



## Note

# CRAWLEY BOROUGH COUNCIL LOCAL PLAN EXAMINATION WRITTEN STATEMENT (REP053) - MATTER 5

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## 1 Introduction

- 1.1 This Written Statement has been prepared by Quod on behalf of abrdn UK Real Estate Fund, in partnership with the Barker Trust (jointly referred to as the “Landowners”), in response to questions raised under Matter 5 Gatwick Airport within the Inspectors’ Matters, Issues & Questions (“MIQs”) in respect of Crawley Borough Council’s (“CBC”) Draft Local Plan Examination in Public (“EiP”).
- 1.2 The Landowners are promoting land immediately adjacent to Hydehurst Lane (hereafter referred to as the “Site”) for employment uses to assist in meeting the substantial evidenced employment need forecast within the Borough. The redevelopment of the Site would deliver a logical and coordinated extension to the Manor Royal Business District, which continues to be identified in the Draft Local Plan 2023 (and its supporting evidence base) to be the key business location for Crawley at the heart of the Gatwick Diamond and Coast to Capital areas.
- 1.3 The Landowners submitted representations (Ref REP053) to the CBC Draft Local Plan Regulation 19 (“Reg 19”) Consultation in June 2023, having also made representations to the earlier Reg 19 Consultations (Draft Local Plan January 2020 and Draft Local Plan January 2021) and the Regulation 18 Consultation.
- 1.4 The Landowners reviewed CBC’s response to the Reg 19 Consultation representations and the relevant examination and evidence documents.
- 1.5 For the reasons expressed in response to the relevant questions, the Landowners maintain their view that at present the Draft Local Plan is unsound and requires additional amendments as proposed.
- 1.6 There is no robust evidence for the reinstatement of the Gatwick Airport second runway safeguarding as required by the National Planning Policy Framework (“NPPF”) (2023) and Draft Policy GAT2 should be deleted,

## 2 Response to Questions

- 2.1 This Written Statement is submitted in response to the following Matter 5 Questions:

*Matter 5: Gatwick Airport*

*Issue 2: Whether the approach to safeguarded land at Policy GAT2 is soundly based.*

*Q. 5.16 What did the initial testing of options for Gatwick safeguarding at Regulation 18 reveal in terms of the approach to be taken in the local plan? How have matters evolved through the successive rounds of Regulation 19?*



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2.2 The NPPF states that planning policies should “*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*” (Paragraph 106, our emphasis).

2.3 The Council accepted that “robust evidence” did not exist to maintain the safeguarding for a second runway and deleted draft Policy GAT2 (Safeguarded Land) in the Draft Local Plan 2020 with Paragraph 3.20 stating:

*“The council does not consider there is, at this time, robust evidence to justify the continued safeguarding of land for a further runway at Gatwick, and in light of the other significant needs arising which this land could support, commits to commencing work on an AAP to determine the most appropriate use of this land for future development needs rather than just protecting an extensive area for one use.” (our emphasis)*

2.4 There has been no material change in the local or national planning policy position from the publication of the Draft Local Plan 2020 to that of the Draft Local Plan 2023 to warrant the safeguarding. Paragraph 10.17 of the Draft Local Plan 2023 states:

*“The National Infrastructure Commission Baseline report in 2021 concluded that the Second Assessment due in 2023 would not consider airport capacity because future demand and the approach to expanding runway capacity in the south east is currently unclear. There is not, therefore, any certainty in government policy that land at Gatwick is no longer required to be safeguarded. This means that it is considered land at Gatwick is still required to be safeguarded for a potential future runway, as the Local Plan must be consistent with national policy.”*

2.5 This is an unsound approach to take. Uncertainty regarding the need to safeguard land does not equate to robust evidence justifying such safeguarding. The planning requirement is not that there has to be certainty that safeguarding is not required, but that robust evidence is required for land to be safeguarded.

2.6 When the Draft Local Plan 2020 was published, there was uncertainty over national planning policy on aviation as the Airports National Policy Statement was subject to legal challenge. However, that legal challenge has been resolved and national planning policy on aviation in the south east is clear. Please see below.

