

**GATCOM****22 APRIL 2021****GROWTH AT GATWICK AIRPORT****REPORT BY SECRETARIAT****SUMMARY**

This paper sets out, for GATCOM's consideration, a 'Statement of Facts' on Government aviation policy and the planning processes that relate to growth at Gatwick through making best use of the main runway and potentially through routine use of the Northern Runway. The Committee's views are sought on the Statement of Facts and whether further action needs to be taken by GATCOM.

**1. INTRODUCTION**

1.1 In January 2020, some members of GATCOM commented on the need for clarity around the interpretation of Government policy on expansion and the need for appropriate scrutiny of all Gatwick growth. More recently a request has been received from the Environmental and Amenity Groups' representative (the Gatwick Area Conservation Campaign (GACC)) for GATCOM to debate the process for assessing and scrutinising Gatwick Airport Limited's (GAL) forecast growth from 45.7 million passengers per annum (mppa) in 2018 to around 57-61 mppa by 2032/33 through making best use of the main runway – Gatwick Airport Master Plan 2019 Growth Scenario 1. The Gatwick Airport Masterplan published in July 2019 explains that this growth is to be achieved through a combination of factors including an increase in flights in the off-peak periods (known as 'peak spreading'), air traffic technology and process initiatives, a shift to aircraft which are either larger and/or have higher seat numbers and higher load factors.

1.2 GACC consider that Government aviation policy requires all significant growth at airports to be scrutinised and approved and is concerned that main runway growth at Gatwick will escape robust scrutiny as there is no process by which growth will be approved. However, GAL's Masterplan shows that the increased growth can be accommodated using the existing runway and other existing and proposed infrastructure. Some of this infrastructure already benefits from existing consents and approvals obtained under the planning system with, as necessary, additional non-planning measures and controls in place to regulate the environmental effects.

1.3 GACC has requested that GATCOM agree a 'Statement of Facts' as regards Gatwick's main runway growth. The specific questions GACC has raised with the GATCOM secretariat and wishes GATCOM to consider are:

1. Whether planning law or government policy requires Gatwick's proposed main runway growth to be scrutinised and approved?
2. If so, whether there is currently an effective process through which the scrutiny and consent can take place?
3. If there is no such process what should be done to ensure one is put in place?

1.4 This paper therefore brings together the information previously reported to and considered by GATCOM on the question of incremental growth on Gatwick's main runway, details of the current aviation policy and planning legislation and requirements. The Secretariat also sought the views of GAL and Crawley Borough Council (as the local planning authority and one of the host authorities in the Development Consent Order (DCO) planning process) on the questions raised by GACC. A timeline of GATCOM's

consideration of incremental growth and Master Plan Growth Scenario 1 is given at Appendix 1.

1.5 The 'Statement of Facts' is set out in Section 3 below. GATCOM's view is sought on the questions posed by GACC and whether this is a matter that GATCOM should pursue further with the Government.

## **2. BACKGROUND**

2.1 The Gatwick Airport Master Plan 2019 was published on 18 July 2019 by GAL following public consultation in Winter 2018. The Master Plan contains three scenarios for growth:

- Scenario 1 - using the existing runway to accommodate growth from the then 45.7 mppa to between 57-61 mppa in 2032 with an increase in Air Traffic Movements (ATMs) from the existing 280,790 to between 315,000 - 340,000 ATMs per annum. Although there are no planning obligations or conditions imposed limiting the number of ATMs or the number of passengers that may use the airport (apart from the number of night jet movements), any development activity at the airport is still required to be consented via the well-established Town & Country Planning Act process which is administered by the local planning authority.
- Scenario 2 - routinely using the existing standby (also known as the 'maintenance', 'emergency' or 'northern') runway for aircraft departures only alongside the use of the existing runway. This could provide additional capacity within the airport's existing footprint accommodating growth from the then 45.7 mppa in 2018 to between 68 - 70 mppa in 2032 and an increase in ATMs from 280,790 per annum to between 375,000 - 390,000 per annum. This growth scenario is required to be progressed through a Development Consent Order (DCO) application (under the Planning Act 2008) which provides a rigorous planning consent process for nationally significant infrastructure projects. This includes specific statutory pre-application community consultation requirements that provide opportunities for local communities, statutory stakeholders and other interested parties to express views on the proposed development. A DCO is examined by the Planning Inspectorate with the ultimate decision being taken by the Secretary of State
- Scenario 3 - continuing to safeguard land to the south for an additional runway should Government policy support this in the future. This land has been safeguarded in policy terms since 2003.

2.2 Members will recall that in the Committee's response to GAL's consultation on the draft Master Plan it had raised a number of matters, particularly in respect of the need for mitigation associated with scenarios 2 and 3, and specifically highlighted the need for GAL to give greater certainty about how the impacts of Gatwick's growth should be managed and mitigated. Some GATCOM members believed there was scope through the existing section 106 agreement review process to address issues of common concern related to scenarios 1 and 2 which could give greater certainty to local communities on how the implications and the negative impacts of growth will be addressed by Gatwick. GATCOM also supported the need for there to be a full review of the section 106 agreement whatever growth scenario (scenario 1 or 2) GAL decided to pursue. Details of GATCOM's response to the draft Master Plan consultation is given in the timeline set out in Appendix 1. The Chairman and the Secretariat continue to liaise with GAL, Crawley Borough Council and West Sussex County Council (the parties to the section 106 agreement) on opportunities for GATCOM to input to the agreement review process. Reports will continue to be made to GATCOM as and when details become available.

2.3 Based on GAL's Master Plan numbers published in 2019 GACC argue that around 60% of Gatwick's total forecast growth in passenger numbers (from 45.7 mppa (actual in 2017/18) to 68-70 mppa (forecast in 2032/33)) will be through making best use of existing

capacity and optimising the use of the main runway (Scenario 1) and around 40% of growth in passenger numbers through bringing into routine use the northern/standby runway for some aircraft departures (Scenario 2).

