

# Crawley

Local Plan

## Crawley Borough Local Plan Examination

Crawley Borough Council Response to Inspectors' Matters, Issues and Questions

### Matter 5: Gatwick Airport Questions 5.11-5.13

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Issue 1: Whether the overall approach to Gatwick Airport is justified, effective and positively prepared.

- 5.11 Question 5.11: Is the approach in Policy GAT3 to Gatwick Airport related parking soundly based (in large part as a continuation of 2015 Local Plan policy)?
- 5.11.1 Crawley Borough Council (CBC) considers the Policy GAT3 approach to be soundly based. The policy is essential to an overall strategy for achieving increased sustainable transport mode share for passengers and staff accessing the airport, as required by the 2022 s106 Gatwick Airport Legal Agreement (Submission Document Reference: EGSM/GA/05) and 2022 Gatwick Airport Surface Access Strategy (ASAS) (Submission Document Reference: EGSM/GA/09). The Policy GAT3 approach has been successfully defended at the High Court and at multiple planning inquiries, further evidencing its soundness. It is discussed in further detail through paragraphs 2.1.4, 2.1.5 and Section 3.7 of Topic Paper 2: Gatwick Airport, July 2023 (Submission Document Reference: DS/TP/02) and below.
- 5.11.2 Policy GAT3 is consistent with the National Planning Policy Framework's (NPPF), 2021 (Post- Submission Document Reference: PS/DS/NPPF/01) clear focus on promoting sustainable transport through paragraphs 104, 105 and 106. Paragraph 104(d) outlines the need to avoid and mitigate adverse environmental effects from transport. Paragraph 105 directs significant development to locations which are or can be made sustainable, with the objective of limiting the need to travel and offering a genuine choice of transport modes, and the reducing of congestion/emissions and improving air quality and public health specifically highlighted. Paragraph 106 is clear that planning policies should minimise the number and length of journeys needed including for activities including employment and leisure. Policy GAT3, in requiring airport-related parking to be located on-airport as the most sustainable location, responds to these requirements.
- 5.11.3 Policy GAT3 has been prepared recognising that sites within the airport boundary provide the most sustainable location for new long stay parking as the airport grows. As discussed in the Reasoned Justification to Policy GAT3, on-airport locations are close to the terminals, so reduce the number and length of trips compared with off-airport locations. For off-airport locations, the increased number and length of trips is found to have a negative impact against Sustainability Appraisal, May 2023 (Submission Document Reference: KD/SA/01) objectives relating to the promotion of sustainable journeys and minimisation of/adaptation to climate change.
- 5.11.4 In his report, concluding that Policy GAT3 is sound, the 2015 Local Plan Inspector endorsed the policy approach, observing in Paragraph 88 that *"I accept that there will be some instances where off-airport parking results in shorter overall journeys by private vehicles. However, and in the absence of cogent evidence to the contrary, 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. This is particularly the case with the growth in 'meet and greet' services where the extra trip to the parking location invariably extends the car journey length. There may be occasions where sustainability arguments justify a temporary airport parking use, such as on the safeguarded land*

*at City Place, [which was the decision of the inspector] but exceptions such as these do not negate the validity of the policy. 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”,* Crawley Local Plan Inspector’s Report 2015 (Submission Document Reference: CBLP/03). In his decision, the Local Plan Inspector gives consideration to the additional trips arising from off-airport parking. Indeed, this paragraph was explicitly cited and considered ‘crucial’ in the Judgement of Mr Justice Collins (Post-Submission Document Reference: PS/EGSM/GA/22) in dismissing the High Court appeal of Holiday Extras that sought a quashing of Policy GAT3 in the adopted 2015 Local Plan.