*Q. 5.17 Is there the robust evidence, as required by NPPF paragraph 106, to support the extent of safeguarded land under Policy GAT2?*

2.7 There is no evidence, let alone robust evidence, to support the need for a second runway at Gatwick following the designation of the Airports National Policy Statement (ANPS), and the Court of Appeal was clear in identifying that a second runway option at Gatwick Airport was not objectively capable of being a solution for meeting the need for additional airport capacity in the South East. Paragraph 93 states the following:

*“Given that a central purpose of the ANPS was to promote the United Kingdom's status as an “aviation hub”, we see no room for a submission that the Secretary of State acted unlawfully in rejecting the Gatwick second runway scheme on the evidence that it could not fulfil that objective. On the contrary, as we have said, since there was a clear and unassailable finding*



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*that expansion at Gatwick “would not enhance, and would consequently threaten, the UK's global aviation hub status” (paragraph 3.19 of the ANPS), a scheme for the development of a second runway at that airport could not realistically qualify as an “alternative solution” under article 6(4). In fact, it would be no solution at all.” (Our emphasis)*

- 2.8 The ANPS and the Court of Appeal judgment make it clear that a second runway at Gatwick is not a solution to the need for further runway capacity in the South East.
- 2.9 The Draft Local Plan 2023 makes only passing reference to the need for robust evidence and does not confirm that such robust evidence exists for the reinstatement of the second runway safeguarding.
- 2.10 The Draft Local Plan 2023 is inconsistent with the NPPF, and we have significant concerns that the approach means that the Draft Local Plan 2023 is unsound.
- 2.11 *Q 5.18 The Gatwick Airport Masterplan 2019 states that the airport is no longer actively pursuing a scenario for plans for an additional southern runway, but a future possibility remains to build and operate one. Is a precautionary approach to safeguarding justified given the current lack of certainty on a potential future second wide-spaced runway?*
- 2.12 As detailed above uncertainty regarding the need to safeguard land does not equate to the robust evidence justifying such safeguarding required by the NPPF.

*Q 5.19 Is the 2019 Gatwick Airport Masterplan the core of the robust evidence that supports maintaining the safeguarded land designation, in the terms sought by NPPF paragraph 106?*

- 2.13 The 2019 Gatwick Airport Masterplan is not the robust evidence sought by the NPPF. It is an airport driven masterplan. Furthermore, the 2019 Gatwick Airport Masterplan 2019 pre-dates Covid and its associated impacts which has not been addressed in the Draft Local Plan 2023 nor its supporting evidence. The existing passenger throughput at the airport is 46mppa and Gatwick predicts 62mppa by 2038 (without second runway) with 74mppa by 2038 (with the second runway). There is sufficient capacity without the second runway for the life of the plan and there is no robust evidence that in this plan period there will be a requirement for expansion.

*Q 5.20 Do the Airports National Policy Statement (APNS) and the 2020 Supreme Court decision in respect of Heathrow provide a level of evidence to indicate that safeguarding is no longer required for Gatwick?*

- 2.14 The NPPF requires that there is “robust evidence” for such safeguarding and in light of the designation of the ANPS and the Court of Appeal and Supreme Court decisions there is no such robust evidence as previously confirmed by the Council. The ANPS and the Supreme Court demonstrate that national aviation planning policy does not support expansion at Gatwick Airport. The court process made clear that expansion at Gatwick Airport is not a solution.



## Note continued

*Q 5.21 Would plan review be the appropriate mechanism to consider the necessity for continued safeguarding? What would be the likely trigger in relation to Gatwick and safeguarded land to prompt a plan review? Is the outcome of the National Infrastructure Commission work on airport capacity the source that would potentially provide the necessary certainty?*

2.15 The Draft Local Plan 2023 continues makes reference to review of the Local Plan “should changes to national aviation policy allow for the removal of the safeguarding of all the land for Gatwick Airport expansion” (Paragraph 1.33). However, both Paragraph 3.66 of the Draft Aviation Strategy and Paragraph 106 of the NPPF are clear that robust evidence is required and this needs to be provided as part of the emerging Local Plan review. For the emerging local plan to be consistent with national policy and found to be sound, robust evidence must be provided as part of this review.

