

An aerial photograph of Gatwick Airport's northern runway and taxiway. The runway is a long, straight concrete strip with white markings, including the number '26' and the letter 'L'. Several aircraft are visible on the taxiway and runway. In the foreground, a large white Airbus A380 is taxiing. To its left, a smaller white aircraft is also taxiing. Further up the runway, another white aircraft is visible. In the bottom left corner, a red and white easyJet aircraft is taxiing. The surrounding area includes green grass, taxiway lights, and airport infrastructure like buildings and a control tower in the distance.

YOUR LONDON AIRPORT
Gatwick

Our northern runway: making best use of Gatwick

Table of Contents

1	Introduction	1
2	National Planning Policy Context	1
3	References	16
4	Glossary	17

1 Introduction

1.1 General

1.1.1 This document forms Appendix 2.2.1 of the Preliminary Environmental Information Report (PEIR) prepared on behalf of Gatwick Airport Limited (GAL). The PEIR presents the preliminary findings of the Environmental Impact Assessment (EIA) process for the proposal to make best use of Gatwick Airport's existing runways (referred to within this report as 'the Project'). The Project proposes alterations to the existing northern runway which, together with the lifting of the current restrictions on its use, would enable dual runway operations. The Project includes the development of a range of infrastructure and facilities which, with the alterations to the northern runway, would enable the airport passenger numbers and aircraft operations to increase. Further details regarding the components of the Project can be found in the Chapter 5: Project Description.

1.1.2 This document provides the national planning policy context for the Project.

2 National Planning Policy Context

2.1 National Planning Policy Context

2.1.1 National Planning Policy, as relevant to a DCO determination for the Project, comprises the following principle national planning policy and aviation strategy documents:

- Airports National Policy Statement (2018)
- Beyond the Horizon: The Future of UK Aviation: Making Best Use of Existing Runways (2018)
- Aviation Policy Framework (2013)
- Aviation Strategy Green Paper: Aviation 2050 - The Future of UK Aviation Policy (2019)
- National Networks - National Policy Statement (2015)
- National Planning Policy Framework (2021)

2.2 Airports National Policy Statement (Department for Transport, 2018a)

2.2.1 The Government designated in June 2018 the Airports National Policy Statement (NPS) – new runway capacity and infrastructure

at airports in the South East of England, which sets out the primary policy for decision-making in relation to the proposed new runway at Heathrow, and states that it 'will be an important and relevant consideration in respect of applications for new runway capacity and other airport infrastructure in London and the South East of England.'

2.2.2 The NPS also notes that, in addition to a new runway at Heathrow, the Government is supportive of airports beyond Heathrow making best use of their existing runways.

2.2.3 Key points of relevance for the Project are set out below.

Assessment of Impacts – Decision Making:

Surface Access – Decision Making

2.2.4 Paragraph 5.21: 'The applicant's proposals will give rise to impacts on the existing and surrounding transport infrastructure. The Secretary of State will consider whether the applicant has taken all reasonable steps to mitigate these impacts during both the development and construction phase and the operational phase. Where the proposed mitigation measures are insufficient to effectively offset or reduce the impact on the transport network, arising from expansion, of additional passengers, freight operators and airport workers, the Secretary of State will impose requirements on the applicant to accept requirements and / or obligations to fund infrastructure or implement other measures to mitigate the adverse impacts, including air quality.'

2.2.5 Paragraph 5.22: 'Provided the applicant is willing to commit to transport planning obligations to satisfactorily mitigate transport impacts identified in the transport assessment (including environment and social impacts), with costs being considered in accordance with the Department for Transport's policy on the funding of surface access schemes, development consent should not be withheld on surface access grounds.'

Air Quality – Decision Making

2.2.6 Paragraph 5.42: 'The Secretary of State will consider air quality impacts over the wider area likely to be affected, as well as in the vicinity of the scheme. In order to grant development consent, the Secretary of State will need to be satisfied that, with mitigation, the scheme would be compliant with legal obligations that provide for the protection of human health and the environment.'

2.2.7 Paragraph 5.43: 'Air quality considerations are likely to be particularly relevant where the proposed scheme:

- is within or adjacent to Air Quality Management Areas, roads identified as being above limit values, or nature conservation sites (including Natura 2000 sites and Sites of Special Scientific Interest);
- would have effects sufficient to bring about the need for new Air Quality Management Areas or change the size of an existing Air Quality Management Area, or bring about changes to exceedances of the limit values, or have the potential to have an impact on nature conservation sites; and
- after taking into account mitigation, would lead to a significant air quality impact in relation to Environmental Impact Assessment and / or to a deterioration in air quality in a zone or agglomeration.'

Noise – Decision Making

2.2.8 Paragraph 5.68: 'Development consent should not be granted unless the Secretary of State is satisfied that the proposals will meet the following aims for the effective management and control of noise, within the context of Government policy on sustainable development:

- Avoid significant adverse impacts on health and quality of life from noise;
- Mitigate and minimise adverse impacts on health and quality of life from noise; and
- Where possible, contribute to improvements to health and quality of life.'

Carbon Emissions – Decision making

2.2.9 Paragraph 5.82: 'Any increase in carbon emissions alone is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the project is so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets.'

2.2.10 Paragraph 5.83: 'Evidence of appropriate mitigation measures (incorporating engineering plans on configuration and layout, and use of materials) in both design and construction should be presented as part of any application for development consent. The Secretary of State will consider the effectiveness of such mitigation measures in order to ensure that, in relation to design and construction, the carbon footprint is not unnecessarily high. The Secretary of State's view of the adequacy of the mitigation measures relating to design, construction and operational phases will be a material factor in the decision making process.'

Biodiversity and Ecological Conservation – Decision Making

- 2.2.11 Paragraph 5.96: ‘As a general principle, and subject to the specific policies set out below and the Infrastructure Planning (Decisions) Regulations 2010, development should avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives. The applicant may also wish to make use of biodiversity offsetting in devising compensation proposals to counteract any impacts on biodiversity which cannot be avoided or mitigated. Where significant harm cannot be avoided or mitigated, as a last resort appropriate compensation measures should be sought. The development consent order, or any associated planning obligations, will need to make provision for the long term management of such measures.’
- 2.2.12 Paragraph 5.97: ‘In taking decisions, the Secretary of State will ensure that appropriate weight is attached to designated sites of international, national and local importance, protected species, habitats and other species of principal importance for the conservation of biodiversity, and to biodiversity and geological interests within the wider environment.’
- 2.2.13 Paragraph 5.98: ‘The most important sites for biodiversity are those identified through international conventions and European Directives. The Habitats Regulations provide statutory protection for European sites and require an assessment of impacts upon such sites. The Government considers that the following wildlife sites should have the same protection as European sites:
- Potential Special Protection Areas and possible Special Areas of Conservation;
 - Listed or proposed Ramsar sites; and
 - Sites identified or required as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.’
- 2.2.14 Paragraph 5.100: ‘Many Sites of Special Scientific Interest are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of Sites of Special Scientific Interest that are not covered by an international designation, will be given a high degree of protection. All National Nature Reserves are notified as Sites of Special Scientific Interest’.
- 2.2.15 Paragraph 5.101: ‘Where a proposed development on land within or outside a Site of Special Scientific Interest is likely to have an adverse effect on the site (either individually or in combination

with other developments), development consent should not normally be granted. Where an adverse effect on the site’s notified special interest features is likely, an exception should be made only where the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest. The Secretary of State will ensure that the applicant’s proposals to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site’s biodiversity or geological interest, are acceptable. Where necessary, requirements and / or planning obligations should be used to ensure these proposals are delivered’.