- 5.11.5 Planning Inspectors have consistently found in favour of the Policy GAT3 approach in dismissing appeals where off-airport parking has been proposed. These are discussed in greater detail in response to Question 5.12, but it is relevant to refer to the Inspector’s decision in dismissing an appeal for off-airport parking at Southways Business Park in Crawley, around 2.5 miles from the main airport entrance (Post-Submission Document Reference: PS/EGSM/GA/23). The Inspector took the view that although on occasion, some off-airport locations may be closer to the terminals, it does not follow that these are more sustainable, explaining at Paragraph 46: *“The appellants also submit that the location of the site is as sustainable as some of the existing on-airport car parks which require vehicles to leave the airport and use public roads to access them. This may be so but at the Inquiry it was confirmed that the vehicles using the appeal site do not necessarily make a journey directly to and from the airport as the site can be used as a hub from where the vehicles can also be taken on to another site for storage. This could significantly lengthen their journeys and negate the benefits of the site’s location close to the airport.”*
- 5.11.6 As discussed at the November Local Plan Hearing Sessions, the council considers that the Local Plan should continue to safeguard land for a possible southern runway at Gatwick Airport, until such time that there is confirmation in national policy that safeguarding is no longer required. In dismissing the ‘Lowfield Heath’ (Holidays Extras) appeal (Post-Submission Document Reference: PS/EGSM/GA/24), the Inspector found that the proposed off-airport parking, even on a temporary basis, would be contrary to Local Plan Policy GAT2. This is relevant, as the safeguarding of land has the effect of pushing off-airport parking even further away from the airport terminals.
- 5.11.7 Through the 2022 s106 Gatwick Airport Legal Agreement (signed by CBC, WSCC and GAL), commitments are in place to promote sustainable travel, commensurate with a target of 48% of passengers travelling to the airport arriving by public transport. The Gatwick ASAS sets out longer-term objectives, including a target for 52% of passenger access by public transport by 2030. Combined with Local Plan Policy GAT3, these documents represent a joined-up overall strategy for reducing passenger reliance on private vehicles and achieving a greater modal share from sustainable transport access. This is discussed in greater detail under Question 5.12, but it must be emphasised that to allow airport parking in off-airport locations would directly undermine the ability of GAL as airport operator to meet sustainable transport objectives set out in the plans, policies and strategies of government and the airport.

- 5.11.8 The GAT3 approach has been successfully defended at the High Court and at multiple planning inquiries, further evidencing its soundness. The High Court challenge centred on the 2015 SA/SEA assessment, with the claimant contending that airport-related parking on and off-airport operates in different ways including Meet & Greet, and Park & Ride, but only two fundamental options (on and off-airport) had been assessed in the SA/SEA. As summarised in the Gatwick Topic Paper, paragraph 2.1.5, Mr Justice Collins ruled against the quashing of GAT3, confirming that the alternative put forward by the council was lawful, and that it was not necessary for the council to specify particular ways in which off-airport parking could be approached as an alternative to purely on-airport parking.
- 5.11.9 At planning inquiries, appellants have sought to argue that the two 'limbs' of Policy GAT3 as set out in the adopted Crawley 2030 Local Plan, December 2015 (Submission Document Reference: CBLP/02) should be considered separately, that is to say that either limb of the policy can be satisfied. The council 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 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 location) and to be evidenced by a demonstrable need in the context of achieving a sustainable approach to surface transport access to the airport. For the avoidance of doubt, Policy GAT3 as retained in the Submission Crawley Borough Local Plan, May 2023 (Submission Document Reference: CBLP/01) adds the word 'and' between the limbs, clarifying the established position that both limbs of the policy must be satisfied.
- 5.11.10 CBC coordinates an annual Gatwick Airport Parking Survey in order to monitor the number of authorised and unauthorised airport-related parking spaces that are in operation on and off-airport. The most recent 'non-pandemic' survey took place in September 2019. This found there to be 40,790 spaces (short and long-stay) on-airport, of which 28,720 were occupied, with 12,070 spaces vacant. The survey undertaken September 2022, shows a slightly lower on-airport provision of 37,137 spaces, with 26,050 occupied spaces and 11,087 vacant. The clear and consistent message over time is that Gatwick Airport Limited has been able to, and continues to, provide sufficient but no more spaces on-airport than required. This enables the airport to meet its surface access obligations for increasing mode share by sustainable modes (Question 5.12 refers) whilst ensuring there is sufficient available capacity on-airport to cater for those customers accessing the airport by private vehicle, including some vacancy for those who do not pre-book spaces. There are also existing authorised parking sites in off-airport locations within Crawley and its neighbouring local authority areas, providing a choice for those customers who wish to park off-airport.
- 5.11.11 The most recent Gatwick Parking Survey was undertaken in September 2023, and is at the time of writing being finalised. CBC anticipates being able to publish the final 2023 survey in advance of the January Hearing Sessions.
- 5.11.12 The Policy GAT3 approach is therefore considered to be soundly based. It represents an appropriate and sustainable approach through which to manage 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 choose to drive or have no other option. There are no undesirable planning consequences of concentrating provision on airport as it can be accommodated. The Policy GAT3 approach has been formulated and is considered sound on the basis that it represents an appropriate and sustainable means to deliver the requisite car parking for the airport as it expands.