*Q 5.22 Does the submitted plan’s approach of removing areas from safeguarded land and establishing areas of search for the Crawley Western Link within the safeguarded area render the principle of safeguarding ineffective? Does the Plan retain a practicable area of safeguarded land that would enable an additional wide-spaced runway to the south of Gatwick?*

2.16 There is no robust evidence for the safeguarding as required by the NPPF. The removal of areas from the safeguarding for the Crawley Western Link renders then safeguarding ineffective.

*Q 5.26 Is it justified that Gatwick Green is the only site capable of meeting the Borough’s employment land needs without prejudicing the future delivery of a second runway?*

2.17 The Council’s current strategy is not justified (i.e., it is not the most appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence) as required by the NPPF.

2.18 We do not consider the proposed Gatwick Green allocation to be suitable. Gatwick Green is not easily accessible by foot from residential development and there is no existing infrastructure for cyclists serving the site and suitable provision cannot be easily accommodated. Furthermore, there are currently no bus services located within reasonable walking distance of Gatwick Green and no evidence has been provided that a range of bus routes serving a variety of destinations will be delivered to support development at Gatwick Green.

2.19 There is very little spare capacity in the permitted junction system to accommodate traffic from new development. In the absence of further physical infrastructure interventions to provide the necessary capacity, traffic arising from Gatwick Green would block back onto the carriageway at the existing junctions resulting in unacceptable highway safety impacts and severe residual impacts on the road network. Sufficient evidence has not been provided to demonstrate that necessary new junction improvements are effective, deliverable or safe and suitable.

2.20 Draft Policy EC4 requires a Transport Assessment and Mobility Strategy to be submitted with a future planning application for the development of Gatwick Green. However, the NPPF is



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clear that potential site allocations should be appropriately assessed and based on the assessment of existing infrastructure and required infrastructure. This has not been provided and as such the proposed site allocation is not in accordance with national policy and cannot be considered to be suitable.

- 2.21 Draft Policy EC1 should be updated to remove reference to Gatwick Green and Draft Policy EC4 should be deleted.
- 2.22 To meet the NPPF requirements, long-term sites like Gatwick Green need to be complemented by significant additional sites that are deliverable in the meantime, in order to meet the pressing need and pent-up demand identified in the evidence base.
- 2.23 The Site represents a natural and logical extension to the adjoining the Manor Royal complementing its established role as the premier location for business floorspace within the Borough. The Site is the most appropriate location north of Manor Royal to meet part of the Borough's significant unmet employment need.
- 2.24 There is no robust evidence for the reinstatement of the Gatwick Airport second runway. The failure to commit to the alternative use of this land is against the requirements of the NPPF to reallocate land with no reasonable prospect of use under its current allocation via the revised Local Plan process.
- 2.25 As such, the Site should be released for development as part of the Draft Local Plan 2023 to meet unmet employment need as an extension to Manor Royal. The Site should be included within the Manor Royal boundary under Draft Policies EC1, EC2 and EC3 and the Draft Local Plan Map.

*Q 5.29 The safeguarding area in the submitted plan extends further south into Manor Royal compared to the 2015 Local Plan. Is this justified and would it remove the flexibility at the fringes of Manor Royal intended in the 2015 Local Plan?*

- 2.26 The draft safeguarding area covers the previously non-safeguarded land. This is based on the 2019 Gatwick Airport Masterplan. It removes flexibility at the fringes of Manor Royal - identified in the Draft Local Plan 2023 (and its supporting evidence base) to be the key business location for Crawley at the heart of the Gatwick Diamond and Coast to Capital areas. We do not consider robust evidence exists for the safeguarding and it is not justified for it to extend to land which was previously not identified as such, particularly on the basis of on an airport driven masterplan.

*Q 5.30 Is paragraph 10.18 of the Plan effective in specifying that it would be a review of national aviation policy that would be the trigger for reassessing the currently safeguarded area?*

- 2.27 As detailed above, Paragraph 3.66 of the Draft Aviation Strategy and Paragraph 106 of the NPPF are clear that robust evidence is required and this needs to be provided as part of the emerging Local Plan review. For the emerging local plan to be consistent with national policy and found to be sound, robust evidence must be provided as part of this review.