- 2.2.16 Paragraph 5.102: ‘Sites of regional and local biodiversity interest (which include Local Nature Reserves, Local Wildlife Sites and Nature Improvement Areas) have a fundamental role to play in meeting overall national biodiversity targets, contributing to the quality of life and the wellbeing of the community, and supporting research and education. The Secretary of State will give due consideration to such regional or local designations. However, given the need for new infrastructure, these designations should not be used in themselves to refuse development consent, although adequate compensation should always be considered, and ecological corridors and their physical processes should be maintained as a priority to mitigate widespread impacts’.
- 2.2.17 Paragraph 5.103 ‘Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost, it cannot be recreated. The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided.¹⁷⁶ Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this’.
- ¹⁷⁶ This does not prevent the loss of such trees where the decision maker is satisfied that their loss is unavoidable’
- 2.2.18 Paragraph 5.105: ‘In addition to the habitats and species that are subject to statutory protection or international, regional or local designation, other habitats and species have been identified as

being of principal importance for the conservation of biodiversity in England and Wales and therefore requiring conservation action. The Secretary of State will ensure that the applicant has taken measures to ensure that these other habitats and species are protected from the adverse effects of development. Where appropriate, requirements or planning obligations may be used in order to deliver this protection. The Secretary of State will refuse consent where harm to these other habitats, or species and their habitats, would result, unless the benefits of the development (including need) clearly outweigh that harm. In such cases, compensation will generally be expected to be included in the design proposals.’

Land Use including Open Space, Green Infrastructure and Green Belt – Decision Making

- 2.2.19 Paragraph 5.124: ‘The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land, including playing fields, unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be no longer needed, or the Secretary of State determines that the benefits of the project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities.’
- 2.2.20 Paragraph 5.125: ‘Where networks of green infrastructure have been identified in development plans, they should normally be protected from development and, where, possible, strengthened by or integrated within it. The Secretary of State will also have regard to the effect of the development upon and resulting from existing land contamination, as well as the mitigation proposed.’
- 2.2.21 Paragraph 5.126: ‘The Secretary of State will take into account the economic and other benefits of the best and most versatile agricultural land, and ensure the applicant has put forward appropriate mitigation measures to minimise impacts on soils or soil resources.’
- 2.2.22 Paragraph 5.127: ‘When located in the Green Belt, projects may comprise inappropriate development. Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it except in very special circumstances. The Secretary of State will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of

the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt, when considering any application for such development. In exchange for, or so as to ensure the re-provision of, lost Green Belt land, the Secretary of State may require the provision of other land by the applicant, to be declared as Green Belt under the Green Belt (London and the Home Counties) Act 1938. The provision of such land should be in accordance with the National Planning Policy Framework or any successor document, and take into account relevant development plan policies.'

Resource and Waste Management – Decision Making

2.2.23 Paragraph 5.145: 'The Secretary of State will consider the extent to which the applicant has proposed an effective process that will be followed to ensure effective management of hazardous and non-hazardous waste arising from all stages of the lifetime of the development. The Secretary of State should be satisfied that the process set out provides assurance that:

- Waste produced will be properly managed, both onsite and offsite;
- The waste from the proposed development can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arising should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arising in the area; and
- Adequate steps have been taken to ensure that all waste arising from the site is subject to the principles of the waste hierarchy and are dealt with at the highest possible level within the hierarchy.'

2.2.24 Paragraph 5.146: 'Where necessary, the Secretary of State will require the applicant to develop a resource management plan to ensure that appropriate measures for sustainable resource and waste management are secured.'

Flood Risk Assessment

2.2.25 Paragraph 5.154: 'In preparing a flood risk assessment the applicant should:

- Consider the risk of all forms of flooding arising from the development comprised in the preferred scheme, in addition to the risk of flooding to the project, and demonstrate how these risks will be managed and, where relevant, mitigated, so that the development remains safe throughout its lifetime;

- Take into account the impacts of climate change, clearly stating the development lifetime over which the assessment has been made;
- Consider the need for safe access and exit arrangements;
- Include the assessment of residual risk after risk reduction measures have been taken into account, and demonstrate that this is acceptable for the development;
- Consider if there is a need to remain operational during a worst case flood event over the preferred scheme's lifetime; and
- Provide evidence for the Secretary of State to apply the Sequential Test and Exception Test, as appropriate.'

Flood Risk – Decision Making

2.2.26 Paragraph 5.166: 'Where flood risk is a factor in determining an application for development consent, the Secretary of State will need to be satisfied that, where relevant:

- The application is supported by an appropriate flood risk assessment; and
- The Sequential Test has been applied as part of site selection and, if required, the Exception Test.'

2.2.27 Paragraph 5.167: 'When determining an application, the Secretary of State will need to be satisfied that flood risk will not be increased elsewhere, and will only consider development appropriate in areas at risk of flooding where, informed by a flood risk assessment, following the Sequential Test and, if required, the Exception Test, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Over its lifetime, development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning, and that priority is given to the use of sustainable drainage systems.'

2.2.28 Paragraph 5.168: 'The applicant should take into account the potential impacts of climate change using the latest UK Climate Change Risk Assessment, the latest set of UK Climate Projections, and other relevant sources of climate change evidence. The applicant should also ensure any environment statement that is prepared identifies appropriate mitigation or adaptation measures. This should cover the estimated lifetime of the new infrastructure. Should a new set of UK Climate Projections become available after the preparation of an

environmental statement, the Examining Authority or the Secretary of State will consider whether they need to request additional information from the applicant as part of the development consent application.'

2.2.29 Paragraph 5.169: 'When determining an application, the Secretary of State will need to be satisfied that the potential effects of climate change on the development have been considered as part of the design.'

2.2.30 Paragraph 5.170: 'For construction work which has drainage implications, approval for the preferred scheme's overall approach to drainage systems will form part of any development consent issued by the Secretary of State. The Secretary of State will therefore need to be satisfied that the proposed drainage system complies with any technical standards issued by the Government or to any National Standards issued under Schedule 3 to the Flood and Water Management Act 2010. In addition, the development consent order, or any associated planning obligations, will need to make provision for the adoption and maintenance of any sustainable drainage systems, including any necessary access rights to property. The Secretary of State will need to be satisfied that the most appropriate body would be given the responsibility for maintaining any sustainable drainage systems, taking into account the nature and security of the infrastructure on the proposed site. The responsible body could include, for example, the applicant, the landowner, the relevant local authority, or another body such as the Internal Drainage Board.'

2.2.31 Paragraph 5.171: 'If the Environment Agency continues to have concerns, and therefore objects to the grant of development consent on the grounds of flood risk, the Secretary of State can grant consent, but would need to be satisfied that all reasonable steps have been taken by the applicant and the Environment Agency to attempt to resolve the concerns. Similarly, if the lead local flood authority objects to the development consent on the grounds of surface or other local sources of flooding, the Secretary of State can grant consent, but would need to be satisfied that all reasonable steps have been taken by the applicant and the lead local flood authority to attempt to resolve the concerns.'

Water Quality and Resources – Decision Making

2.2.32 Paragraph 5.182: 'Activities that discharge to the water environment are subject to pollution control, and the considerations set out at paragraphs 4.53-4.59 above covering the interface between planning and environmental permitting

therefore apply. These considerations will also apply in an analogous way to the abstraction licensing regime regulating activities that take water from the environment, and to the control regimes relating to works to, and structures in, on, or under, a controlled water.'

2.2.33 Paragraph 5.183: 'The Secretary of State will generally need to give more weight to impacts on the water environment where a project would have adverse effects on the achievement of the environmental objectives established under the Water Framework Directive.'

2.2.34 Paragraph 5.184: 'The Secretary of State will need to be satisfied that a proposal has had regard to the Thames river basin management plan and the Water Framework Directive and its daughter Directives on priority substances and groundwater. In terms of Water Framework Directive compliance, the overall aim of development should be to prevent deterioration in status of water bodies, to support the achievement of the objectives in the Thames river basin management plan and not to jeopardise the future achievement of good status for any affected water bodies. If the development is considered likely to cause deterioration of water body status or to prevent the achievement of good groundwater status or of good ecological status or potential, compliance with Article 4.7 of the Water Framework Directive must be demonstrated. Any use of Article 4.7 must be reported in the Thames river basin management plan.'