5.12 Question 5.12: Would Policy GAT3 provide an effective framework for managing car parking demand associated with the airport within the Borough, having regard to, amongst others, permitted development rights on airport “operational land”, the latest Airport Surface Access Strategy and objectives for modal shift related to the Airport’s operations?

5.12.1 Crawley Borough Council (CBC) considers that Policy GAT3 has provided, and will continue to provide, an effective framework for managing airport-related car parking demand in the borough. As discussed at Question 5.11, Policy GAT3 forms part of a wider strategy, with the 2022 s106 Gatwick Airport Legal Agreement (Submission Document Reference: EGSM/GA/05) and 2022 Gatwick Airport Surface Access Strategy (ASAS) (Submission Document Reference: EGSM/GA/09) to ensure that airport-related parking is appropriately managed in the most sustainable way.

5.12.2 The 2022 Legal Agreement is the latest iteration of a rolling s106 agreement between CBC, West Sussex County Council (WSCC), and Gatwick Airport Limited (GAL), relating to the operation of the airport in its current configuration. Surface access is covered under Schedule 5 of the legal agreement, with Obligation 5.6 setting 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 2024*’.

5.12.3 It is recognised that a proportion of non-transfer passengers will choose to drive to the airport by private car, and the achievement of this mode share target still requires the provision of significant on-airport parking facilities for those who access the airport in this way. 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 – this is reflected in the ‘sufficient but no more’ wording of Obligation 5.6.

5.12.4 Legal Agreement Obligation 5.2 commits GAL to maintaining an Airport Surface Access Strategy (ASAS), most recently the 2022 ASAS covering the period to 2030. The ASAS sets targets relating to mode share change, including *Target 1: Achieve 52% of passenger journeys to the airport by public transport by 2030 under the scrutiny of the Transport Forum Steering Group, as part of meeting our Decade of Change target of 60% by sustainable modes and ultra-low or zero emission vehicles*. This 52% target represents an increase from the earlier 2019 ASAS, which had set out to achieve a 48% public transport mode share by 2022.

5.12.5 The table below is taken from GAL’s 2022 ASAS, setting out passenger mode share data for the period 2016 to 2022. Whilst acknowledging that the pandemic has

temporarily affected travel behaviours, the period 2016-2019 shows a year-on-year increase in the proportion of passengers travelling to the airport by public transport, and a reduction in the proportion of passenger travelling to the airport by private car.

