

COMMUNICATIONS –

Cabinet Member Announcement from Councillor Peter Smith Cabinet Member For Planning And Economic Development

SUPREME COURT JUDGEMENT: December 16th 2020

Heathrow and Airports National Policy Statement

Background

In February 2020, the Court of Appeal ruled that the government had failed to take the 2015 Paris Climate Agreement into account in its support for a third runway at Heathrow, ruling that the Airports National Policy Statement, (ANPS), published in 2018 was unlawful. The Government accepted this decision, but Heathrow challenged it.

The Supreme Court Judgement

Giving a summary of the Supreme Court's ruling, made today (December 16th 2020), Lord Sales said the Supreme Court unanimously concluded the appeal should be allowed and that the ANPS was not affected by any unlawfulness and is valid.

The Implications for the Local Plan

This is an important decision but does not change the position of the Local Plan with regard to safeguarding nor the allocation of a Strategic Employment Location at Gatwick Green. Factual updates to the supporting text only will be made to reference this judgement.

The approach of the previous Regulation 19 Local Plan, published in January 2020, removing safeguarding and proposing an Area Action Plan was made when the ANPS was in force.

However, we cannot revert to this approach because our Advisory Inspector in April 2020 did not support it, citing continued uncertainty regarding safeguarding only partly caused by the ANPS Court of Appeal case, and referencing the Gatwick Airport Master Plan which states it is in the national interest to continue with the strategy of safeguarding and GAL's objection to the Regulation 19 Local Plan. The Inspector was also clear that the Local Plan must contain a strategy to address Crawley's employment needs, and that a trigger should be included in the Plan for it to be reviewed should there be certainty on national policy regarding safeguarding. Also, the national Aviation Strategy, published in December 2018, still remains in draft form, and states that it would be prudent to continue safeguarding at Gatwick. The new Local Plan has, therefore, challenged the extent of safeguarding, rather than the principle of it, with the allocation of Gatwick Green to meet Crawley's employment needs considered to be possible whether safeguarding is required or not.

This allows the Local Plan to progress, which is essential for it to provide clarity on meeting Crawley's development needs and for it to be within the timeline to be able to use the Government's transitional arrangements prior to the changes to the planning system.