2.2.35 Paragraph 5.185: 'The Secretary of State will need to consider the interactions of the preferred scheme with other plans, such as statutory water resources management plans.'

2.2.36 Paragraph 5.186: 'The Secretary of State will need to consider proposals put forward by the applicant to mitigate adverse effects on the water environment, taking into account the likely impact of climate change on water availability, and whether appropriate requirements should be attached to any development consent and / or planning obligations. If the Environment Agency continues to have concerns, and objects to the grant of development consent on the grounds of impacts on water quality / resources, the Secretary of State can grant consent, but will need to be satisfied that all reasonable steps have been taken by the applicant and the Environment Agency to try to resolve the concerns.'

Historic Environment – Decision Making

2.2.37 Paragraph 5.196: 'In determining applications, the Secretary of State will seek to identify and assess the particular significance of

any heritage asset that may be affected by the proposed development (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise from:

- Relevant information provided with the application and, where applicable, relevant information submitted during examination of the application;
- Any designation records included on the National Heritage List for England;
- Historic landscape character records;
- The relevant Historic Environment Record(s) and similar sources of information;
- Representations made by interested parties during the examination; and
- Expert advice, where appropriate and when the need to understand the significance of the heritage asset demands it.'

2.2.38 Paragraph 5.197: 'The Secretary of State must also comply with the regime relating to Listed Buildings, Conservation Areas and Scheduled Monuments set out in The Infrastructure Planning (Decisions) Regulations 2010.'

2.2.39 Paragraph 5.198: 'In considering the impact of a proposed development on any heritage assets, the Secretary of State will take into account the particular nature of the significance of the heritage asset and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal'.

2.2.40 Paragraph 5.199: 'The Secretary of State will take into account: the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets; the contribution of their settings; and the positive contribution their conservation can make to supporting sustainable communities – including to their quality of life, their economic vitality, and to the public's enjoyment of these assets. The Secretary of State will also take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials, use and landscaping (for example screen planting).'

2.2.41 Paragraph 5.200: 'When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State will give great weight to the asset's

conservation. The more important the asset, the greater the weight should be. The Secretary of State will take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness'

2.2.42 Paragraph 5.202: 'Substantial harm to or loss of a Grade II Listed Building or a Grade II Registered Park or Garden should be exceptional. Substantial harm to or loss of designated sites of the highest significance, including World Heritage Sites, Scheduled Monuments, Grade I and II* Listed Buildings, Protected Wreck Sites, Registered Battlefields, and Grade I and II* Registered Parks and Gardens should be wholly exceptional'.

2.2.43 Paragraph 5.203: 'Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset, the greater the justification that will be needed for any loss'.

2.2.44 Paragraph 5.204: 'Where the proposed development will lead to substantial harm to or the total loss of significance of a designated heritage asset, the Secretary of State will refuse consent unless it can be demonstrated that the substantial harm or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm, or alternatively that all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site;
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use'.

2.2.45 Paragraph 5.205: 'Where the proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

2.2.46 Paragraph 5.207: 'Where the loss of significance of any heritage asset is justified on the merits of the new development, the Secretary of State will consider imposing a requirement on the consent, or require the applicant to enter into an obligation, that will prevent the loss occurring until it is reasonably certain that the relevant part of the development is to proceed'.

2.2.47 Paragraph 5.208: 'The applicant should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance and better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'.

Landscape & Visual Impact - Decision Making

2.2.48 Paragraph 5.218: 'Landscape effects depend on the nature of the existing landscape likely to be changed and nature of the effect likely to occur. Both these factors need to be considered in judging the impact of the preferred scheme on the landscape. The preferred scheme needs to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints, the development should aim to avoid or minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.'

2.2.49 Paragraph 5.222: 'The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The development should aim to avoid compromising the purposes of designation, and such projects should be designed sensitively given the various siting, operational, and other relevant constraints.'

2.2.50 Paragraph 5.223: 'Outside nationally designated areas, there are local landscapes and townscapes that are highly valued locally and may be protected by local designation. Where a local development document in England has policies based on landscape character assessment, these should be given particular consideration. However, local landscape designations should not be used in themselves as reasons to refuse consent, as this may unduly restrict acceptable development'.

2.2.51 Paragraph 5.224: 'In taking decisions, the Secretary of State will consider whether the preferred scheme has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints,

to avoid adverse effects on landscape or to minimise harm to the landscape, including by reasonable mitigation'.

2.2.52 Paragraph 5.225: 'The Secretary of State will judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the development.'

Dust, Odour, Artificial Light, Smoke and Steam – Decision Making

2.2.53 Paragraph 5.237: 'The Secretary of State should be satisfied that all reasonable steps have been taken, and will be taken, to minimise any detrimental impact on amenity from emissions of dust, odour, artificial light, smoke and steam. This includes the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

2.2.54 Paragraph 5.238: 'If development consent is granted for a project, the Secretary of State should consider whether there is a justification for all of the authorised project (including any associated development) being covered by a defence of statutory authority against nuisance claims. If the Secretary of State cannot conclude that this is justified, then the defence should be disapplied, in whole or in part, through a provision in the development consent order.'

Community Compensation – Decision Making

2.2.55 Paragraph 5.252: 'The Secretary of State will also consider whether the applicant has consulted on the details of a community compensation fund, including source of revenue, size and duration of fund, eligibility, and how delivery will be ensured.'

2.2.56 Paragraph 5.253: 'The Secretary of State will expect the applicant to demonstrate how these provisions are secured, and how they will be operated. The applicant will also need to show how these measures will be administered to ensure that they are relevant to planning when in operation. The mechanisms for enforcing these provisions should also be demonstrated, along with the appropriateness of any identified enforcing body, which may include the Secretary of State.'

2.3 Beyond the Horizon - The Future of UK Aviation: Making Best Use of Existing Runways (HM Government, 2018a)

2.3.1 In June 2018, the Government published its paper on making best use of existing runways, as part of the overall aviation strategy (HM Government, 2018a).

2.3.2 Key points of relevance for the Project are set out below.

2.3.3 Paragraph 1.22: 'The government recognises the impact on communities living near airports and understands their concerns over local environmental issues, particularly noise, air quality and surface access. As airports look to make the best use of their existing runways, it is important that communities surrounding those airports share in the economic benefits of this, and that adverse impacts such as noise are mitigated where possible.'

2.3.4 Paragraph 1.24: 'As part their planning applications airports will need to demonstrate how they will mitigate local environmental issues, which can then be presented to, and considered by, communities as part of the planning consultation process'.

2.3.5 Paragraph 1.25: 'As a result of the consultation and further analysis to ensure future carbon emissions can be managed, government believes there is a case for airports making best of their existing runways across the whole of the UK. The position is different for Heathrow Airport where the government's policy on increasing capacity is set out in the proposed Airports NPS'

2.3.6 Paragraph 1.26: '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. As part of any planning application airports will need to demonstrate how they will mitigate against local environmental issues, taking account of relevant national policies, including any new environmental policies emerging from the Aviation Strategy'.

2.3.7 Paragraph 1.27: '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.'

2.3.8 Paragraph 1.29: ‘Therefore 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.’

2.4 Aviation Policy Framework (Department for Transport, 2013)

2.4.1 The Government published in March 2013 the Aviation Policy Framework. The Framework sets out Government’s high-level objectives and policy on aviation.

2.4.2 Key points of relevance for the Project are set out below.

Managing Aviation’s Environmental Impact

2.4.3 Paragraph 2.4: ‘The Government’s objective is to ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions.’

2.4.4 Paragraph 2.60: ‘The Government strongly supports the need to better understand and manage the risks associated with climate change. It is essential for the successful long-term resilience of the UK’s aviation industry and its contribution to supporting economic growth and competitiveness.’