2.4 The forecast percentage increase in ATMs for Scenario 1 is around 21% from 280,790 in 2017/18 to the top end forecast of 340,000 ATMs per annum. GAL has stated that this is based on a GAL Masterplan forecast for 2032/33 which looked 15 years out from 2018. Considered another way, increasing the throughput to 57-61mppa represents a 22%-31% increase on 2019 actual traffic levels (46.6mppa).

2.5 Since the publication of the Gatwick Airport Master Plan 2019, GATCOM has:

- received regular updates from GAL on how it is taking forward its growth scenarios. Explanations have been given on how passenger numbers will increase, the extensive capital investment programme (pre-COVID), how GAL has managed and mitigated the impacts of growth, with examples of initiatives that have been in place for many years. This includes a legally binding planning agreement (in place since 2001) and recently renewed between GAL, Crawley Borough Council and West Sussex County Council, various action plans covering topics such as noise, air quality and surface access and the ways in which GAL supports and invests in a wide range of community initiatives, projects and events across the region and its involvement in various groups and forums.
- considered and debated the concerns of members, particularly those of GACC and Gatwick's Big Enough campaign group, about the impact of GAL's forecast growth.
- Held a special half day meeting (September 2019) for members and support officers to hear from both GAL and Crawley Borough Council on the planning process including how GAL manages its current operation (scenario 1) as well as an in-depth explanation of the DCO process and opportunities for involvement (scenario 2).
- included specific objectives in the GATCOM Indicative Work Programme relating to Master Plan Growth Scenario 1 to monitor the results of annual reporting on GAL's corporate responsibility and environmental performance such as the Decade of Change Annual Progress Report, the results of the Section 106 agreement monitoring, Horley Air Quality Management Area monitoring, Noise Exposure Contours and the END Noise Action Plan Progress Report.

2.6 A timeline of GATCOM's consideration of reports/papers/correspondence on the question of assessing and managing incremental growth is set out in Appendix 1. That timeline also includes reference to GAL's correspondence with GACC and also to a joint letter from the local authorities to Gatwick's Big Enough in relation to the planning position at Gatwick both of which are set out in Appendices 2 and 3 respectively. GAL's and Crawley Borough Council's views have been sought on the questions posed by GACC. Both have confirmed that their respective positions remain the same as set out in the letters.

2.7 It should be noted that GAL's growth forecasts set out in the Gatwick Airport Master Plan 2019 have been severely affected by the on-going COVID-19 pandemic. The Gatwick Airport Master Plan 2019 traffic forecasts (pre-pandemic) show passenger growth from 52 mppa in 2022 to up to between 57-61 mppa in 2032. In 2020, as a result of the pandemic the airport saw an overall decline in passenger numbers to around 10.2m passengers (a decline of 78% compared with 2019 levels) and a corresponding fall in the level of impact. GAL is not expecting a return to 2019 levels for at least 3-4 years. GAL is however progressing with its Northern Runway (Scenario 2) DCO application and expects to undertake the pre-application consultation in late Summer 2021.

### 3. STATEMENT OF FACTS

3.1 In preparing this 'Statement of Facts', the Secretariat has taken into account the views of GAL and Crawley Borough Council, as local planning authority for Gatwick and one of the host authorities in the DCO application process. This has helped the Secretariat to establish the facts as follows:

#### **Government's Policy: Making Best Use of Existing Runways**

3.2 The [Government's Aviation Policy Framework](#) 2013 states that a key priority for Government is to continue to work with the aviation industry and other stakeholders to make better use of existing runways at all UK airports to improve performance, resilience and the passenger experience; to encourage new routes and services; and to ensure that airports are better integrated into the wider transport network, whilst taking into account the associated environmental impacts, including the need for the aviation sector to make a significant and cost-effective contribution towards reducing global emissions.

3.3 The Government has set out its support for airports making best use of their existing runways in its 2018 policy statement '[Beyond the horizon: The future of UK aviation - Making best use of existing runways](#)'.

3.4 Paragraph 1.26 of the Making Best Use Policy Statement states: "*Airports that wish to increase either the passenger or air traffic movement caps to allow them to make best use of their existing runways will need to submit applications to the relevant planning authority. We expect that applications to increase existing planning caps by fewer than 10 million passengers per annum (mppa) can be taken forward through local planning authorities under the Town and Country Planning Act 1990.*"

3.5 Paragraph 1.27 of that policy states: "*Applications to increase caps by 10mppa or more or deemed nationally significant would be considered as Nationally Significant Infrastructure Projects (NSIPs) under the Planning Act 2008 and as such would be considered on a case by case basis by the Secretary of State*"

3.6 The Government's Making Best Use Policy Statement references in both the quoted paragraphs above "*applications to increase existing planning caps*". However, there are no planning obligations or conditions limiting the number of passengers or air traffic movements that may use Gatwick Airport.

3.7 Paragraph 1.29 of that policy goes on to state: "*...the government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations. This policy statement does not prejudge the decision of those authorities who will be required to give proper consideration to such applications. It instead leaves it up to local, rather than national government, to consider each case on its merits.*"

3.8 This point is also reiterated in paragraph 1.42 of the [Airports National Policy Statement](#) published in June 2018 which states "... airports wishing to make more intensive use of existing runways will still need to submit an application for planning permission or development consent to the relevant authority, which should be judged on the application's individual merits. However, in light of the findings of the Airports Commission on the need for more intensive use of existing infrastructure as described at paragraph 1.6 above, the Government accepts that it may well be possible for existing airports to demonstrate sufficient need for their proposals, additional to (or different from) the need which is met by the provision of a Northwest Runway at Heathrow. As indicated in paragraph 1.39

above, the Government's policy on this issue will continue to be considered in the context of developing a new Aviation Strategy."