**CAA Passenger Mode Share Data for Gatwick 2016-2022**

Mode share (%)	2016	2017	2018	2019	2020	2021 (Q2/Q3)	2022 (Q1/Q2)
Non-transfer passengers (millions)	38.94	41.21	41.57	40.84		6.24	11.4
<b>Public transport (rail, bus, coach)</b>	<b>43.5</b>	<b>43.7</b>	<b>43.8</b>	<b>47.4</b>		<b>42.4</b>	<b>46.7</b>
<b>Private car</b>	<b>38.5</b>	<b>37.9</b>	<b>36.8</b>	<b>33.7</b>		<b>40.2</b>	<b>36.8</b>
Rail	37.5	38.0	38.0	41.3		39.9	43.6
Bus/coach	6.0	5.7	5.8	6.1		2.5	3.1
Hire car	1.3	1.1	1.8	1.7		1.1	0.8
Taxi/minicab/Uber	15.5	16.2	16.6	16.0		15.1	15.3
Other	0.3	0.2	0.3	0.4		1.1	0.4

Source: CAA data from Origin and Departure surveys. 2021 data covers June-December, 2022 data covers YTD. CAA surveys may not record mode for all survey participants so totals may not sum to 100%

- 5.12.6 Whilst GAL is ultimately responsible for meeting the modal split target for passengers, Policy GAT3 forms a key part of the overall strategy. In requiring that airport parking is i.) provided within the airport boundary, and ii.) justified by a demonstrable need, it allows GAL to appropriately manage the amount and type of parking that is provided on-airport. This enables GAL to provide ‘sufficient but no more’ parking on-airport than is required to cater for those customers who choose to travel by private vehicle, balancing this against the obligation to achieve 48% sustainable transport mode share across all non-transfer passengers.
- 5.12.7 Allowing airport-related car parking to take place in off-airport locations would directly undermine the ability of GAL to meet its sustainable transport objectives. Such off-airport parking is outside of the mechanism and plans to meet the S106 Legal Agreement mode share obligation, creating difficulties for GAL in delivering the right number of spaces whilst being flexible to changing passenger forecasts and mode share changes. Simply put, off-airport parking runs contrary to the overall strategy, reduces the ability of the airport to achieve the required 48% public transport mode share by 2024, and the 52% ASAS target by 2030.
- 5.12.8 More broadly, the provision of parking spaces off-airport, often at a cheaper price bracket, simply serves to incentivise those accessing the airport to use private car rather than sustainable transport modes. The undermining effect of off-airport parking on the ability of airports to meet sustainable transport objectives has very recently been considered in the dismissal of an appeal for off-airport parking associated with Bristol Airport (Post-Submission Document Reference: PS/EGSM/GA/25). Here, the Inspector set out their consideration of this issue at Paragraph 12:

*Nonetheless, as a commercial undertaking, in order to be competitive, the operation of the appeal use would be likely to draw customers away from not only the Airport’s car parks but also away from using public transport. Part of the journey of customers*



*using the site would be via the proposed shuttle service. This would, though, be a relatively short proportion of most journeys such that the overall effect of the proposed development would be likely to undermine the Airport's approved strategy for managing surface movements and particularly in terms of attracting Airport customers who would otherwise be likely to use public transport for much if not all of their journey to / from the Airport. On this basis, it would be likely to lead to a significant over-supply of Airport parking. In turn this would have the potential to seriously undermine measures designed to increase modal shift to alternatives that do not rely on the private car or at least have less reliance on the car.*