2.4.5 Paragraph 3.1: ‘Whilst the aviation industry brings significant benefits to the UK economy, there are costs associated with its local environmental impacts which are borne by those living around airports, some of whom may not use the airport or directly benefit from its operations. This chapter considers noise, air quality and other local environmental impacts.’

Noise

2.4.6 Paragraph 3.12: ‘The Government’s overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.’

Air Quality and other local environmental impacts

2.4.7 Paragraph 3.46: ‘Whilst noise is the most obvious local environmental impact of airport operations, airports have a significant impact on other aspects of the local environment, some of which, including air quality, may not be visible.’

2.4.8 Paragraph 3.48: ‘Our policy on air quality is to seek improved international standards to reduce emissions from aircraft and vehicles and to work with airports and local authorities as appropriate to improve air quality, including encouraging HGV, bus and taxi operators to replace or retrofit with pollution-reducing technology older, more polluting vehicles.’

Working Together

2.4.9 Paragraph 4.3: ‘Government’s objective is to encourage the aviation industry and local stakeholders to strengthen and streamline the way in which they work together. Local stakeholders have the experience and expertise to identify solutions tailored to their specific circumstances. We therefore want to encourage good practice rather than propose a ‘one size fits all’ model for local engagement.’

2.5 Aviation Strategy Green Paper: Aviation 2050 - The Future of UK Aviation (Department for Transport, 2018b)

2.5.1 In December 2018, the Government published a Green Paper: Aviation 2050 - The Future of UK Aviation. The consultation ran from 17 December 2018 to 20 June 2019.

2.5.2 Key points of relevance for the Project are set out below.

Community Engagement and Sharing Benefits from Growth

2.5.3 Paragraph 3.69: ‘Growth in aviation can benefit local communities. Airports create jobs for local residents, improve transport links and bring tourism and trade to the region. Airports should therefore create opportunities for communities to engage, particularly on issues which have the most direct impact on them such as road and rail access, airspace change and noise policy. All commercial airports and many larger General Aviation aerodromes are required to provide processes for consultation and engagement with those affected by their operations as well as users of the airport. In practice, this requirement is usually fulfilled through the existence of an airport consultative committee.’

2.5.4 Paragraph 3.70: ‘The government has produced guidance on how such committees should operate and it will continue to work closely with those committees to consider the scope for supplementary guidance. Communities should use those existing statutory mechanisms to engage with airports, noting that locally

elected representatives sit on the committees. Representatives from residents’ groups or amenity societies may also participate. In some cases, additional bespoke solutions tailored to the local circumstances may be needed to address noise management issues, such as those which have been created at Heathrow, Gatwick and Edinburgh airports. Such solutions may be particularly useful where there are major airspace changes under discussion and where local communities would benefit from help to understand the complex proposals. Local communities are encouraged to work with airports to discuss and develop such solutions where necessary.’

2.5.5 Paragraph 3.71: ‘In recognition of their impact on local communities and as a matter of good corporate social responsibility, a number of airports have community funds which exist to provide funding for local community projects. There is currently no national policy on such funds. In relation to the proposed Heathrow Northwest runway, the Airports NPS expects ongoing community compensation will be proportionate to environmental impacts.’

2.5.6 Paragraph 3.72: ‘The government believes all major airports should establish and maintain community funds, to invest sufficiently in these so that they are able to make a difference in the communities impacted and to raise the profile of these funds. The levels of investment should be proportionate to the growth at the airport. Community funds are complementary measures to ensure communities get a fair deal and do not substitute for noise reduction. The government proposes to produce guidance on minimum standards for community funds.’

Emissions

2.5.7 Paragraph 3.82: ‘The government is committed to setting a clear and appropriate level of ambition for the sector. In doing so, the government recognises that international action is the first priority for tackling international aviation emissions.’

2.5.8 Paragraph 3.83: ‘The government proposes to: negotiate in ICAO (the UN body responsible for tackling international aviation climate emissions) for a long term goal for international aviation that is consistent with the temperature goals of the Paris Agreement, ideally by ICAO’s 41st Assembly in 2022.’

2.5.9 Paragraph 3.96: ‘To implement the government’s long-term vision and pathway for addressing UK aviation’s impact on climate change, the government also proposes to:

- negotiate in ICAO for standards for all engine emissions with climate effects. As scientific understanding improves, the government will expect ICAO to issue best practice guidance on operational mitigations for non- CO2 effects;
- consider the use of all feasible abatement options, particularly in-sector measures, to ensure effective action is taken at the national and international level. This includes policies that may evolve over the long term such as technological developments, operational efficiencies, sustainable fuels, market-based measures, demand management and behavioural change;
- require planning applications for capacity growth to provide a full assessment of emissions, drawing on all feasible, cost-effective measures to limit their climate impact, and demonstrating that their project will not have a material impact on the government's ability to meet its carbon reduction targets.'

Noise

2.5.10 Paragraph 3.112: 'The government expects the industry to show continuing commitment to noise reduction and mitigation as part of its contribution to the partnership for sustainable growth. The government has shown that it is committed to this by setting out in the Airports NPS its expectations that the developer put in place a comprehensive mitigations package. The proposals in this consultation are aligned with the principles in the NPS, but the implementation of those document principles must be proportionate to the local situation (recognising that the scale of the noise impacts at Heathrow is much greater than at other airports due to the number of movements and local population density).

- 2.5.11 Paragraph 3.115: 'The proposed new measures are:
- setting a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise. This brings national aviation noise policy in line with airspace policy updated in 2017
 - developing a new national indicator to track the long term performance of the sector in reducing noise. This could be defined either as a noise quota or a total contour area based on the largest airports
 - routinely setting noise caps as part of planning approvals (for increase in passengers or flights). The aim is to balance noise and growth and to provide future certainty over noise levels to communities. It is important that caps are subject to periodic review to ensure they remain relevant and continue

to strike a fair balance by taking account of actual growth and the introduction of new aircraft technology. It is equally important that there are appropriate compliance mechanisms in case such caps are breached and the government wants to explore mechanisms by which airports could 'pay for' additional growth by means of local compensation as an alternative to the current sanctions available

- requiring all major airports to set out a plan which commits to future noise reduction, and to review this periodically. This would only apply to airports which do not have a noise cap approved through the planning system and would provide similar certainty to communities on future noise levels. The government wants to see better noise monitoring and a mechanism to enforce these targets as for noise caps. The noise action planning process could potentially be developed to provide the basis for such reviews, backed up by additional powers as necessary for either central or local government or the CAA.'

2.5.12 Paragraph 3.121: 'The government is also: proposing new measures to improve noise insulation schemes for existing properties, particularly where noise exposure may increase in the short term or to mitigate against sleep disturbance.'

2.5.13 Paragraph 3.122: 'Such schemes, while imposing costs on the industry, are an important element in giving impacted communities a fair deal. The government therefore proposes the following noise insulation measures:

- to extend the noise insulation policy threshold beyond the current 63dB LAeq 16hr contour to 60dB LAeq 16hr
- to require all airports to review the effectiveness of existing schemes. This should include how effective the insulation is and whether other factors (such as ventilation) need to be considered, and also whether levels of contributions are affecting take-up
- the government or ICCAN to issue new guidance to airports on best practice for noise insulation schemes, to improve consistency
- for airspace changes which lead to significantly increased overflight, to set a new minimum threshold of an increase of 3dB LAeq, which leaves a household in the 54dB LAeq 16hr contour or above as a new eligibility criterion for assistance with noise insulation'

2.5.14

Air Quality

Paragraph 3.127: 'The government recognises the need to take further action to ensure aviation's contribution to local air quality issues is properly understood and addressed and is proposing the following measures:

- improving the monitoring of air pollution, including ultrafine particles (UFP), in order to improve understanding of aviation's impact on local air quality. This will be achieved by standardising processes for airport air pollution monitoring and communication
- ensuring comprehensive information on aviation-related air quality issues is made available to better inform interested parties. This will be achieved through government guidance on the scope and content of airport air quality reports
- requiring all major airports to develop air quality plans to manage emissions within local air quality targets. This will be achieved through establishing minimum criteria to be included in the plans
- validation of air quality monitoring to ensure consistent and robust monitoring standards that enable the identification of long-term trends. This could be achieved by the government or a third party being given responsibility for overseeing aviation-related air quality monitoring at the national level
- supporting industry in the development of cleaner fuels to reduce the air quality impacts of aviation fuels. This will be achieved by international action to develop cleaner fuel standards and reviewing progress towards Renewable Transport Fuel Obligations by 2032.'

