



YOUR LONDON AIRPORT
Gatwick

*Our northern runway:
making best use of Gatwick*

Preliminary Environmental Information Report Chapter 2: Planning Policy Context

September 2021

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2 Planning Policy Context

2.1 Introduction

2.1.1 This chapter sets out an overview of the relevant planning policy context against which the application for development consent will be determined.

2.2 Planning Policy

2.2.1 This section summarises the key planning policy documents that will inform the EIA process. Further detail on these policy documents is presented in Appendix 2.2.1. Each topic chapter of this PEIR sets out the policy relevant to that topic.

Airports National Policy Statement

2.2.2 The Planning Act 2008 requires that in deciding applications for development consent, regard must be had to any National Policy Statement (NPS) which has 'effect' in relation to development of the description to which the application relates (a 'relevant national policy statement').

2.2.3 On 26th June 2018, the Government designated the Airports NPS (Department for Transport, 2018a). The NPS only has 'effect' in relation to the delivery of additional airport capacity through the provision of the Heathrow Northwest Runway project, including new terminal capacity between the new runway and the existing northern runway at Heathrow Airport, as well as the reconfiguration of terminal facilities in the area between the two existing runways at Heathrow Airport (paragraph 1.40). Paragraph 1.41 of the NPS makes it clear that it does not have 'effect' in relation to an application for development consent for airport development that does not comprise an application relating to the Heathrow Northwest Runway

2.2.4 Nevertheless, paragraph 1.14 of the Airports NPS confirms that the NPS sets out planning policy in relation to applications for any airport Nationally Significant Infrastructure Project in the South East of England, and that its policies will be '*important and relevant*' for the examination by the Examining Authority, and decisions by the Secretary of State in relation to such applications. Paragraph 1.12 of the Airports NPS also states, in this respect, that the NPS '*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.*'

2.2.5 The use of the phrase 'important and relevant' confirms that the Airports NPS is only indirectly relevant to the Gatwick Northern Runway Project. Whilst it is still a relevant consideration, it will not form the basis for determination of the application for development consent.

2.2.6 Paragraph 1.38 of the Airports NPS confirms that other Government policy on airport capacity has been set out in the Aviation Policy Framework published in 2013 and that the Airports NPS does not affect wider aviation issues '*for which the 2013 Aviation Policy Framework and any subsequent policy statements still apply*'.

2.2.7 On 27 February 2020, a ruling in the Court of Appeal successfully challenged the designation of the Airports NPS. This was subsequently overturned by the Supreme Court on 16 December 2020. The Airports NPS therefore remains effective. Although the Airports NPS does not 'have effect' in relation to applications for development consent for airport developments that do not

relate to the Heathrow Northwest Runway, it does set out support for other airports in the south east of England to make best use of existing runways.

2.2.8 Paragraph 1.39 of the NPS states that:

'... the Government has confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have positive and negative impacts, including on noise levels. We consider that any proposals should be judged on their individual merits ... taking careful account of all relevant considerations, particularly economic and environmental impacts.' (paragraph 1.39)

2.2.9 While paragraph 1.42 of the NPS states that:

'... airports wishing to make more intensive use of existing runways will still need to submit an application for planning permission or development consent to the relevant authority, which should be judged on the application's individual merits. However, in light of the findings of the Airports Commission on the need for more intensive use of existing infrastructure as described at paragraph 1.6 above, the Government accepts that it may well be possible for existing airports to demonstrate sufficient need for their proposals, additional to (or different from) the need which is met by the provision of a Northwest Runway at Heathrow. As indicated in paragraph 1.39 above, the Government's policy on this issue will continue to be considered in the context of developing a new Aviation Strategy.' (paragraph 1.42)

2.2.10 Paragraph 4.4 of the Airports NPS provides further detail of the considerations for weighing adverse impacts against benefits for any airport development:

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

- *Its potential benefits, including the facilitation of economic development (including job creation) and environmental improvement, and any long term or wider benefits; and*
- *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.'*

2.2.11 Other Government policy on airport capacity is set out in the Aviation Policy Framework, published in 2013 (see below). The Airports NPS makes clear that its designation does not affect Government policy on wider aviation issues, for which the Aviation Policy Framework and any subsequent policy statements still apply.

2.2.12 The Government's policy framework for airports (other than Heathrow), which sets out the Government's support for making best use of existing airports and their capacity, is set out below.

