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10 May 2020

Dear Councillors

Thank you for your letter of 31 January 2020 responding to ours of 28 November 2019. We are grateful for a thorough and thoughtful response, and for the opportunity to meet you, or your colleagues and officers in many cases.

We draw two main conclusions from your letter.

First that, like us, you believe all growth at Gatwick should be properly scrutinised and only permitted if it is genuinely sustainable.

We welcome this in-principle commitment to scrutiny. It echoes the government's very clear policy, restated by the Aviation Minister in the House of Commons recently¹, namely that any airport expansion must meet stringent environmental criteria:

"Bim Afolami (Hitchin and Harpenden) (Con): *As somebody campaigning against the expansion of Luton airport, can I ask her to be very clear that any expansion of any regional airport in Luton or anywhere else must meet stringent environmental criteria on climate change, pollution and the rest? Will she make that point firmly at the Dispatch Box?*

Kelly Tolhurst (Aviation Minister): *My hon. Friend is correct, yes."*

Government policy also requires that the industry must reduce noise as airport capacity grows and that the benefits of growth should be shared between the aviation industry and local communities.

But our second conclusion is that, as regards Gatwick's main runway growth plans, you do not currently have adequate legal powers or other levers to ensure that robust scrutiny takes place, or to prevent growth that is not sustainable, or to ensure that the other government policies referenced above are delivered.

¹ Aviation Statement following the Court of Appeal judgement on the Airports National Policy Statement; Hansard 2 March 2020, column 632

In our view this is a serious failure of the local planning process. It means that the planning arrangements for Gatwick are not consistent with government policy. That should not be an acceptable position either for Councils or for the government. We have written to the government to ask it to take all necessary steps to ensure that Gatwick's proposed main runway growth, and the associated impacts, are thoroughly scrutinised and consented or rejected in order to ensure compliance with the government's policy.

Section 106 agreement

We note in this context your references to the recently extended section 106 agreement between WSCC, CBC and GAL. In our view, and the view of many of the councils we have spoken to, that agreement is no substitute for the thorough scrutiny and consenting process that a robust planning process would bring in relation to the impacts of growth. Amongst other things the section 106 agreement is, in our view:

- out-dated, because its foundation is the one runway two terminal formulation that GAL no longer supports;
- one-sided, because it prioritises growth (within the one runway two terminals formulation) rather than seeking to strike a balance between growth and adverse community and environmental impacts as required by government policy; and
- ineffective, because it is almost entirely unquantified as regards carbon emissions/climate change, air quality, noise and surface access.

Although it is arguably better to have the agreement than not to have it, we do not believe councils should regard it as being in any way a substitute for the robust scrutiny provided by a planning process or rely on it to protect impacted communities adequately.

Absence of a capacity cap

Your letter makes clear that the key reason you are not able to scrutinise main runway growth at Gatwick and ensure it is sustainable is because there is no cap on passenger or ATM numbers at the airport.

We note that all other major UK airports have capacity caps. The absence of one at Gatwick means that local people and those under flight paths are less well protected than people at other major UK airports. We also note that the government's 2018 Green Paper (Aviation 2050) proposed that planning authorities should routinely set noise caps as part of planning approvals (or that there should be an enforceable and balanced noise plan "*which commits to future noise reduction*").

We appreciate that your ability to obtain a cap is constrained but we believe you should be doing everything in your power to achieve one at the earliest opportunity.

We were therefore concerned that your letter says that you "*do not consider it appropriate at this stage to seek to impose a cap*". We do not understand why that should be the case. In our view the weak current planning environment compared to other major UK airports, your inability to protect local people and the environment adequately, the failure of the current regime to require the balanced outcomes required by government policy and the current non-compliance with Aviation 2050's proposals mean that agreement of a cap should be a priority.

Proposed actions

We hope you will consider the following actions:

- Join us in writing to the government to ask it to take action to ensure that Gatwick's proposed main runway growth, and the associated impacts, are thoroughly scrutinised and consented, or rejected, in order to ensure compliance with the government's policy.

- Ask Gatwick to agree a new set of arrangements with you and other stakeholders under which all future growth, including any growth deriving from more intensive use of the main runway, would be subject to rigorous planning scrutiny and consent, in line with government policy. We have written to Gatwick’s CEO this week asking him to do so, and to withdraw the emergency runway DCO process.
- Implement a robust planning environment on all Gatwick matters until a cap is agreed. In this context we welcome the commitments in your letter that CBC “*will consider whether proposed permitted development (whether in isolation or cumulatively with other development) constitutes EIA development*” and that “*going forward CBC will also carefully scrutinise on a case-by-case basis any proposals to use permitted development rights to establish whether they fall within the scope of section 23*”.
- Make clear to Gatwick, potentially in the Planning Performance Agreement you are negotiating, that if it proceeds with its emergency runway DCO you will expect that process to assess the environmental impacts of all growth and to have the ability to reject, or impose conditions on, all growth, including main runway growth, if it is not demonstrably sustainable and consistent with government policy.

We appreciate of course that you and your teams’ current focus is on responding to the significant challenges arising from the COVID-19 pandemic. However, the issues we raise are important and we look forward to receiving your feedback in due course. We would welcome the opportunity to discuss these further proposals, and other potential actions, with you, your Cabinet colleagues and relevant officers at an appropriate time.

Yours sincerely



Peter Barclay
Chair, Gatwick’s Big Enough coalition

cc:

Keith Glazier, Leader, East Sussex County Council
Stuart Selleck, Leader, Elmbridge Borough Council
John Beckett, Mayor of Epsom and Ewell
Caroline Reeves, Leader, Guildford Borough Council
Keith Mans, Leader, Hampshire County Council
Roger Gough, Leader, Kent County Council
Peter Fleming, Leader, Sevenoaks District Council
John Ward, Leader, Waverley Borough Council
Robert Standley, Leader, Wealden District Council
Eileen Lintill, Leader, Chichester District Council