Support Regional Growth and Connectivity

2.5.15

Paragraph 4.1: 'Airports can directly support thousands of jobs and generate economic benefits beyond the airport fence. Core and specialist aviation services, freight companies, logistics hubs and aerospace investment are often located close to airports, creating jobs in the local area. Regional airports also act as wider magnets attracting non-aviation businesses due to the air connections the airport offers but also the strong road and rail access links that support the airport. They act as a gateway to international opportunities for the regions of the UK.'

2.5.16

Paragraph 4.2: 'The government recognises the importance of rebalancing the UK economy through the economic growth of the regions and ensuring that the UK remains competitive after we leave the EU. Through the Industrial Strategy, the government has set out its ambition to create a geographically-balanced

	economy that works for everyone. This will be supported by local enterprise partnerships, mayoral combined authorities, the Northern Powerhouse, the Midlands Engine and the devolved administrations.'			
2.5.17	Paragraph 4.3: 'The government has also confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways, subject to proposals being assessed in light of environmental and economic impacts.'	2.6.5	Paragraph 5.12: 'The Secretary of State must give air quality considerations substantial weight where, after taking into account mitigation, a project would lead to a significant air quality impact in relation to EIA and / or where they lead to a deterioration in air quality in a zone/agglomeration'.	
2.6	National Policy Statement for National Networks (Department for Transport, 2015)	2.6.6	Paragraph 5.13: 'The Secretary of State should refuse consent where, after taking into account mitigation, the air quality impacts of the scheme will:	2.6.11
2.6.1	The Government designated in January 2015 the National Policy Statement (NPS) for National Networks. This establishes in paragraph 2.8 that 'there is also a need to improve the integration between the transport modes, including the linkages to ports and airports. Improved integration can reduce end-to-end journey times and provide users of the networks with a wider range of transport choices.'		<ul style="list-style-type: none"> ▪ result in a zone/agglomeration which is currently reported as being compliant with the Air Quality Directive becoming non-compliant; or ▪ affect the ability of a non-compliant area to achieve compliance within the most recent timescales reported to the European Commission at the time of the decision'. 	
2.6.2	Key points of relevance for the Project are set out below. Assessment of Impacts – Decision Making: Air Quality – Decision Making	2.6.7	Paragraph 5.193: 'Developments must be undertaken in accordance with statutory requirements for noise. Due regard must have been given to the relevant sections of the Noise Policy Statement for England, National Planning Policy Framework and the Government's associated planning guidance on noise'.	
2.6.3	Paragraph 5.10: 'The Secretary of State should consider air quality impacts over the wider area likely to be affected, as well as in the near vicinity of the scheme. In all cases the Secretary of State must take account of relevant statutory air quality thresholds set out in domestic and European legislation. Where a project is likely to lead to a breach of the air quality thresholds, the applicant should work with the relevant authorities to secure appropriate mitigation measures with a view to ensuring so far as possible that those thresholds are not breached'.	2.6.8	Paragraph 5.194: 'The project should demonstrate good design through optimisation of scheme layout to minimise noise emissions and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission. The project should also consider the need for the mitigation of impacts elsewhere on the road and rail networks that have been identified as arising from the development, according to Government policy'.	2.6.12
2.6.4	Paragraph 5.11: 'Air quality considerations are likely to be particularly relevant where schemes are proposed:	2.6.9	Paragraph 5.195: 'The Secretary of State should not grant development consent unless satisfied that the proposals will meet, the following aims, within the context of Government policy on sustainable development:	2.6.13
	<ul style="list-style-type: none"> ▪ within or adjacent to Air Quality Management Areas (AQMA); roads identified as being above Limit Values or nature conservation sites (including Natura 2000 sites and SSSIs, including those outside England); and ▪ where changes are sufficient to bring about the need for a new AQMA s or change the size of an existing AQMA; or bring about changes to exceedences of the Limit Values, or where they may have the potential to impact on nature conservation sites'. 	2.6.10	Paragraph 5.196: 'In determining an application, the Secretary of State should consider whether requirements are needed which specify that the mitigation measures put forward by the applicant	2.6.14
			<ul style="list-style-type: none"> ▪ avoid significant adverse impacts on health and quality of life from noise as a result of the new development; ▪ mitigate and minimise other adverse impacts on health and quality of life from noise from the new development; and ▪ contribute to improvements to health and quality of life through the effective management and control of noise, where possible'. 	
				are put in place to ensure that the noise levels from the project do not exceed those described in the assessment or any other estimates on which the decision was based'.
				Carbon Emissions – Decision making
				Paragraph 5.18: 'The Government has an overarching national carbon reduction strategy (as set out in the Carbon Plan 2011) which is a credible plan for meeting carbon budgets. It includes a range of non-planning policies which will, subject to the occurrence of the very unlikely event described above, ensure that any carbon increases from road development do not compromise its overall carbon reduction commitments. The Government is legally required to meet this plan. Therefore, any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets'.
				Biodiversity and Ecological Conservation – Decision Making
				Paragraph 5.24: 'The Government's biodiversity strategy is set out in Biodiversity 2020: A Strategy for England's wildlife and ecosystem services. Its aim is to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people. This aim needs to be viewed in the context of the challenge of climate change: failure to address this challenge will result in significant impact on biodiversity'.
				Paragraph 5.25: 'As a general principle, and subject to the specific policies below, development should avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives. The applicant may also wish to make use of biodiversity offsetting in devising compensation proposals to counteract any impacts on biodiversity which cannot be avoided or mitigated. Where significant harm cannot be avoided or mitigated, as a last resort, appropriate compensation measures should be sought'.
				Paragraph 5.26: 'In taking decisions, the Secretary of State should ensure that appropriate weight is attached to designated sites of international, national and local importance, protected species, habitats and other species of principal importance for the conservation of biodiversity, and to biodiversity and geological interests within the wider environment'.