3.9 In a [House of Commons statement on 2 March 2020](#) the then Aviation Minister on a debate about airport expansion confirmed that "*Airport expansion is a core part of boosting our global connectivity and levelling up the UK. It is crucial that vital infrastructure projects, including airport expansion, drive the whole UK economy. This is a Government who support airport expansion, but we will only permit it within our environmental obligations.*". The Minister also confirmed in response to a question on whether any expansion of any regional airport in Luton or anywhere else must meet stringent environmental criteria on climate change, pollution and the rest; "*that this was correct*".

**Fact 1:** National aviation policy is supportive 'in principle' of proposals to increase passenger numbers and air traffic movements by making best use of the existing runways at Gatwick provided any proposals are judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations.

**Fact 2:** Where proposals at Gatwick require either planning permission from Crawley Borough Council, as the local planning authority, or development consent from the Secretary of State, they will be judged on their merits through the relevant statutory planning processes.

## Existing Permitted Use of Gatwick

3.10 Use and operation of the main runway at Gatwick is consented and has been subject to extensive scrutiny through the statutory planning processes over a number of years. However, Gatwick does not have a planning cap on ATMs and passenger numbers. Growth is intended to be achieved through a combination of factors including an increase in flights in the off-peak periods (known as 'peak spreading'), air traffic technology and process initiatives, a shift to aircraft which are either larger and/or have higher seat numbers and higher load factors. None of these changes constitute 'development' for planning purposes and, therefore, they do not require planning permission or consent under the planning system.

3.11 There are a number of other non-planning measures in place to regulate the environmental effects of the airport operations including, in particular:

- Night Flight Restrictions, which cover the period 2017-2022 but which are regularly reviewed and subject to consultation;
- a statutory Noise Action Plan for the period 2019-2024, which was adopted by the Secretary of State for Defra in February 2019, was subject to consultation.

3.12 A recent permitted development consultation GAL has had with Crawley Borough Council, which was assessed and scrutinised by the [Council's planning committee](#) in August 2019, was in relation to the development of a Rapid Exit Taxiway (RET) between Gatwick's main runway and the Juliet taxiway. This project has the potential to increase the number of aircraft operations on the main runway at peak times by a maximum of one per hour. The Borough Council decided that the environmental effects of the proposed development were not significant and after considering all the relevant information decided not to object to the proposal. The construction work on the RET is currently paused.

3.13 The local authorities around Gatwick have carefully investigated the points relative to the planning position and the points raised by Gatwick's Big Enough campaign group (GACC is a member of this campaign group). The Joint Local Authorities letter dated 31 January

2020 comprehensively sets out the relevant planning policy considerations and position. A copy of that letter is attached at Appendix 3.

3.14 In summary, the local authorities concluded that *"the increase in passenger numbers from 46 million per annum to 61 million per annum in the absence of the proposed DCO authorising the use of the Northern Runway does not constitute a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 nor is it development requiring planning permission under the Town and Country Planning Act 1990."*

**Fact 3:** There are no planning caps or other controls through the planning system on passenger numbers or air traffic movements at Gatwick.

**Fact 4:** An increase in flights in the off-peak periods, air traffic technology and process initiatives, a shift to aircraft which are either larger and/or have higher seat numbers and higher load factor, do not constitute 'development' and do not require permission or consent through the planning system.

### **Current Section 106 Agreement**

3.15 Since 2001 GAL has voluntarily committed to a suite of environmental management measures and other obligations contained in legal agreements with Crawley Borough Council and West Sussex County Council (and most recently renewed by an agreement dated 30 April 2019). This agreement includes obligations covering climate change, air quality, aircraft noise, surface access, water management, waste management and energy management. It also contains obligations on GAL to make a positive contribution to the economy and quality of life in the wider Gatwick area for the benefit of local communities.

3.16 As part of the agreement GAL, Crawley Borough Council and West Sussex County Council have agreed that there are three Principal Objectives that drive the terms of the agreement, which are:

- The desire to see the Airport continue to grow by making best use of its existing one runway, two terminal configuration;
- The need to ensure that as the Airport grows, measures are in place to minimise, so far as possible, its short and longer term environmental impacts; and
- The importance of maintaining and enhancing the ways in which the parties to the agreement share information and work together and with other stakeholders to bring significant benefits to the Airport and the communities it serves and affects.

3.17 There is no reference or mechanism contained in the current Section 106 agreement that limits air traffic movements or the number of passengers that can use the airport in any given year.

3.18 Crawley Borough Council and West Sussex County Council work closely together to ensure that GAL complies with its obligations in the existing section 106 agreement and will continue to do so over the coming years. GAL's performance against these obligations is independently verified each year and reported via GATCOM.

3.19 The current agreement expires on 31 December 2021 but the intention is for the obligations to be extended beyond that date or otherwise replaced by a section 106 agreement entered into in connection with the DCO application process. Furthermore, the Memorandum of Understanding in place between the local authorities is to ensure that all play a joint role in monitoring GAL and ensuring GAL complies with the section 106 agreement.

3.20 It is currently unclear what will happen in the event of the DCO application not succeeding or being withdrawn and whether GAL remains committed to a full review of the existing Section 106 agreement.

**Fact 5:** There are no planning caps or other controls on passenger numbers and air traffic movements at Gatwick under the current voluntary Section 106 agreement between GAL, Crawley Borough Council, and West Sussex County Council.

## Northern Runway Scheme

3.21 Section 23(1)(b) of the Planning Act 2008 requires development consent to be obtained for any "alteration" of an airport which is expected to have the effect of increasing by at least 10 million per year the number of passengers for whom the airport is capable of providing air passenger transport services. The developments that GAL propose in order to bring the northern runway into routine operational use meets this test and as such GAL has announced that it proposes to apply for development consent for those proposals.

