82).
- 4.4 Notwithstanding the above position, there are other policy outcomes that may also meet the tests for soundness contained in the NPPF (para 35). Firstly, TWG has brought forward evidence to support the allocation of Gatwick Green for strategic employment on the basis that if the case for any form of safeguarding at Gatwick is unproven, such could enable land to be allocated in the DCBLP in advance of any AAP process. Secondly, in the event that a robust case exists for safeguarding land, this representation sets out a compelling case that safeguarding is not justified on the land east of Balcombe Road. This would exclude the Site from safeguarding enabling it to be allocated for strategic employment via the DCBLP or the AAP processes.

**Appendices sent by email on 2/3/20**

*If required, please continue your response on an additional piece of paper and securely attach it to this response*

*Your representation should cover succinctly all the information, evidence and supporting*

information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations. **After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues s/he identifies for examination.**

**8. If your representation is seeking a modification, do you consider it necessary to participate in the public examination hearings? (Please tick)**

No, I do not wish to participate in the examination hearings

Yes, I wish to participate in the examination hearings


**9. If you wish to participate in the public examination hearings, please outline why you consider this to be necessary:**

This representation is important to the Wilky Group's overall representations in the relation to airport safeguarding, employment land requirements and its evidence in support of the identification of the Gatwick Green site for strategic employment purposes. Chapter 10 provides the framework for the future growth of Gatwick as a single runway Airport; it is therefore critical to the Hearings in relation to the issue of safeguarding and how it has been addressed the Local Plan and how this will affect the Gatwick Green site being put forward by Wilky Group. On this basis, the Wilky Group considers that it is critical that it is able to participate in the Hearing on Chapter 10 insofar as any safeguarding would have an impact on Wilky's interests at Gatwick Green.

*The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the public examination.*

If you would like to make a representation on another policy or part of the Local Plan then please complete a separate PART B section of the form or securely attach an additional piece of paper. Copies of the representation form can also be downloaded from the council's website at: [www.crawley.gov.uk/crawley2035](http://www.crawley.gov.uk/crawley2035)

**Signature**



**Date**

2/3/20.