

Gatwick runway – the current situation End March 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.'*¹

What next ?

The procedure is laid down in the Planning Act 2008.

The Government published a draft Airports National Policy Statement (NPS) in February 2017, together with a 16 week consultation. Question 2 in the consultation asks the public if they agree with the decision to build a third runway at Heathrow instead of a second runway at Gatwick.

As required in the Planning Act, the Transport Select Committee is conducting an Inquiry into the draft NPS.

In due course the Secretary of State will produce a final NPS. This 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.

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 applied in autumn 2016 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 application was, however, refused on the grounds that the Planning Act rules out any judicial review until the final NPS is published.

It is likely that it will be resubmitted soon after the final NPS is published.

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.'

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.

GACC stance

GACC remains opposed to a second runway at Gatwick. As an environmental organisation, however, we 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 years the number of passengers per aircraft rises by 20%, that would be equivalent to one new runway.

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.