- 5.12.9 With regards to permitted development rights on operational land, CBC recognise that airports can undertake certain development without planning permission, and this generally includes car parking. GAL is required to consult CBC as Local Planning Authority prior to development, and when consulted the council requires GAL to provide evidence of demonstrable need within the context of the sustainable mode share targets.
- 5.12.10 While GAL can provide additional long stay parking under its permitted development rights, the strategy requires GAL to justify parking provision in the context of achieving a sustainable approach to surface transport access to the airport. In line with government guidance, Aviation Policy Framework 2013 (Submission Document Reference: EGSM/GA/02), GAL continues to coordinate a Transport Forum and update the ASAS as required. Through the s106 Gatwick Airport Legal Agreement, GAL is required to bring forward initiatives, in liaison with the Transport Forum Steering Group, that promote (in accordance with the ASAS), the use of sustainable transport modes by passengers and staff travelling to and from the airport. This is achieved through the Sustainable Transport Fund, which GAL contributes to through a levy imposed on each public parking space and staff parking passes and a percentage of fees collected through the forecourt charge. This further evidences the joined up approach of the overall strategy.
- 5.12.11 The legal obligations placed on the airport through the s106, alongside the Government requirements, provide the means to ensure that long stay parking is concentrated on-airport but in the context of a sustainable approach to surface transport access, whether or not the new parking requires planning permission. It is because of GAL's permitted development rights that the strategy is in place to ensure GAL's proposals are in accordance with relevant national and local planning policies, legal agreements and guidance.
- 5.12.12 The 'operational land' point has previously been advanced by Holiday Extras, and subsequently dismissed at appeal, in relation to Land adjacent to Lowfield Heath, Crawley (Post-Submission Document Reference: PS/EGSM/GA/24). In dismissing this argument, the Inspector sets out at Paragraph 11 that: *'With regards to the appellant's contention that the GPDO makes the second limb [of Policy GAT3 regarding 'demonstrable need'] redundant, it is important to note that such 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. In addition, GPDO rights do not apply to development requiring Environmental Impact*

*Assessment. For these reasons, I do not find the appellant's contention that GPDO rights make the second limb redundant to be compelling'.*

- 5.12.13 Through the Gatwick Airport Northern Runway Development Consent Order, GAL is continuing its commitment to increasing the amount of passengers (and staff) travelling to the airport by public transport, with a commitment to at least 55% non-car mode share set out in their Surface Access Commitments, section 7.2 and 7.3 of the Transport Assessment Report (Post Submission Document: PS/EGSM/GA/17). The ratio of on-airport parking to passengers is reducing and this is to be supported by a continuation of funding for sustainable transport measures, funding to support enforcement action against unauthorised off-airport parking and specific measures such as coach service improvements. The Surface Access Commitments are set out in a Control document for the DCO and will be enforced through the Requirements, with funding secured through the s106. Whilst the details will be discussed through the DCO Examination, this work demonstrates that the approach to securing on-airport parking commensurate with a long-term strategy for sustainable access to the airport is continuing.
- 5.13 [Question 5.13: Does Policy GAT4 provide a justified and effective framework for non airport related employment floorspace within the airport boundary?](#)
- 5.13.1 Crawley Borough Council (CBC) considers the Policy GAT4 approach to be justified and effective. The approach is discussed through the supporting text to Policy GAT4 and Section 3.8 of Topic Paper 2: Gatwick Airport, July 2023 (Submission Document Reference: DS/TP/02) and summarised below.
- 5.13.2 Gatwick Airport is designated in the Local Plan as a Main Employment Area. Offices and other forms of employment floorspace situated within the airport boundary often contribute to the safe and efficient operation of the airport. Recent years have seen an increasing level of vacancy in this space, particularly as the operational needs of airlines and airport businesses have changed, often requiring less floorspace than previously. Therefore, Policy GAT4 allows for a loss of airport-related floorspace to non-airport related employment uses, provided it can be demonstrated this will not have a detrimental impact on the long-term ability of the airport to meet its operational needs as it grows.
- 5.13.3 GAT4 is rolled forward from the adopted 2015 Local Plan, albeit with minor text amendments for clarity. The policy has been applied pragmatically and with flexibility, providing a mechanism to relax conditions and re-use vacant space, often on a temporary basis, provided that sufficient evidence is submitted to demonstrate that the policy requirements are met. CBC notes that Gatwick Airport Limited continues to support the policy approach, and the council considers it to represent a justified and effective approach that allows for the beneficial use of on-airport employment space whilst ensuring that longer-term floorspace needs are protected as the airport grows.