3.22 GAL has confirmed in correspondence with GACC in December 2019, and which was reported to GATCOM in January 2020, that its DCO application for the northern runway project will be subject to full pre-application consultation and environmental impact assessment which will assess the impacts of the operation of the airport as a whole (both the main runway and the northern runway) (see Appendix 2).

3.23 GAL's letter of 18 December 2019 also states *"Any development consent granted for the northern runway proposals will be subject to a package of conditions and planning obligations which will govern and control the operation of the airport as a whole. This could include means of controlling the airport's impacts through noise contours and other control mechanisms, building on those obligations already in place under the 30 April 2019 legal agreement. These will be matters which will be fully explored and debated by the Planning Inspectorate through the development consent order examination process."*

3.24 Should development consent be granted, forecast growth of the airport is unlikely to be sequential, that is, the Northern Runway only being brought into routine operational use when maximum growth using the main runway has been achieved. In reality, growth using the main runway and the Northern Runway is likely to run in parallel at some point. There are clear indications in GAL's and the local authorities' responses to GACC (set out in Appendices 2 and 3) that the projected growth from the DCO application will be assessed against the base case forecasted throughput on the main runway. This is a point that the local authorities addressed with the Planning Inspectorate through its response to GAL's Scoping Document. The Inspectorate has asked that the development assumed in the base case is clearly set out in the application and consultation documents. The social, economic and environmental impacts will also need to be addressed through that process.

3.25 The Inspectorate's [Scoping Opinion](#) states in paragraph 3.3.5 *"The ES should be clear in stating which works have been assessed and whether they form part of the DCO application or whether certain assumptions or reliance is otherwise placed on their delivery. Where these works do not specifically form part of the DCO application, the ES should ensure that they are adequately assessed as part of the baseline (and future baseline) conditions or within the cumulative effects assessment where significant effects are likely to occur."*

3.26 Paragraph 3.3.6 of the Opinion also states *"In particular the ES should set out what (if any) additional consents are required to enable this growth since, it is unclear if any specific additional consents (beyond those listed in section 4.3 of the Scoping Report) would be required to allow for increased passenger numbers from 46 mppa to 61 mppa as outlined in table 4.6.1 of the [Scoping Report](#)."*

3.27 Accordingly, the impacts of the operation of the airport as a whole (both the main runway and the northern runway) on the wider Gatwick area's supporting infrastructure will be assessed through the DCO process. There will also need to be an assessment of the

capacity of existing infrastructure to accommodate future growth beyond the recent developments and planned infrastructure investment, such as the M23 Smart Motorway project and redevelopment of the Gatwick Station. As necessary, further investment and mitigation by GAL may need to be brought forward at the right places and at the right times.

**Fact 6:** GAL's proposal to bring the Northern Runway into routine operational use constitutes 'development' and requires consent through the DCO process from the Secretary of State.

**Fact 7:** The forecasted growth at Gatwick will need to be taken into account when the proposal to bring the Northern Runway into routine operational use is assessed through the DCO process.

**Fact 8:** The capacity of existing infrastructure in the wider Gatwick area to accommodate forecasted future growth (whether through use of the main runway or routine use of the Northern Runway), will be assessed through the DCO process.

## **New Section 106 Agreement**

3.28 A new airport-wide section 106 Agreement is likely to be required in support of the application for development consent. As highlighted in paragraph 3.23 above GAL has confirmed that as part of the package of conditions and planning requirements, building on those obligations already in place under the 30 April 2019 legal agreement, any new s106 obligations will be fully explored and debated through the DCO examination process.

3.29 The Joint Local Authorities letter of 31 January 2020 (set out in Appendix 3) considers that incremental growth will be addressed as part of the new Section 106 agreement that will be re-negotiated as part of the DCO process. Members' attention is drawn to paragraph 5 of the Joint Local Authorities letter, which indicates that the local authorities will seek to address in the new Section 106 agreement the impacts of all growth at the airport, including the main and northern runway and it gives the opportunity to *"include reference to caps and other control measures on the number of passengers, flights or runways, linked to the capacity and likely significant environmental effects assessed as part of the EIA for the DCO"*.

**Fact 9:** A new airport-wide Section 106 Agreement to mitigate the impacts of growth at Gatwick is likely to be required as part of the DCO process.

## **4. POINTS FOR GATCOM'S CONSIDERATION**

4.1 In January 2020, members of GATCOM commented on the need for clarity around the interpretation of Government policy on expansion and the need for appropriate scrutiny of all Gatwick growth was reiterated. More recently, GACC have expressed the view that Government policy clearly requires significant growth at airports to be scrutinised and approved and that GATCOM should consider how this can be achieved.

4.2 Section 3 of this paper sets out Government aviation policy and the planning processes that relate to growth at Gatwick through making best use of the main runway and potentially through routine use of the Northern Runway. GATCOM is asked to consider, and agree, the facts stated in Section 3.

4.3 With regard to the specific questions raised by GACC, members are asked to consider the following answers:

1. Whether planning law or government policy requires Gatwick's proposed main runway growth to be scrutinised and approved?

Planning law requires 'development' to be consented. National aviation policy addresses growth and is required to be taken into account in determining planning applications. Under the current legal system, there is no land use planning requirement for non-development related activity (e.g. through more passengers per plane or higher load factors) to be scrutinised or consented. However, there are other regulatory and legal mechanisms that control the effects of the airport's operation on the environment.