- 2.6.15 International sites 5.27: ‘The most important sites for biodiversity are those identified through international conventions and European Directives. The Habitats Regulations provide statutory protection for European sites⁷⁶ (see also paragraphs 4.22 to 4.25). The National Planning Policy Framework states that the following wildlife sites should have the same protection as European sites:
- potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites; and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation and listed or proposed Ramsar sites’.
- ⁷⁶ This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas, and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2010. See the Government Circular referred to in the introduction above for further information on the requirements of the Habitats Regulations.’
- 2.6.16 Sites of Special Scientific Interest 5.28: ‘Many Sites of Special Scientific Interest (SSSIs) are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection’.
- 2.6.17 All National Nature Reserves are notified as SSSI. 5.29: ‘Where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), development consent should not normally be granted. Where an adverse effect on the site’s notified special interest features is likely, an exception should be made only where the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs. The Secretary of State should ensure that the applicant’s proposals to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site’s biodiversity or geological interest, are acceptable. Where necessary, requirements and/or planning obligations should be used to ensure these proposals are delivered’.
- 2.6.18 Regional and Local Sites 5.31: ‘Sites of regional and local biodiversity and geological interest (which include Local Geological Sites, Local Nature Reserves and Local Wildlife Sites and Nature Improvement Areas) have a fundamental role to play in meeting overall national biodiversity targets, in contributing to the quality of life and the well-being of the community, and in supporting research and education. The Secretary of State should give due consideration to such regional or local designations. However, given the need for new infrastructure, these designations should not be used in themselves to refuse development consent’.
- 2.6.19 Irreplaceable habitats including ancient woodland and veteran trees 5.32: ‘Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this’.
- 2.6.20 Biodiversity within and around developments 5.33: ‘Development proposals potentially provide many opportunities for building in beneficial biodiversity or geological features as part of good design.⁸⁰ When considering proposals, the Secretary of State should consider whether the applicant has maximised such opportunities in and around developments. The Secretary of State may use requirements or planning obligations where appropriate in order to ensure that such beneficial features are delivered’.
- ⁸⁰ The Natural Environment White Paper 2011 identifies opportunities for transport to contribute to the creation of coherent and resilient ecological networks.’
- 2.6.21 Protection of other habitats and species 5.34: ‘Many individual wildlife species receive statutory protection under a range of legislative provisions’.
- 2.6.22 Paragraph 5.35: ‘Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales⁸² and therefore requiring conservation action. The Secretary of State should ensure that applicants have taken measures to ensure these species and habitats are protected from the adverse effects of development. Where appropriate, requirements or planning obligations may be used in order to deliver this protection. The Secretary of State should refuse consent where harm to the habitats or species and their habitats would result, unless the benefits of the development (including need) clearly outweigh that harm’.
- ⁸² Lists of habitats and species of principal importance for the conservation of biological diversity in England published in response to Section 41 of the Natural Environment and Rural Communities Act 2006 are available from the Biodiversity Action Reporting System website.’
- Land Use including Open Space, Green Infrastructure and Green Belt – Decision Making**
- 2.6.23 Paragraph 5.173: ‘Where the project conflicts with a proposal in a development plan, the Secretary of State should take account of the stage which the development plan document has reached in deciding what weight to give to the plan for the purposes of determining the planning significance of what is replaced, prevented or precluded. The closer the development plan document is to being adopted by the local plan, the greater the weight which can be attached to the impact of the proposal on the plan’.
- 2.6.24 Paragraph 5.174: ‘The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land, including playing fields, unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements, or the Secretary of State determines that the benefits of the project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities’.
- 2.6.25 Paragraph 5.175: ‘Where networks of green infrastructure have been identified in development plans, they should normally be protected from development, and, where possible, strengthened by or integrated within it. The value of linear infrastructure and its footprint in supporting biodiversity and ecosystems should also be taken into account when assessing the impact on green infrastructure’.
- 2.6.26 Paragraph 5.176: ‘The decision-maker should take into account the economic and other benefits of the best and most versatile agricultural land. The decisionmaker should give little weight to

the loss of agricultural land in grades 3b, 4 and 5, except in areas (such as uplands) where particular agricultural practices may themselves contribute to the quality and character of the environment or the local economy’.

2.6.27 Paragraph 5.177: ‘In considering the impact on maintaining coastal recreation sites and features, the Secretary of State should expect applicants to have taken advantage of opportunities to maintain and enhance access to the coast. In doing so the Secretary of State should consider the implications for development of the creation of a continuous signed and managed route around the coast, as proposed in the Marine and Coastal Access Act 2009’.

2.6.28 Paragraph 5.178: ‘When located in the Green Belt national networks infrastructure projects may comprise inappropriate development. Inappropriate development¹⁰⁹ is by definition harmful to the Green Belt and there is a presumption against it except in very special circumstances. The Secretary of State will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt, when considering any application for such development’.

¹⁰⁹ See National Planning Policy Framework.’

Waste Management – Decision Making

2.6.29 Paragraph 5.43: ‘The Secretary of State should consider the extent to which the applicant has proposed an effective process that will be followed to ensure effective management of hazardous and non-hazardous waste arising from the construction and operation of the proposed development. The Secretary of State should be satisfied that the process sets out:

- any such waste will be properly managed, both on-site and off-site;
- the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area; and
- adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent to

disposal, except where an alternative is the most sustainable outcome overall.

2.6.30 Paragraph 5.44: ‘Where necessary, the Secretary of State should use requirements or planning obligations to ensure that appropriate measures for waste management are applied’.

2.6.31 Paragraph 5.45: ‘Where the project will be subject to the Environment Agency’s environmental permitting regime, waste management arrangements during operations will be covered by the permit and the considerations set out in paragraphs 4.48 to 4.56 will apply’.

Flood Risk Assessment

2.6.32 Paragraph 5.94: ‘In preparing a flood risk assessment the applicant should:

- consider the risk of all forms of flooding arising from the project (including in adjacent parts of the United Kingdom), in addition to the risk of flooding to the project, and demonstrate how these risks will be managed and, where relevant, mitigated, so that the development remains safe throughout its lifetime;
- take the impacts of climate change into account, clearly stating the development lifetime over which the assessment has been made;
- consider the vulnerability of those using the infrastructure including arrangements for safe access and exit;
- include the assessment of the remaining (known as ‘residual’) risk after risk reduction measures have been taken into account and demonstrate that this is acceptable for the particular project;
- consider if there is a need to remain operational during a worst case flood event over the development’s lifetime;
- provide the evidence for the Secretary of State to apply the Sequential Test and Exception Test, as appropriate’.

Flood Risk – Decision Making

2.6.33 Paragraph 5.98: ‘Where flood risk is a factor in determining an application for development consent, the Secretary of State should be satisfied that, where relevant:

- the application is supported by an appropriate FRA;
- the Sequential Test (see the National Planning Policy Framework) has been applied as part of site selection and, if required, the Exception Test (see the National Planning Policy Framework)’.

2.6.34 Paragraph 5.99: ‘When determining an application the Secretary of State should be satisfied that flood risk will not be increased elsewhere and only consider development appropriate in areas at risk of flooding where (informed by a flood risk assessment, following the Sequential Test and, if required, the Exception Test), it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and priority is given to the use of sustainable drainage systems’.

2.6.35 Paragraph 5.100: ‘For construction work which has drainage implications, approval for the project’s drainage system will form part of any development consent issued by the Secretary of State. The Secretary of State will therefore need to be satisfied that the proposed drainage system complies with any National Standards published by Ministers under Paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010.⁹³ In addition, the development consent order, or any associated planning obligations, will need to make provision for the adoption and maintenance of any Sustainable Drainage Systems (SuDS), including any necessary access rights to property. The Secretary of State, should be satisfied that the most appropriate body is being given the responsibility for maintaining any SuDS, taking into account the nature and security of the infrastructure on the proposed site. The responsible body could include, for example, the applicant, the landowner, the relevant local authority, or another body such as the Internal Drainage Board’.

⁹³ The National Standards set out requirements for the design, construction, operation and maintenance of SuDS and may include guidance to which the Secretary of State should have regard.’

2.6.36 Paragraph 5.101: ‘If the Environment Agency continues to have concerns and objects to the grant of development consent on the grounds of flood risk, the Secretary of State can grant consent, but would need to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the Environment Agency to try and resolve the concerns’.

2.6.37 Paragraph 5.102: ‘The Secretary of State should expect that reasonable steps have been taken to avoid, limit and reduce the risk of flooding to the proposed infrastructure and others.’

