

Date: 2 November 2023
Our Ref: 15849a
Your Ref: REP/154



DWD

6 New Bridge Street
London EC4V 6AB

T: 020 7489 0213

F: 020 7248 4743

E: info@dwdllp.com

W: dwdllp.com

Charlotte Glancy,
Programme Officer
C/o Banks Solutions
80 Lavinia Way
East Preston
West Sussex
BN16 1DD

Sent via email: bankssolutionsuk@gmail.com

Dear Charlotte

CRAWLEY LOCAL PLAN 2024-2040 EXAMINATION

REPRESENTATION SUBMITTED ON BEHALF OF AIRPORT INDUSTRIAL PROPERTY UNIT TRUST ('AIPUT') IN RELATION TO MATTERS 5 AND 10

Please accept this as a formal response by AIPUT to the Stage 1 Hearings taking place Tuesday 21 November – Thursday 23 November.

As requested in the Inspectors' Matters, Issues and Questions (MIQs), AIPUT will be responding to the questions which directly relate to the topics raised in their previous representation to the Crawley Local Plan 2024-2040 Regulation 19 Consultation and which remain unsatisfactorily addressed and raise matters of soundness.

The Consultation Statement attributes the previous representation the reference number REP/154 and identifies that AIPUT responded in relation to policies GAT2, GAT3, GAT4, GI3, SDC4 and ST4. We have soundness concerns with regard to GAT2 (under Matter 5) and ST4 (under Matter 10) and our responses to certain questions follow a brief introduction section.

Introduction to AIPUT

AIPUT is a long-term active investor-stakeholder at and in near proximity to major UK gateway airports, with real assets under management representing almost £700m as at Q1 2023. AIPUT's portfolio across four London international airports extends to 2.5 million sq ft. The portfolio at/in the vicinity of Gatwick Airport ('the Airport') comprises:

- Viking House – Located within the Airport boundary fronting onto the Perimeter Road South. Viking House is located outside the airport safeguarded area.
- Gatwick Gate Estate – Located to the south of the Airport adjacent to its southern boundary. Gatwick Gate Estate is outside the airport boundary and within the airport safeguarded area.



- The Fleming Business Centre – Located to the south of the Airport within the Manor Royal Industrial Estate.
- Tesla Crawley Base – Located to the south of the airport.

Matter 5, Issue 2, Q5.20 ‘Do the Airports National Policy Statement (ANPS) 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?’

The Airport NPS (2018) does not provide policy for Gatwick other than reaffirm at paragraph 1.39 the government’s policy of making best use of the Airport. Additionally, the latest Airport strategy, ‘Flightpath to the Future (2022)’, does not request or suggest that additional safeguarding requirements are needed at Gatwick.

We recognise that the Northern Runway Project is a nationally significant infrastructure project (‘NSIP’) under sections 14(1)(i) and 23(1)(b), (4), (5) and (6) Planning Act 2008 providing a generalised indication of the national importance of this type of project. However it is demonstrably the case that safeguarding of land is not a prerequisite to deliver a NSIP. NSIPs in the fields of energy and highways have frequently (indeed routinely) been progressed under DCO powers with no safeguarding - whether local plan based or ministerial - in place. The more complex and linear urban NSIPs (such as the London Thames Tideway Tunnel) have benefitted from safeguarding powers, in view of the inherent risk with a linear project that a single obstacle of sufficient complexity along the route could frustrate the development of the whole. This is not a comparable problem for an airport development.

As raised in our previous representation, the lack of clarity in paragraph 10.19 regarding the definition of ‘small scale’ development in Policy GAT2, significantly restricts the ability for existing infrastructure and/or buildings to be updated, refurbished, or replaced with a modern building of comparable scale, posing a significant risk for property and land within safeguarded areas to become blighted and at the least simply fail to provide the level of quality and functionality needed for the safe and efficient operation of the current or the expanded airport.

In conclusion our view is that the case for safeguarding has reduced on the adoption of the ANPS, and is not adequate to justify the extent of prohibition in paragraph 10.19 around small scale development over the coming years and potentially as late as 2038.

Matter 5, Issue 2, Q5.27 ‘Is the Plan effective at paragraph 10.19 in what is meant by ‘small-scale’ development that could be permissible within the safeguarded area in accordance with Policy GAT2? Should temporary uses/permissions be included?’