2. If so, whether there is currently an effective process through which the scrutiny and consent can take place?

Where proposals at Gatwick require planning permission from Crawley Borough Council, as the local planning authority, they will be judged on their merits through the relevant statutory planning processes. However, an increase in flights in the off-peak periods, air traffic technology and process initiatives, a shift to aircraft which are either larger and/or have higher seat numbers and higher load factor, do not constitute 'development' and do not require permission or consent through the planning system. Scrutiny does however take place in other forms by competent authorities such as through the existing section 106 agreement, the statutory Noise Action Plan or air quality monitoring.

3. If there is no such process what should be done to ensure one is put in place?

The social, environmental, and economic impacts related to airport growth is a matter for Government to address, including through the forthcoming review of the Aviation Strategy. In advance, GATCOM could bring such matters to the attention of the Minister for Aviation.

4.4 Notwithstanding the above, it is essential that GAL and the local authorities have regular engagement to explore the technical work and results of assessments at the earliest possible time. Furthermore, a full report should be made to GATCOM by GAL at the appropriate time on those issues of common concern and how they are intended to be addressed, resolved and mitigated, so that all parties have a clear understanding of how the social, environmental and economic impacts and benefits of growth are considered. Adopting this approach will allow a good understanding of the economic and employment benefits of growth as well as help to give reassurance to people living near the airport and under flight paths as to how the impacts are being assessed and addressed to capture all airport growth.

4.5 It is also important that the Heads of Terms of the new Section 106 agreement to be negotiated as part of the DCO process are shared with GATCOM at the earliest possible time. It should be noted that the Heads of Terms will be considered via the DCO examination process when GATCOM members will have the opportunity to comment individually through their organisation's submissions. Once the detail of the Heads of Terms becomes available this will be shared with GATCOM as part of the DCO process.

## **RECOMMENDED**

- (1) GATCOM considers the questions posed by GACC at paragraph 1.3;
- (2) GATCOM considers and agrees the 'Statement of Facts' set out in Section 3;

- (3) GATCOM considers the answers at paragraph 4.3 and determines whether further action is required;
- (4) GAL be asked to report to a future meeting to address the points raised in paragraph 4.4; and
- (5) The Heads of Terms of the new Section 106 Agreement be shared with GATCOM at the earliest possible time as part of the DCO process.

**PAULA STREET  
GATCOM SECRETARIAT**

## TIMELINE OF REPORTS/PAPERS/PRESENTATIONS TO GATCOM

### 9 January 2019

**GATCOM submitted its [response](#) to the GAL's consultation on the draft Gatwick Airport Master Plan.** As part of that response GATCOM highlighted that given there were many differing views across the membership of GATCOM about Gatwick's vision for growth, the Committee neither supported nor opposed GAL's vision for growth.

### 24 January 2019

**GATCOM [highlighted](#) potential for future undertakings from GAL to manage future growth of the airport and for a full review of the section 106 agreement.** GATCOM also agreed that as GAL took forward its growth plans, the Committee's role was to help disseminate information to interested parties and the wider community on GAL's work, the statutory planning processes which need to be followed and the issues being discussed and to assist in building an understanding of the growth scenarios, the implications and impacts through constructive discussion.

### 18 July 2019

**GAL published the Gatwick Airport Master Plan 2019 the day of the GATCOM meeting. GAL's [presentation](#) confirmed that:**

- GAL continue to make best use of its main runway using new technology to build capacity and resilience
- GAL will start the preparation of a planning application to bring the existing standby runway into routine use for some departures only alongside the use of the main runway
- GAL continued to recommend that planning policy continues to safeguard land to the south of the airport for an additional runway but at the same time confirmed that GAL was no longer actively pursuing plans for an additional runway.

### 19 September 2019

**A special meeting of the GATCOM Steering Group, to which all GATCOM members and support officers were invited to attend, was held to discuss in detail Gatwick's growth plans and next steps.** At that meeting GAL gave a [detailed presentation](#)

on the background and context to GAL's growth plans and the DCO process and timeline. In respect of the incremental growth on the main runway GAL confirmed:

- that the traffic forecasts (pre-pandemic forecasts) show passenger growth from 52m in 2022 to up to between 57m and 61m in 2032.
- incremental growth from the use of the main runway was in line with Government policy to make best use of the existing infrastructure and main runway, whilst delivering a sustainable and resilient operation.
- incremental growth will be achieved from increasing use of the main runway at the peak periods, seasonal peak spreading plus increase in aircraft size and load factors.
- investment in technological advancements and taxiway infrastructure will also enable future growth as well as operational resilience such as the optimisation of main runway technology creating opportunities for resilience and growth, including time-based flow management, new rapid exit taxiway and lima taxiway extension, enhancement of instrument landing systems and reducing controller workloads and new tools such as AMAN and DMAN.
- Capital investment projects such as the railway station redevelopment project, expansion of terminal facilities, additional car parking and new automated processes.
- There were various established mechanisms in place to monitor, audit and track mitigation measures and the airport's corporate responsibility and environmental performance including GAL's Decade of Change Sustainability Strategy, the Section 106 agreement and various action plans.

**17 October 2019**

**The Environmental and Amenity Groups' [presented](#) to GATCOM the communities' (Gatwick's Big Enough campaign bringing together a number of community groups around Gatwick) views on the impact of incremental growth.** As part of that presentation they highlighted concerns about the lack of scrutiny of Gatwick's forecast incremental growth from the use of the main runway and the fact that whilst 40% of Gatwick's proposed growth - from bringing the standby/northern runway into routine use was to be robustly scrutinised through a Development Consent Order process, 60% of growth from the use of the main runway would escape scrutiny.

**December 2019**

**[Correspondence \(see pages 37-39 of document pack\)](#) in December 2019 between GAL and the Gatwick's Big Enough campaign** was reported to GATCOM at its meeting on 23 January 2020. GAL's response (**attached at Appendix 2**) advises that its traffic forecasts for the main runway to grow from 45.7m passengers a year in 2017/2018 to between 57 and 61mppa by 2032/33, are based largely on operational efficiencies through various technology and process initiatives as well as increases in aircraft size and average number of passengers per flight rather than by any "development works" GAL may carry out during this period. GAL also gives reassurance that its application for development consent for the northern runway proposals will be subject to full pre-application consultation and environmental impact assessment.