Aviation Policy Framework

2.2.13 In 2011, the Government commenced the process of preparing a new policy framework for UK aviation to replace the 2003 Future of Air Transport White Paper (Department of Transport, 2003) – a national aviation policy which had set out a strategic framework for the development of airport

capacity, supporting the development of new runways at Heathrow and Stansted, and making the best use of other existing airport capacity.

- 2.2.14 This led to a draft Aviation Policy Framework being published in July 2012 and the final Aviation Policy Framework in March 2013 (Department for Transport, 2013). The Aviation Policy Framework sets out the Government's objectives and principles to guide plans and decisions on airport development at the local and regional level. As the Airports NPS does not take 'effect', and until up-to-date Government policy on airports is published, then the most up to date policy framework is set out in the Aviation Policy Framework.
- 2.2.15 The Aviation Policy Framework recognises that the aviation sector contributes significantly to the UK economy. However, it also notes that airports in the south east of England (including Heathrow and Gatwick) face capacity challenges. The Aviation Policy Framework identifies a number of other challenges in the aviation sector, noting that aviation needs to grow, delivering benefits essential to economic wellbeing, while respecting the environment and protecting quality of life.
- 2.2.16 The Aviation Policy Framework confirms the Government's support for making best use of existing airport capacity to improve performance, resilience and passenger experience in the short term.

Beyond the Horizon – The Future of UK Aviation: Making Best Use of Existing Runways

- 2.2.17 In late 2012, during the preparation of the Aviation Policy Framework, the Government set up the Airports Commission. Included within the Airports Commission's brief was the requirement to examine the nature, scale and timing of any requirements for additional airport capacity to allow the UK to maintain its position as Europe's most important aviation hub.
- 2.2.18 The Government is currently in the process of preparing an updated national Aviation Strategy, which will replace the 2013 Aviation Policy Framework and respond to the Airports Commission's recommendation for other airports to make more intensive utilisation of their existing infrastructure. Whilst this revised strategy is still under preparation, the Government in its policy statement 'Beyond the Horizon - The Future of UK Aviation: Making Best Use of Existing Runways' (HM Government, 2018a) reaffirmed its policy support for airports making best use of their existing runways:

'...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.' (paragraph 1.29)

Other Relevant Policy

- 2.2.19 In addition to the above, the following documents provide airports policy relevant to the Project and have been considered, where appropriate, within the EIA process:

- Beyond the Horizon: The Future of UK Aviation. Next Steps Towards an Aviation Strategy (HM Government, 2018b);
- Aviation Strategy Green Paper: Aviation 2050 – The Future of UK Aviation (Department for Transport, 2018b); and
- The National Infrastructure Delivery Plan: 2016 2021 (Infrastructure and Projects Authority, 2016).

2.2.20 These documents confirm the Government’s policy support for making best use of existing runway capacity at airports beyond Heathrow. The principle of making best use of existing airport capacity has therefore been a long standing and consistent feature of UK aviation policy since 2003 and remains so today. Further details are provided in Chapter 3: Need and Alternatives Considered.

National Policy Statement for National Networks

2.2.21 While the primary purpose of the Project is airport-related development, highways improvements are proposed in order to facilitate the increased passenger throughput (specifically improvements to the North Terminal and South Terminal roundabouts). These highways works meet the threshold for a highways NSIP in their own right. Therefore, the NPS for National Networks (Department for Transport, 2015) is a relevant consideration for the Project¹.

2.2.22 The NPS for National Networks sets out the need for development of road, rail and strategic rail freight interchange projects on the national networks and the policy against which decisions on major road and rail projects will be made.

National Planning Policy Framework

2.2.23 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).

2.2.24 The NPPF sets out the Government’s planning policies for England and how these are to be applied in relation to the determination of planning applications made under the Town and Country Planning Act 1990 (as amended). The NPPF states that planning law requires planning applications to be determined in accordance with the Development Plan for the relevant area unless material considerations indicate otherwise. Paragraph 2 states the NPPF ‘... is a *material consideration in planning decisions*’.

2.2.25 Paragraph 5 states that the NPPF does not contain specific policies for NSIPs. These are to be determined in accordance with the decision-making framework set out in the Planning Act and relevant NPSs for nationally significant infrastructure, as well as any other matters that are considered both important and relevant (which may include the NPPF).

