

Gatwick Area Conservation Campaign

GACC

Campaigning for a better environment
for the whole area around Gatwick

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Gatwick runway could face court challenge

GACC has written to Transport Secretary Chris Grayling to warn him that a Government decision to build a second runway at Gatwick may be challenged in the courts (letter attached).

In a thinly veiled reference to speculation that a decision could be influenced by Cabinet Ministers Boris Johnson, Phillip Hammond and Justine Greening, who all have constituencies near Heathrow, the letter indicates that a decision based on 'political expediency' rather than on the unanimous recommendation of the Airports Commission could be regarded in law as 'irrational'.

The GACC letter is based on advice from John Steel QC, a distinguished barrister who specialises in aviation issues.

Brendon Sewill, GACC chairman, said: 'This is a shot across the bows of the Government to warn them they can't get away with thinking that Gatwick would be an easy option. People are fed up with aircraft noise and will fight all the way to defeat a plan which would mean making it twice as bad.'

Several other potential grounds for judicial review have also been discussed with John Steel. They include:

1. If the forecasts of air travel have not been revised to take into account changes since the publication of the Airports Commission Report, the effect of Brexit in particular.
2. If the case for an enlarged hub airport at Heathrow is rejected, but if then the need for a new runway in the South East is not re-assessed taking into account the available capacity at other major airports.
3. If decision fails to take into account the scope for airlines and/or passengers to move to other airports as a result of the predicted increase (by up to 100% or

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more) in Gatwick airport charges, thereby undermining the business case upon which an expansion of Gatwick is based.

4. If the assessment of numbers of persons affected by aircraft noise does not include areas where ambient noise levels are low, and where the number of people affected would be greater.
5. If the case for Gatwick expansion relies on an assumption that there will be no significant provision of extra road and rail infrastructure, based in turn on an assumption that at first Gatwick would function at significantly less than full capacity. This would mean that, as Gatwick subsequently approached full capacity, the taxpayer not Gatwick Airport Ltd would have to pay for the provision of substantial extra road and rail infrastructure, contrary to the Government's stated policy.
6. If the Government fails to show how the impact on climate change as a result of doubling the number of flights from Gatwick, including a higher proportion of long-haul flights, would be consistent with the aims agreed by the Government at the UN summit in Paris in December 2015.

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