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Court of Appeal refuses permission to appeal

The Court of Appeal today ruled against Peter Barclay's, Chair of Gatwick Area Conservation Campaign's (GACC), application for permission to appeal to the Court of Appeal.

The decision brings to an end Mr Barclay's challenge of the Secretary of State's decision to grant a Development Consent Order (DCO) paving the way for the expansion of Gatwick Airport.

Mr Barclay's application to appeal relied on two grounds of challenge:

1. The misapplication of aviation policy – a policy which specifically ruled out a second runway at Gatwick in favour of Heathrow; and
2. The reliance on a supposed national economic benefit despite glaring holes in the figures underpinning the business case. Holes that were raised repeatedly by the New Economics Foundation (NEF) and GACC during the examination process but that were never addressed by Gatwick Airport Limited (GAL).

"We are very disappointed with the Court's decision. We took this challenge as far as we could because we believed that the decision to allow Gatwick to expand was fundamentally flawed. It was not supported by government policy, would only serve to line the pockets of the airport and airlines, and would do so at the expense of local residents and the climate," said Peter Barclay, GACC Chair.

"The calculations carried out by the New Economics Foundation demonstrated that expanding Gatwick could harm the national economy. It is time for governments to wake up and realise that saying yes to the expansion of any and every airport will not kickstart the economy. Instead, its carbon intensive infrastructure will further lock-in aviation's climate, noise and air pollution impacts whilst increase congestion on roads and public transport and blight local communities," Mr Barclay continued.

Today's ruling effectively confirmed that the Secretary of State has almost unchecked discretion to ignore uncomfortable truths, including large holes in the claimed benefits of expansion. Because of that discretion, the planning system is stacked against residents and individuals concerned about the many impacts that unsustainable developments, such as Gatwick's Northern Runway scheme, have on local communities and the wider world.

Earlier, at the high court, GACC's legal challenge resulted in the Government and Gatwick Airport Ltd revised the wording in the DCO agreement so there is now better noise monitoring requirements in the long-term and a better mechanism to review and revise this the noise requirements in the DCO agreement in future. Although forcing this concession, Gatwick's night flights will not be removed as GACC had called for – instead it highlights that the government's regulatory regime does little to stop an airport doing whatever it considers appropriate. This vague interpretation stops an airport being properly held to account on its noise impacts. The fight for better noise policies continues.

Far worse, the appeal judge's interpretation of the Airports National Policy Statement means that the Government has overridden the significant increases in carbon emissions, together with associated noise, air pollution and associated impacts from the apparent need for global conglomerates to increase the value of their assets and offshore profits.

While there is no further right of appeal, GACC will continue to use all lawful channels available to continue holding the airport to account and increasing people and political pressure to prevent this damaging scheme from going ahead.

Thanks to our legal team, Alex Goodman KC of Landmark Chambers, Gethin Thomas of 39 Essex Chambers and Alice Goodenough of Goodenough Ring Solicitors.

GACC will not give up!

We continue to need your support to pay off our bills of what has been an intensive and therefore expensive legal campaign: <https://www.crowdjustice.com/case/gacc/>.

GATWICK'S BIG ENOUGH

Campaigning for a better environment for the whole area around Gatwick

GACC, founded in 1968, has as paid-up members over 50 councils and over 40 community groups. We have built a reputation for sound judgement and reliable information and thus have the support of all local Members of Parliament.