	<p>However, the nature of linear infrastructure means that there will be cases where:</p> <ul style="list-style-type: none"> ▪ upgrades are made to existing infrastructure in an area at risk of flooding; ▪ infrastructure in a flood risk area is being replaced; ▪ infrastructure is being provided to serve a flood risk area; and ▪ infrastructure is being provided connecting two points that are not in flood risk areas, but where the most viable route between the two passes through such an area’. 	2.6.43	<p>Paragraph 5.108: ‘Both elements of the test will have to be passed for development to be consented. For the Exception Test to be passed:</p> <ul style="list-style-type: none"> ▪ it must be demonstrated that the project provides wider sustainability benefits to the community⁹⁵ that outweigh flood risk; and ▪ a FRA must demonstrate that the project will be safe for its lifetime, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall’. <p><small>⁹⁵ These would include benefits (including need) for the infrastructure set out in Chapter 2.’</small></p>		<p>Management Plans, Shoreline/Estuary Management Plans and Marine Plans’.</p>
2.6.38	<p>Paragraph 5.103: ‘The design of linear infrastructure and the use of embankments in particular, may mean that linear infrastructure can reduce the risk of flooding for the surrounding area. In such cases the Secretary of State should take account of any positive benefit to placing linear infrastructure in a flood-risk area’.</p>	2.6.44	<p>Paragraph 5.109: ‘In addition, any project that is classified as ‘essential infrastructure’ and proposed to be located in Flood Zone 3a or b should be designed and constructed to remain operational and safe for users in times of flood; and any project in Zone 3b should result in no net loss of floodplain storage and not impede water flows’.</p>	2.6.48	<p>Paragraph 5.227: ‘The Examining Authority and the Secretary of State should consider proposals put forward by the applicant to mitigate adverse effects on the water environment and whether appropriate requirements should be attached to any development consent and/or planning obligations. If the Environment Agency continues to have concerns and objects to the grant of development consent on the grounds of impacts on water quality/resources, the Secretary of State can grant consent, but will need to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the Environment Agency to try to resolve the concerns, and that the Environment Agency is satisfied with the outcome’.</p>
2.6.39	<p>Paragraph 5.104: ‘Where linear infrastructure has been proposed in a flood risk area, the Secretary of State should expect reasonable mitigation measures to have been made, to ensure that the infrastructure remains functional in the event of predicted flooding’.</p>		<p>Water Quality and Resources – Decision Making</p>	2.6.49	<p>Paragraph 5.128: ‘In determining applications, the Secretary of State will seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise from:</p> <ul style="list-style-type: none"> ▪ relevant information provided with the application and, where applicable, relevant information submitted during examination of the application; ▪ any designation records; ▪ the relevant Historic Environment Record(s), and similar sources of information; ▪ representations made by interested parties during the examination; and ▪ expert advice, where appropriate, and when the need to understand the significance of the heritage asset demands it’.
2.6.40	<p>The Sequential Test 5.105: ‘Preference should be given to locating projects in Flood Zone 1. If there is no reasonably available site in Flood Zone 1, then projects can be located in Flood Zone 2. If there is no reasonably available site in Flood Zones 1 or 2, then national networks infrastructure projects can be located in Flood Zone 3, subject to the Exception Test. If the development is not essential transport infrastructure that has to cross the area at risk, it is not appropriate in Flood Zone 3b, the functional floodplain where water has to flow and be stored in times of flood’.</p>	2.6.45	<p>Paragraph 5.224: ‘Activities that discharge to the water environment are subject to pollution control. The considerations set out in paragraphs 4.48-4.56 on the interface between planning and pollution control therefore apply. These considerations will also apply in an analogous way to the abstraction licensing regime regulating activities that take water from the water environment, and to the control regimes relating to works to, and structures in, on, or under a controlled water’.</p>		
2.6.41	<p>The Exception Test 5.106: ‘If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the project to be located in zones of lower probability of flooding than Flood Zone 3a, the Exception Test can be applied. The test provides a method of managing flood risk while still allowing necessary development to occur’.</p>	2.6.46	<p>Paragraph 5.225: ‘The Secretary of State will generally need to give impacts on the water environment more weight where a project would have adverse effects on the achievement of the environmental objectives established under the Water Framework Directive’.</p>	2.6.50	<p>Paragraph 5.129: ‘In considering the impact of a proposed development on any heritage assets, the Secretary of State should take into account the particular nature of the significance of the heritage asset and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal’.</p>
2.6.42	<p>Paragraph 5.107: ‘The Exception Test is only appropriate for use where the Sequential Test alone cannot deliver an acceptable site, taking into account the need for national networks infrastructure to remain operational during floods’.</p>	2.6.47	<p>Paragraph 5.226: ‘The Secretary of State should be satisfied that a proposal has had regard to the River Basin Management Plans and the requirements of the Water Framework Directive (including Article 4.7) and its daughter directives, including those on priority substances and groundwater. The specific objectives for particular river basins are set out in River Basin Management Plans. In terms of Water Framework Directive compliance, the overall aim of projects should be no deterioration of ecological status in watercourses, ensuring that Article 4.7 of the Water Framework Directive Regulations does not need to be applied. The Secretary of State should also consider the interactions of the proposed project with other plans such as Water Resources</p>	2.6.51	<p>Paragraph 5.130: ‘The Secretary of State should take into account the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution that their conservation</p>

	can make to sustainable communities – including their economic vitality. The Secretary of State should also take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials, use and landscaping (for example, screen planting)'. 2.6.52 Paragraph 5.131: 'When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation. The more important the asset, the greater the weight should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given that heritage assets are irreplaceable, harm or loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II Listed Building or a grade II Registered Park or Garden should be exceptional. Substantial harm to or loss of designated assets of the highest significance, including World Heritage Sites, Scheduled Monuments, grade I and II* Listed Buildings, Registered Battlefields, and grade I and II* Registered Parks and Gardens should be wholly exceptional'. 2.6.53 Paragraph 5.132: 'Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset, the greater the justification that will be needed for any loss'. 2.6.54 Paragraph 5.133: 'Where the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm, or alternatively that all of the following apply: <ul style="list-style-type: none"> ▪ the nature of the heritage asset prevents all reasonable uses of the site; and ▪ no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and ▪ conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and 	<ul style="list-style-type: none"> ▪ the harm or loss is outweighed by the benefit of bringing the site back into use'. 2.6.55 Paragraph 5.134: 'Where the proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'. 2.6.56 Paragraph 5.135: 'Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. The Secretary of State should treat the loss of a building (or other element) that makes a positive contribution to the site's significance either as substantial harm or less than substantial harm, as appropriate, taking into account the relative significance of the elements affected and their contribution to the significance of the Conservation Area or World Heritage Site as a whole'. 2.6.57 Paragraph 5.136: 'Where the loss of significance of any heritage asset has been justified by the applicant based on the merits of the new development and the significance of the asset in question, the Secretary of State should consider imposing a requirement that the applicant will prevent the loss occurring until the relevant development or part of development has commenced'. 2.6.58 Paragraph 5.137: 'Applicants should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'. 2.6.59 Paragraph 5.138: 'Where there is evidence of deliberate neglect of or damage to a heritage asset the Secretary of State should not take its deteriorated state into account in any decision'. Landscape & Visual Impact - Decision Making 2.6.60 Paragraph 5.149: 'Landscape effects depend on the nature of the existing landscape likely to be changed and nature of the effect likely to occur. Both these factors need to be considered in judging the impact of the preferred scheme on the landscape. The preferred scheme needs to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints, the development should aim to avoid or minimise harm to the	<p>landscape, providing reasonable mitigation where possible and appropriate.'</p> 2.6.61 Developments outside nationally designated areas which might affect them 5.154: 'The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant constraints. This should include projects in England which may have impacts on designated areas in Wales or on National Scenic Areas in Scotland.' 5.155 'The fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent'. 2.6.62 Developments in other areas 5.156: 'Outside nationally designated areas, there are local landscapes that may be highly valued locally and protected by local designation. Where a local development document in England has policies based on landscape character assessment, these should be given particular consideration. However, local landscape designations should not be used in themselves as reasons to refuse consent, as this may unduly restrict acceptable development'. 2.6.63 Paragraph 5.157: 'In taking decisions, the Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to avoid adverse effects on landscape or to minimise harm to the landscape, including by reasonable mitigation'. 2.6.64 Visual impact. 5.158: 'The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the development...' Dust, Odour, Artificial Light, Smoke and Steam – Decision Making 2.6.65 Paragraph 5.87: 'The Secretary of State should be satisfied that all reasonable steps have been taken, and will be taken, to minimise any detrimental impact on amenity from emissions of dust, odour, artificial light, smoke and steam. This includes the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'
--	---	---	--

2.6.66 Paragraph 5.88: 'If development consent is granted for a project, the Secretary of State should consider whether there is a justification for all of the authorised project (including any associated development) being covered by a defence of statutory authority against nuisance claims. If the Secretary of State cannot conclude that this is justified, then the defence should be disapplied, in whole or in part, through a provision in the development consent order.'

