

Gatwick runway – the current situation End January 2017

On 25 October 2016 the Secretary of State for Transport announced that: *‘The government has decided to accept the recommendation [of the Airports Commission]. We believe that the expansion of Heathrow Airport and the north-west runway scheme – in combination with a significant package of supporting measures of the scale recommended by the Airports Commission - offers the greatest level of benefit to passengers, business and to help us deliver the broadest possible benefit to the whole of the UK.*

It delivers the greatest economic and strategic benefits to our economy; it strengthens connectivity for passengers right across the UK; it offers a major boost to freight operators; it can be delivered within carbon and air quality limits; and crucially, it comes with world leading measures to limit the impacts on those living nearby.

Mr Speaker, in addition to the benefits identified by the commission, this scheme will deliver the connectivity and hub capacity the UK needs to compete with fast growing European and Middle Eastern hubs. The airport’s location means it is more accessible to business and the rest of the UK both by road and rail. Access to Heathrow is more resilient and it is better placed as the national freight hub.’¹

What next ?

The procedure is laid down in the Planning Act 2008. The Government is due to publish a draft National Policy Statement (NPS) in late January / early February 2017. There will then be a 16 week consultation probably concentrating on the detail of the runway plan, and on the conditions to be imposed. After examination by a Commons Select Committee the draft NPS will be voted on by Parliament in late 2017 or early 2018.

If perchance there were a vote for Gatwick instead, it would be necessary to start the whole procedure again from the beginning. Back down the snake to square 1.

Given a positive vote by Parliament, Heathrow Airport Ltd would then be free to submit a planning application (with yet more consultation), and there would be a public inquiry limited to six months and confined to detail. That looks like coinciding with the next election in May 2020. The new runway is forecast to open in 2025-29.

Judicial reviews

Four London Boroughs - Richmond, Windsor, Hillingdon and Wandsworth - together with Greenpeace have applied for judicial review of the Government’s decision. The case was heard on 19-20 January. The case of the four councils was that a Heathrow runway could never comply with the air quality legal limits, and that it broke promises made to residents. The Government has, however, asked for the application to be refused on the grounds that it is premature before the National Policy Statement has been published.

When the Government publish the National Policy Statement that may also give rise to applications for judicial review. So may the process of consultation; and the four councils may argue that the consultation should include Gatwick.

Judicial review is only permitted if it can be proved that the decision was illegal; irrational; taken by the incorrect procedure; or contrary to legitimate expectations.² ‘Illegal’ can

include being based on incorrect facts. To prove that the Government decision was 'irrational' it would have to be shown that it was "so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it.'

It is understood that any legal challenge can run in parallel with the consultation, and may therefore cause little or no delay, unless it goes all the way to the Supreme Court. An adverse judicial review judgement could only quash a Government decision but cannot change it. The Government might have to start the process again but there is nothing to prevent it reaching the same conclusion.

No rejoicing

As an environmental organisation GACC cannot rejoice in the decision to expand Heathrow which will cause huge environmental damage. As we said in our press release when the decision was announced, we have great sympathy with all those who will be adversely affected. In line with all the national environmental organisations – CPRE, RSPB, FoE, Greenpeace, WWF – we have always supported the policy of no new runway.

The need for a new runway has been exaggerated by the aviation industry for its own commercial purposes. The oft-repeated sentence that no new full length runways have been built since the 1940's is untrue: the Gatwick runway was built in 1956-8. The statement that Stansted will be full by 2040 is only true if it is assumed that the limit on passenger numbers imposed by Uttlesford District Council cannot be raised.³

Heathrow, Gatwick, Stansted and Luton have 5 runways. If over the coming 25 years the number of passengers per aircraft rises by 50%, that would be equivalent to two and a half new runways.

It was ironic that on 18 October the international airline association, IATA, forecast that with a hard Brexit the number of UK air passengers could be around 25 million fewer than forecast by government – or more than the entire annual traffic of Stansted.⁴

GACC deplores the NIMBY attitude of London Mayor Sadiq Khan and the four London Boroughs which support a new runway at Gatwick.

¹ <https://www.gov.uk/government/collections/heathrow-airport-expansion>

² https://en.wikipedia.org/wiki/Judicial_review_in_English_law

³ The limit, imposed as a planning condition, is 35 million passengers a year. The full capacity of Stansted, like Gatwick, is 45 million.

⁴ https://www.theguardian.com/world/2016/oct/18/hard-brexit-reduce-need-airport-expansion-heathrow?CMP=tw_t_gu