AIPUT have previously raised concerns of the long-term impacts and continued restriction that safeguarding places on the ability to invest in and redevelop existing properties and ‘brownfield’ land within the safeguarded zone.

AIPUT are firmly of the opinion that what is meant by ‘small scale’ development in paragraph 10.19 is not effective and therefore is not in accordance with Paragraph 35 (c) of the National Planning Policy Framework (NPPF). The NPPF soundness tests require that policy is justified, and consistent with national policy.

In terms of whether paragraph 10.19 is justified, the facts are that in the case that a development consent order is granted, the safeguarded area could remain or be expanded as late as 2038,, which would be over two decades of restrictive safeguarding on or near airport land. No adequate justification has been provided as to the prohibitions (which are worded unclearly) in paragraph 10.19 in that context. Our interpretation is that the scope for updating, refurbishment, or replacement of an existing with a modern building of comparable scale, appears limited. Replacement roofs, insulated cladding, solar photovoltaic panels, additional items of plant, or a replacement building with a more efficient envelope, are just a few realistic examples of the kinds of improvements that building owners on safeguarded land may need to carry out between now and 2038 to meet occupier expectations and requirements, comply with wider legislative requirements, and demonstrate to their investors a responsible asset management approach as we approach the 2050 Net Zero target.

This would pose a significant risk for property and land within safeguarded areas to become blighted and at the least simply fail to provide the level of quality and functionality needed for the safe and efficient operation of the expanded airport. The reasonable alternative to this is one where policy allows various types of improvements to buildings in the safeguarded area between now and 2038. The policy is in our view unsound in not being justified. The continued restriction of redevelopment opportunities is also not consistent with national policy. NPPF paragraph 152 states that the planning system should ‘*encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure*’ while NPPF paragraph 130 states that policies should ensure that developments ‘*will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development*’.

In our regulation 19 response and again here we note and support the aims of Policy SDC1 which seeks improved energy/resource usage and reduced carbon intensity of the borough’s building stock as well renewable energy provision such as roof mounted solar photovoltaic panels.

Therefore, for soundness reasons, AIPUT would suggest that paragraph 10.19 is amended to include a broader description of ‘small scale development’ that retains the purpose and function of safeguarding policy but allows for sustainable redevelopment in accordance with existing national and local policy. The following additional wording is suggested in paragraph 10.19 (in underline) for reasons of clarity and soundness. We believe these modest amendments, which match those in our previous Regulation 19 response (apart from the addition of the clarifiers ‘non-residential’ and ‘significant’), are necessary for a justified and national policy compliant Local Plan.

For the purpose of policy interpretation, small-scale development includes development such as residential extensions, updating, ~~or~~ refurbishment or replacement at similar scale of non-residential buildings where compatible with Policy SDC1, some changes of use, or other minor development. Incompatible development within safeguarded land is regarded as development which would add significant built or environmental constraints or significantly increase the costs or complexity of the development or operation of an additional runway. The airport operator will be consulted on all applications within the safeguarded area for a second runway.

Matter 10, Issue 2, Q10.8 ‘Is the principle of an area of search justified? Is it necessary for plan soundness, having regard to the evidence base (documents at ES/ST/02 - the various SYSTRA reports), that a narrower area of search or preferred option for the route alignment is identified?’

AIPUT welcomes the Crawley Western Multi-Modal Transport link to address the predicted increase in travel movements generate by the development of a second runway. AIPUT has reviewed policy ST4 (Area of Search for a Crawley Western Multi-Modal Transport Link) and the area of search for the

Crawley Western Multi-Modal Transport link and is content with the interim search and search proposals and expects to be consulted as the policy wording envisages. As set out in our Regulation 19 response, AIPUT expects to be consulted on future proposals. No consultation is set out in the policy wording, and we also consider the policy should refer to the need to minimise impacts on existing properties rather than the more vague and ineffective 'have regard to' wording at present.

Please can you confirm receipt by contacting Colin Turnbull at this office (colin.turnbull@dwdllp.com).

Yours sincerely,

A handwritten signature in black ink that reads "DWD". The letters are stylized and connected.

DWD

For and on behalf of AIPUT