**23 January 2020**

**GAL's response to the Environmental and Amenity Groups' presentation at the previous meeting was [presented](#) to GATCOM.** That response confirms that GAL's DCO application for the Standby/Northern Runway proposals "will have to assess and mitigate the impacts of the northern runway growth **on top of** the growth and use of our current runway". GAL also confirmed that its DCO application will be thoroughly tested through the planning process and everyone will be able to put their points across.

In addition to GAL's response to the communities, the question of how the GATCOM needed to review and take into account any implications arising from GAL's growth plans for the main runway was considered at GATCOM's Away Day when the Committee's structure, membership, way of working and programme of work was explored. As a result of those discussions specific objectives were included in GATCOM's indicative [Work Programme 2020/21](#) (see page 64 of document pack) relating to Master Plan Growth Scenario 1 – Main Runway Managing Incremental Growth.

**31 January 2020**

**Joint Local Authorities response to Gatwick's Big Enough – attached at Appendix 3.** The response, signed by the Leaders of Crawley Borough Council; Reigate and Banstead Borough Council; Mole Valley District Council; Tandridge District Council; Horsham District Council; Mid Sussex District Council; West Sussex County Council; and Surrey County Council, gave a comprehensive response to the various planning concerns raised by Gatwick's Big Enough campaign. In summary, it confirmed that GAL's forecast growth increasing passenger numbers from 46 million per annum to 61 million per annum in the absence of the proposed DCO authorising the use of the Northern Runway does not constitute a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 nor is it development requiring planning permission under the Town and Country Planning Act 1990 as the increase in passenger numbers from 46mppa to 61mppa do not constitute a material change of use requiring planning permission under the 1990 Act.

18 DECEMBER 2019

Dear Peter

Thank you for your letter to Stewart dated 5 December 2019. Stewart has asked that I respond.

When we launched our Master Plan earlier this year, I reaffirmed our position that as we have done over the years, we will continue to recognise the importance of ensuring that all growth in capacity at Gatwick is appropriately managed and mitigated.

As you are aware, the number of flights and passengers using Gatwick airport is not restricted by any planning permission. However, since 2001 we have voluntarily committed to a suite of environmental management measures and other obligations contained in legal agreements with Crawley Borough Council and West Sussex County Council (and most recently renewed by an agreement dated 30 April 2019). This agreement sets out our objectives covering climate change, air quality, aircraft noise, surface access, water management, waste management and energy management. Importantly, the agreement also contains objectives to make a positive contribution to the economy and quality of life in the Gatwick Diamond area and beyond and the establishment of a Trust for the benefit of local communities – ensuring that the economic benefits of the airport are shared widely both locally and across the region. Furthermore, our performance against these obligations is independently verified each year and reported via GATCOM.

Government policy is clear in supporting airports increasing their capacity. The Airports Commission's Final Report recognised the need for an additional runway in the South East by 2030 but also noted that there would be a need for other airports to make more intensive use of their existing infrastructure. As recently as June 2018 the Government set out in its document 'The future of UK aviation: making the best use of existing runways' that: "*government believes there is a case for airports making best of their existing runways across the whole of the UK*" (paragraph 1.25).

In terms of the law, Section 23(1)(b) of the Planning Act 2008 requires development consent to be obtained for any "alteration" of an airport which is expected to have the effect of increasing by at least 10 million per year the number of passengers for whom the airport is capable of providing air passenger transport services. The developments which we propose in order to bring the northern runway into routine operational use would meet this test and as such we propose to apply for development consent for those proposals.

The continued use of our existing runway, by contrast, does not require any further approval, either by means of development consent or planning permission. Like any airport operator, we may from

# YOUR LONDON AIRPORT

## *Gatwick*

time to time carry out operational improvements to the airport under the Town and Country Planning Act's 'permitted development' regime, or through applications to Crawley Borough Council for planning permission. These applications are subject to the full scrutiny of the local authority. However, our traffic forecasts in Chapter 5 of the Masterplan showing passenger numbers growing from 45.7m passengers a year (actual) in 2017/2018 to between 57 and 61mppa by 2032/33, are based largely on operational efficiencies through various technology and process initiatives as well as increases in aircraft size and average number of passengers per flight rather than by any "development works" we may carry out during this period.

Gatwick has been, and will remain, vigilant in complying with its legal obligations and in following all relevant statutory processes in seeking consent to increase capacity at the airport. Our application for development consent for the northern runway proposals will be subject to full pre-application consultation and environmental impact assessment which will assess the impacts of the operation of the airport as a whole (both the main runway and the northern runway). The scoping opinion issued by the Planning Inspectorate endorses the approach put forward in our scoping report, and the requirement to assess the full environmental impacts of the airport operating with 74 mppa in 2038 with the northern runway in routine operation.

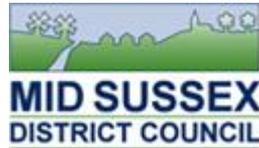
Any development consent granted for the northern runway proposals will be subject to a package of conditions and planning obligations which will govern and control the operation of the airport as a whole. This could include means of controlling the airport's impacts through noise contours and other control mechanisms, building on those obligations already in place under the 30 April 2019 legal agreement. These will be matters which will be fully explored and debated by the Planning Inspectorate through the development consent order examination process.

We hope that this clarifies why Gatwick's forecast growth on the main runway is lawful without need for further authorisation, and provides you with reassurance that in seeking development consent to bring the northern runway into routine operational use there will be opportunities for full public consultation and scrutiny of all Gatwick's growth.