¹ It is noted that the Transport Decarbonisation Plan published by Department for Transport (DfT) on 14 July 2021 announced DfT’s intention to review the NPS for National Networks in due course once demand patterns post-pandemic become clearer. It is understood DfT intends to commence the review by the end of 2021 and complete it by Spring 2023. In the interim and whilst the review is undertaken, DfT has confirmed the NPS for National Networks remains relevant government policy and has full force and effect for the purposes of the Planning Act 2008.

National Planning Practice Guidance

- 2.2.26 On 6 March 2014, the then Department for Communities and Local Government (DCLG) (now Ministry of Housing, Communities and Local Government, MHCLG) launched the planning practice guidance web-based resource to support the NPPF. The National Planning Practice Guidance (NPPG) provides guidance across a range of topic areas, including in relation to environmental topic areas relevant to the EIA process.

Local Planning Policy

- 2.2.27 The Planning Act 2008, as amended, does not incorporate Section 38(6) of the Planning and Compulsory Purchase Act 2004, which provides the principal basis in legislation for the determination of planning applications under the Town and Country Planning Act 1990, namely that they must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. Applications for development consent made under the Planning Act are determined as set out above. The local development plan is not therefore the starting point for the consideration of an application for development consent. Nevertheless, local policy has been considered through the EIA process where relevant.
- 2.2.28 Table 2.2.1 outlines the key local planning policy documents that are under consideration during the EIA process. Where relevant, emerging policy documents are also listed.

Table 2.2.1: Key Local Planning Policy

Authority	Adopted Policy	Emerging Policy
West Sussex County Council	West Sussex Local Transport Plan 2011-2026 (LTP3) (2011) West Sussex Joint Minerals Local Plan (2021) West Sussex Waste Local Plan (2014)	West Sussex Transport Plan 2022 to 2036: Draft for Consultation (2021)
Surrey County Council	Surrey Local Transport Plan 2011-2026 (LTP3) (2011a, updated 2017) Surrey Minerals Plan Core Strategy (2011b) Surrey Minerals Plan Primary Aggregates Development Plan Document (2011c) Surrey Aggregates Recycling Joint Development Plan Document (2013) Surrey Waste Local Plan 2019-2033 (2020)	Surrey Local Transport Plan 2022-2032 (LTP4) (2021)
Crawley Borough Council	Crawley 2030: Crawley Borough Local Plan 2015-2030 (2015)	Draft Crawley Borough Local Plan 2021-2037 (2021)
Reigate and Banstead Borough Council	Reigate and Banstead Local Plan: Core Strategy (2014) Reigate and Banstead Local Plan Development Management Plan (2019)	N/A
Tandridge District Council	Tandridge District Core Strategy (2008). Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (2014)	Our Local Plan: 2033 (Regulation 22 Submission) (2019)

Authority	Adopted Policy	Emerging Policy
Mid Sussex District Council	Mid Sussex District Plan 2014-2031 (2018) Saved Policies from the Mid Sussex Local Plan 2004 (2004)	Site Allocations Development Plan Document: Draft Submission (2020)
Horsham District Council	Horsham District Planning Framework (Horsham District Council, 2015) Site Specific Allocations of Land (2007)	Draft Horsham District Local Plan 2019-2036 (2020)
Mole Valley District Council	Mole Valley Core Strategy (2009) Mole Valley Local Plan (2000)	Future Mole Valley 2018-2033: Consultation Draft Local Plan (2020)

2.2.29 In addition, relevant supplementary planning documents have also been considered where they are relevant and important. Where study areas for individual topics extend beyond the above administrative areas, planning documents relevant to additional administrative areas within the study areas have been taken into account.

2.3 References

Legislation

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The Infrastructure Planning (Environmental Impact Assessment) Regulations, 2017. 2017 No. 572.

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. 2009 No. 2264.

The Planning Act 2008, as amended.

The Town and Country Planning and Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2018. 2018 No. 695.

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2.4 Glossary/Abbreviations

Term	Description
CAA	Civil Aviation Authority
DCLG	Department for Communities and Local Government
EIA	Environmental Impact Assessment
ES	Environmental Statement
GAL	Gatwick Airport Limited
MHCLG	Ministry of Housing, Communities and Local Government
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
PEIR	Preliminary Environmental Information Report