Land Instability – Applicant’s Assessment

2.6.67 Paragraph 5.117: 'Where necessary, land stability should be considered in respect of new development, as set out in the National Planning Policy Framework and supporting planning guidance. Specifically, proposals should be appropriate for the location, including preventing unacceptable risks from land instability. If land stability could be an issue, applicants should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected. Applicants should liaise with the Coal Authority if necessary.'

2.6.68 Paragraph 5.118: 'A preliminary assessment of ground instability should be carried out at the earliest possible stage before a detailed application for development consent is prepared. Applicants should ensure that any necessary investigations are undertaken to ascertain that their sites are and will remain stable or can be made so as part of the development. The site needs to be assessed in context of surrounding areas where subsidence, landslides and land compression could threaten the development during its anticipated life or damage neighbouring land or property. This could be in the form of a land stability or slope stability risk assessment report'.

Impact on Transport Networks – Decision Making

2.6.69 Paragraph 5.211: 'The Examining Authority and the Secretary of State should give due consideration to impacts on local transport networks and policies set out in local plans, for example, policies on demand management being undertaken at the local level.'

2.6.70 Road and rail developments 5.212: 'Schemes should be developed and options considered in the light of relevant local policies and local plans, taking into account local models where appropriate, however the scheme must be decided in accordance with the NPS except to the extent that one or more of sub-sections 104(4) to 104(8) of the Planning Act 2008 applies'.

2.6.71 Strategic Rail Freight Interchanges 5.213: 'Projects may give rise to impacts on the surrounding transport infrastructure including connecting transport networks. The Secretary of State should therefore ensure that the applicant has taken reasonable steps to mitigate these impacts. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should expect applicants to accept requirements and/or obligations for funding infrastructure and otherwise mitigating adverse impacts on transport networks, as set out below'.

2.6.72 Paragraph 5.214: 'Provided that the applicant is willing to commit to transport planning obligations and, to mitigate transport impacts identified in the WebTAG transport assessment (including environment and social impacts), with attribution of costs calculated in accordance with the Department's guidance, then development consent should not be withheld. Appropriately limited weight should be applied to residual effects on the surrounding transport infrastructure'.

Community Compensation – Decision Making

2.6.73 Paragraph 4.3: 'In considering any proposed development, and in particular, when weighing its adverse impacts against its benefits, the Examining Authority and the Secretary of State should take into account:

- its potential benefits, including the facilitation of economic development, including job creation, housing and environmental improvement, and any long-term or wider benefits;
- its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.'

Community Engagement – Decision Making

2.6.74 Paragraph 5.204: 'Applicants should consult the relevant highway authority, and local planning authority, as appropriate, on the assessment of transport impacts.'

2.7 National Planning Policy Framework (Ministry of Housing, Communities and Local Government, 2021)

2.7.1 The National Planning Policy Framework (NPPF) was published in 2012 and updated in 2018, 2019 and 2021 (Ministry of Housing, Communities and Local Government, 2021a). In addition, in January 2021 the Government consulted on a selective review of the NPPF and published a draft Model Design

Code (Ministry of Housing, Communities and Local Government, 2021b) to implement policy changes in response to the 'Living with Beauty' report (Building Better, Building Beautiful Commission, 2020).

2.7.2 The NPPF is the principal national planning policy document in relation to the preparation of local plans and the determination of planning applications.

2.7.3 Key points of relevance for the Project are set out below.

Nationally Significant Infrastructure Projects

2.7.4 Paragraph 5: 'The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.'

Decision Making

2.7.5 Paragraph 38: 'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Building a strong, competitive economy

2.7.6 Paragraph 81: 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation⁴², and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'

'42 The Government's Industrial Strategy sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in four of these: artificial intelligence and big data; clean growth; future mobility; and catering for an ageing society. HM Government (2017) Industrial Strategy: Building a Britain fit for the future.'

Open Space and Recreation

2.7.7 Paragraph 99: *'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

...b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or...'

Promoting Sustainable Transport

2.7.8 Paragraph 110: *'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code ⁴⁶; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'

'46 Policies and decisions should not make use of or reflect the former Design Bulletin 32, which was withdrawn in 2007.'

2.7.9 Paragraph 111: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

2.7.10 Paragraph 113: *'All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.'*

2.7.11 Making Effective Use of Land 119: *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land⁴⁷'*

'47 Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.'

Achieving Well-Designed Places

2.7.12 Paragraph 130: *'Planning policies and decisions should ensure that developments:*

a) 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;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. '

'49 Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.'

2.7.13 Paragraph 134: *'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵², taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:*

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

'52 Contained in the National Design Guide and National Model Design Code.'

Protecting Green Belt Land

2.7.14 Paragraph 148: *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

2.7.15 Paragraph 150: *'Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and...

Planning for Climate Change

2.7.16 Paragraph 154: 'New development should be planned for in ways that:

- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.'

Planning and Flood Risk

2.7.17 Paragraph 159: 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

2.7.18 Paragraph 163: 'If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.'

2.7.19 Paragraph 164: 'The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.'

2.7.20 Paragraph 165: 'Both elements of the exception test should be satisfied for development to be allocated or permitted.'

2.7.21 Paragraph 167: 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁵. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'

⁵⁵ A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.'

2.7.22 **Conserving and Enhancing the Natural Environment**
Paragraph 174: 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'

Habitats and Biodiversity

2.7.23 Paragraph 180: 'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.⁷

2.7.24 Paragraph 182. 'The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.'

Ground Conditions and Pollution

2.7.25 Paragraph 185: 'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁵;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.⁷

⁶⁵ See Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010).'

2.7.26 Paragraph 186: 'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'

Conserving and enhancing the historic environment

2.7.27 Paragraph 190: 'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;

c) the desirability of new development making a positive contribution to local character and distinctiveness; and

d) opportunities to draw on the contribution made by the historic environment to the character of a place.'

3 References

Building Better, Building Beautiful Commission (2020) Living with Beauty: Promoting Health, Wellbeing and Sustainable Growth. [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/861832/Living_with_beauty_BB_BBC_report.pdf

Department for Transport (2013) Aviation Policy Framework, March 2013. [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/153776/aviation-policy-framework.pdf

Department for Transport (2015) National Policy Statement for National Networks. [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/387223/npsnn-web.pdf

Department for Transport (2018a) Airports National Policy Statement: New Runway Capacity and Infrastructure at Airports in the South East of England. [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714106/airports-nps-new-runway-capacity-and-infrastructure-at-airports-in-the-south-east-of-england-web-version.pdf

Department for Transport (2018b) Aviation 2050 – The Future of UK Aviation: A Consultation. [Online] Available at: <https://www.gov.uk/government/consultations/aviation-2050-the-future-of-uk-aviation>

HM Government (2018a) Beyond the Horizon: The Future of UK Aviation. Making Best Use of Existing Runways. [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714069/making-best-use-of-existing-runways.pdf

Ministry of Housing, Communities and Local Government (2021a) National Planning Policy Framework (NPPF). [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

Ministry of Housing, Communities and Local Government (2021b) National Planning Policy Framework and National Model Design Code: Consultation proposals. [Online] Available at:

<https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals>

4 Glossary

Term	Description
AQMA	Air Quality Management Area
CAA	Civil Aviation Authority
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EU	European Union
FRA	Flood Risk Assessment
GAL	Gatwick Airport Limited
ICAO	International Civil Aviation Authority
NPPF	National Planning Policy Framework
NPS	National Policy Statement
PEIR	Preliminary Environmental Information Report
SSSI	Site of Special Scientific Interest
Sustainable Drainage System	SuDS
UFP	Ultrafine Particles
UK	United Kingdom