Yours sincerely,

**Tim Norwood**  
Chief Planning Officer  
Gatwick Airport Limited

cc:  
Tom Crowley, Chair GATCOM  
Jonathan Drew, Chair, NMB Executive Board  
Warren Morgan, Chair NMB Community Forum



Appendix 3



31 January 2020

Dear Peter

**Growth at Gatwick Airport**

Thank you for your letter of 28 November 2019 regarding the proposed growth in passenger numbers at Gatwick Airport in the context of Gatwick Airport Limited's (GAL) proposed application for a Development Consent Order (DCO) to bring the existing northern runway into use.

We write this letter on behalf of the following local authorities:

- Crawley Borough Council;
- Reigate and Banstead Borough Council;
- Mole Valley District Council;
- Tandridge District Council;
- Horsham District Council;
- Mid Sussex District Council
- West Sussex County Council; and
- Surrey County Council.

In this letter, reference to the "Authorities" means the above local authorities.

We have carefully investigated the various points made in your letter and write to provide our conclusions. In summary, the increase in passenger numbers from 46 million per annum to 61 million per annum in the absence of the proposed DCO authorising the use of the Northern Runway does not constitute a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 nor is it development requiring planning permission under the Town and Country Planning Act 1990.



## **Commitment to scrutiny**

Let us first emphasise that the Authorities are fully committed to ensuring that growth at Gatwick Airport is properly scrutinised and comes forward in a way that is sustainable and which minimises so far as possible adverse impacts on the environment and local communities.

On 30 April 2019, Crawley Borough Council and West Sussex County Council entered into a section 106 agreement with GAL which secured various obligations intended to achieve three principal objectives at Gatwick Airport, namely:

- the desire to see the airport continue to grow by making best use of its existing one runway, two terminal configuration;
- the need to ensure that as the airport grows, measures are in place to minimise, so far as possible, its short and longer-term environmental impacts; and
- the importance of maintaining and enhancing the ways in which GAL and the authorities share information and work together and with other stakeholders to bring significant benefits to the airport and the communities it serves and effects.

The Crawley and West Sussex Councils work closely together to ensure that GAL complies with its obligations in the section 106 agreement and will continue to do so over the coming years. The current agreement expires on 31 December 2021 but the intention is for the obligations to be extended beyond that date (the 2019 agreement is itself an extension of an earlier agreement dated 10 December 2015) or otherwise replaced by a section 106 agreement entered into in connection with the DCO. Furthermore, the memorandum of understanding in place between the Authorities is to ensure that all play a joint role in monitoring GAL and ensuring GAL complies with the section 106 agreement.

However, it should be emphasised that nothing in the current section 106 agreement or any applicable planning conditions limits the number of passengers that may use the airport in any given year.

## **Section 23**

Section 23(1) of the Planning Act 2008 sets out the circumstances in which airport-related development will constitute an NSIP. Sections 23(1)(b) and (c) are particularly relevant here.

Section 23(1)(b) provides that an alteration of an airport will constitute an NSIP if the alteration is expected to have the effect of increasing by at least 10 million per year the number of passengers for whom the airport is capable of providing air passenger transport services. There is also a reference to increases in cargo aircraft but this is not considered relevant here. An "alteration" is defined as including the construction, extension or alteration of a runway, building, radar or radio mast, antenna or other apparatus at the airport. We acknowledge the point raised in your letter that this is not intended to be an exhaustive list.

Section 23(1)(c) provides that an increase in the permitted use of an airport will constitute an NSIP if it is an increase of at least 10 million per year in the number of passengers for whom the airport is permitted to provide air passenger transport services. Again, there is a reference to increases in cargo aircraft but this is not considered relevant here.

## Alterations

Chapter 5 of GAL's Environmental Impact Assessment Scoping Report in respect of its proposed DCO, sets out the various measures that GAL will adopt in order to increase the number of passengers from the current 46 million passengers per annum (mppa) to 61mppa by 2038 and in the absence of the DCO authorising the use of the Northern Runway.

In the view of the Authorities, these proposed measures do not constitute alterations that would satisfy the requirements of section 23(1)(b).

The increase in passengers is primarily to be achieved by (a) increasing the number of daily aircraft movements during off-peak periods, (b) up-gauging aircraft fleets with larger aircraft and (c) increasing average occupancy levels of flights. These are not alterations (or physical development more generally) that are capable of falling within section 23(1)(b).

Where physical works are proposed by GAL, the current view of the Authorities is that those works would not, whether in isolation or cumulatively, have the effect of increasing the capability of the airport by 10mppa, as would be required for them to fall within section 23(1). The increase in capability is primarily brought about by the operational changes proposed. The various works to construct, for example, additional hotels and car parking are responding to those operational changes rather than creating additional capability themselves. In any event, to the extent that these works do have the effect of increasing the airport's capability, which the Authorities do not consider they do, the Authorities do not "expect" (within the meaning of section 23(4)(b)) those works to themselves have the effect of increasing capability by 10mppa.

The current view of the Authorities is that the proposed works that constitute development and therefore an "alteration" to directly increase operational capacity (for example the extension of Pier 6) would fall within the scope of existing permitted development rights. The key permitted development right is Class F of Part 8 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). This requires GAL to consult with Crawley Borough Council before carrying out the proposed development. Crawley Borough Council in turn consults with the various neighbouring authorities in accordance with the memorandum of understanding. This means that there will be an opportunity for Crawley Borough Council and the other authorities to consider each piece of proposed development as it comes forward, albeit there is limited scope for the Authorities to prevent permitted development going ahead.

