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**Representations raised on behalf of HX Properties Ltd to
Matter 5: Gatwick Airport**

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MATTER 5: GATWICK AIRPORT

Issue 1 – Whether The Overall Approach to Gatwick Airport is Justified, Effective and Positively Prepared

Q5.1 Is the airport boundary, as a planning policy designation for the purposes of implementing Policies EC1, EC2 and EC7 and Policies GAT1-4, soundly based?

The airport boundary as a planning policy designation for the purposes of implementing Policy EC7 and Policy GAT3 is not soundly based. In terms of hotel and visitor accommodation, the airport boundary runs counter to both current national policy and guidance affording London Gatwick Airport equal status in terms of the sequential test, leading to potentially harmful impacts on the prospect of improving the vitality and viability of Crawley Town Centre.

In terms of Policy GAT3, the policy has been prepared in the absence of any future ASAS accompanying the DCO application which has now been submitted to the Secretary of State. The policy boundary has remained largely unaltered since the Millenium, despite fundamental changes to planning policy in the intervening period, particularly with respect to airports, and as a consequence is considered to be unsound.

Q5.2 Is Policy GAT1 sound in terms of dealing with growth of the Airport in the context of a single runway and its approach to securing sustainable growth of aviation including avoiding / minimising adverse impacts and securing appropriate mitigation?

Policy GAT3 has not taken into account the significant socio-economic benefits arising from the DCO application, seen from a regional perspective, nor has it considered the issue of passenger choice particularly in the light of CAA's Consumer Strategy published on 29th September 2023. It has failed to reconcile the fact that since the publication of the Gatwick Airport Interim Masterplan in October 2006, the development of London Gatwick Airport has proceeded on a piecemeal basis, in which maximum advantage has been taken by the Airport Owner of the provisions of permitted development rights, in the absence of any local or regional overarching strategy. The intention that Gatwick Airport Limited would in some way provide for unauthorised long term off-airport car parking spaces has never materialised and now as a policy instrument has been abandoned following submission of the DCO application.

It is difficult to reconcile the position of the Borough Council in supporting the development of facilities which contribute to the sustainable growth of London Gatwick Airport as a single runway, two terminal airport, at a time when the Airport is able to take advantage of permitted development rights for proposals for which no demonstrable need is required to be demonstrated. This situation places the Borough Council in a difficult position in attempting to minimise adverse impact and securing appropriate mitigation.

Q5.3 Is the final paragraph of GAT1 a sound approach given the current situation of this plan examination occurring in parallel with a Development Consent Order (DCO) application for a major project envisaged in the 2019 Gatwick Airport Master Plan?

The Local Planning Authority's input into the DCO process is as an important Interested Party who have a key role to play, particularly in the preparation of a detailed Local Impact Report, Statements of Common Ground involving Gatwick Airport Ltd, and discussions on key issues including Section 106 Planning Obligations. In my client's view, whilst the Borough Council can raise issues governing points set out in (i) to (v) of Policy GAT3, it is the Examining Authority who will decide the strength of the Borough Council's case, and it is the Examining Authority which the LPA needs to persuade. The final paragraph of Policy GAT1 is not a policy requirement, but an aspiration of the Borough Council.

Q5.4 Can Policy GAT1 be found sound in advance of the outcome of the DCO process and the implications, if the project receives consent, dealt with as part of any subsequent plan review?

It is feasible that Policy GAT1 could be found sound in advance of the outcome of the DCO application, but in the event the DCO application is approved, this would render the Local Plan out-of-date soon after its adoption. The concern expressed by Holiday Extras Ltd is that if the two processes relating to the Local Plan and DCO application proceed in tandem, with the latter granted permission, there will be an inevitable lag in terms of the formulation and statutory adoption of policies in any subsequent Local Plan Review. This situation will only increase uncertainty in challenging economic times.

Q5.5 Without prejudice to the Borough Council's position on the DCO project, has there been sufficient foresight during the preparation of this Plan in respect of the DCO project, for example transport modelling and in the SA, that appropriately considers any in-combination impacts? Is there any reason to delay adoption of the Local Plan pending the outcome of the DCO process?

It is difficult for a Local Authority at a time of economic constraint to devote the necessary resources so that in-combination impacts can be given the respective attention, in advance of the Examination into the DCO application. To the extent that the Local Plan and DCO application are being dealt with simultaneously, it would make better use of resources if the adoption of the Local Plan were delayed, particularly if matters arise from the Examination into the DCO application which have an impact on the spatial strategy of the Local Plan. Any delay in the adoption of the Local Plan is however required to have regard to (i) the Government prioritising the adoption of Local Plans at the earliest opportunity; and (ii) the consequences on plan preparation arising from the Levelling Up and Regeneration Act which has now achieved Royal Assent.

Q5.6 What are the infrastructure considerations should Gatwick Airport continue to expand using its current single runway model?

No comment.

Q5.7 Is the approach in criterion ii) of Policy GAT1 an effective mechanism to assess proposals within the airport boundary? Does it allow for a balancing exercise that would take into account any positive benefits?

The provisions of criterion ii) of Policy GAT1 are not predicated on any balancing exercise in which the benefits of the development are then assessed against any harmful impacts, but on the contrary appear to be directed at minimising impact, whilst seeking necessary satisfactory safeguards, and hence has not been positively prepared.

Q5.8 What does compensation in part ii) of Policy GAT1 refer to in the context of planning and land use considerations?

It is my client's view that the phrase "*like for like compensation*" found at the end of criterion ii) of Policy GAT1 appears to be interpreted in a way which maintains the status quo. The policy does not seek benefits or gains beyond the current position, and therefore has not been positively prepared or considered effective.

Q5.9 Would it be necessary for plan soundness to amend part iii) of Policy GAT1 to replace 'like for like' compensation with 'fair' compensation in relation to biodiversity?

My clients do not believe using the word "*fair*" as a replacement for "*like for like*" will lead to any discernible benefit, and in terms of biodiversity, the appropriate consideration is to achieve a net gain.

Q5.10 How has the transport assessment work for the Local Plan, including the sensitivity testing (documents at ES/ST/01w) dealt with Gatwick Airport in the context of Policy GAT1, particularly in terms of potential cumulative impacts? Has the additional sensitivity testing work involved the input of West Sussex County Council and National Highways? Is there any consensus or common ground that the plan as submitted remains sound in terms of transport impacts and infrastructure or are potential main modifications required?

No comment

Q5.14 What is the role of the Gatwick Airport Supplementary Planning Document (SPD) and what will an update to the SPD do in terms of supporting the implementation of the submitted Local Plan policies?

The Gatwick Airport Supplementary Planning Document 2008 is considered out-of-date in that it was devised shortly after the publication of the Gatwick Airport Interim Master Plan in October

2006. The purpose of the SPD was to take into account growth at the airport based on the projected 30mppa in 2015. That passenger throughput has now been increased. The contents of n paragraph 5 of the same document go on to state that should any proposals come forward which may exceed the 40mppa capacity set out in the Gatwick Interim Master Plan, the Council will need to consider reviewing the SPD, which would require additional environmental assessments on the impact resulting from the 40mppa capacity having been exceeded.

To the extent that the 40mppa has been exceeded and given the presence of the DCO application, the Gatwick Airport Supplementary Planning Document is out of date and requires updating if it is intended to support Local Plan policies.

Q5.15 Gatwick Airport have raised various comments regarding the need to amend supporting text to Policy DD5 (Aerodrome Safeguarding) for factual / technical accuracy reasons. Is there agreement that the modifications presented in document CBLP07 would address the concerns and these are not necessarily main modifications needed for plan soundness?

No comment