However, as part of that exercise it would be open to Crawley Borough Council to ask GAL to make it clear what the effect is of the proposed alteration, both in terms of passenger numbers and in terms of environmental impact. When consulted on a proposed piece of permitted development, Crawley Borough Council will consider whether the proposed development (whether in isolation or cumulatively with other development) constitutes EIA development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. If the conclusion was that the proposed development did constitute EIA development, then the relevant permitted development right would not apply.

It should also be noted that a piece of development that would otherwise be permitted development under the GPDO could theoretically constitute an NSIP for the purposes of the Planning Act 2008 if it has the effect of increasing the airport's capability by 10mppa or more. In such circumstances, the proposed development would need to be authorised by a DCO notwithstanding the existence of the permitted development right. This is something that would need to be considered by Crawley Borough Council on a case-by-case basis. However, in practice the Authorities consider that it would be extremely unlikely for a piece of permitted development to reach the threshold for the NSIP.

### **Increase in permitted use**

The Authorities have considered whether an increase in passenger numbers from 46mppa to 61mppa would satisfy the requirements of section 23(1)(c), irrespective of the physical alterations that are proposed. However, the Authorities have concluded that it would not.

As noted above, there are no planning obligations or conditions limiting the number of passengers that may use the airport. It is therefore very difficult to characterise the permitted use of the airport as being subject to a limit on passenger numbers. Consequently, it would be very difficult to ever demonstrate that the permitted use of the airport has increased by 10mppa.

In the view of the Authorities, section 23(1)(c) is intended to capture a situation where an airport is subject to a planning obligation or condition which clearly limits the number of passengers and which the airport operator wishes to amend without necessarily carrying out any physical alterations to the airport. This is not the situation at Gatwick and the Authorities do not consider it appropriate at this stage to seek to impose a cap.

### **Your suggested actions**

We note that the annex to your letter includes a number of suggested actions that you would like the Authorities to undertake. We address each of these in turn.

1. ***"Request the Secretary of State to ensure that his policy [...] is fully delivered"*** - The government's policy needs to be viewed in the context of the Planning Act 2008 which sets out the legal framework for determining whether development is an NSIP. As set out above, the Authorities do not consider that GAL's proposals to increase passenger numbers from 46mppa to 61mppa satisfy the statutory requirements for an NSIP.

2. ***"Invite the SoS to direct that the project be considered a Nationally Significant Infrastructure Project under section 35 of the Planning Act 2008"*** – While the Authorities acknowledge the national significance of the airport, they do not currently consider that the increase in passenger numbers from 46mppa to 61mppa (or the physical works proposed by GAL in connection with this increase) constitutes development which should be subject to a section 35 order. The increase in passenger numbers is largely to be achieved through operational changes which do not constitute "development" for the purposes of the Planning Act 2008. In any event, under section 35ZA of the Planning Act 2008, it is not for the Authorities to make such an application. It is for the Authorities, and for Crawley Borough Council in particular, to monitor that development is carried out in accordance the various planning legislation. If we consider that any development is not being carried out in accordance with the legislation, it is open to Crawley Borough Council to take enforcement action.
3. ***"Investigate whether the main runway growth will require "alterations that would bring it within the scope of the 2008 Act"*** – The Authorities expect GAL to provide as part of the DCO application process a robust justification for how it will increase its passenger numbers from 46mppa to 61mppa - in other words, a clear and detailed justification of how the operational changes will have that effect and why the proposed development will not will be required. If this is not provided then the Authorities will raise this with GAL and the Secretary of State, as we did in responding to the Scoping Report. The Authorities will be interrogating GAL's evidence on this. Furthermore, going forward Crawley Borough Council will also carefully scrutinise on a case-by-case basis any proposals to use permitted development rights to establish whether they fall within the scope of section 23.
4. ***"Review whether the main runway project is a material change of use requiring planning permission under sections 55 and 57 of the Planning Act 1990"*** – The Authorities do not consider the increase in passenger numbers from 46mppa to 61mppa to constitute a material change of use requiring planning permission under the 1990 Act.
5. ***"Terminate the current Section 106 agreement with Gatwick and negotiate a new agreement incorporating a cap"*** – The Authorities cannot compel GAL to enter into a new agreement incorporating a cap at the current time and there is clearly no commercial incentive on GAL to agree to such a cap. However, the Authorities will seek to negotiate a section 106 agreement as part of the DCO process and this may include reference to caps and other control measures on the number of passengers, flights or runways, linked to the capacity and likely significant environmental effects assessed as part of the EIA for the DCO.

## **Next steps**

It is important to note that the EIA scoping exercise is one of the first steps in what will be a very detailed process of preparing and considering the DCO application. There will be various other opportunities for the Authorities and other interested parties to test and challenge GAL's proposed development and evidence base as the application progresses.

The Authorities are in the process of negotiating a Planning Performance Agreement with GAL which will set a framework around further engagement and consultation with the Authorities in respect of the proposed DCO application. This will also require GAL to provide funding to the Authorities to enable them to ensure that the proper resources are in place to enable robust scrutiny of the application.

The decision whether or not to grant a DCO will ultimately be taken by the Secretary of State but the Authorities are fully committed to working collaboratively to proactively engage with the process. Members of the public will of course be afforded the opportunity by the Planning Inspectorate to participate directly in the DCO application process.

We trust that this assists in clarifying the Authorities' position on the points you raise but please let us know should you have any further queries.

Yours sincerely,



**Councillor Peter Lamb**  
Crawley Borough Council

**Councillor Ray Dawe**  
Horsham District Council

**Councillor Jonathan Ash-Edwards**  
Mid Sussex District Council



**Councillor Tony Elias**  
Tandridge District Council

**Councillor Mark Brunt**  
Reigate & Banstead Borough

**Councillor Tim Oliver**  
Surrey County Council



**Councillor Paul Marshall**  
West Sussex County Council

**Councillor Stephen Cooksey**  
Mole Valley District Council