

US: Miller

T H I S A G R E E M E N T is made the 13th day of August One thousand nine hundred and seventy-nine B E T W E E N the BRITISH AIRPORTS AUTHORITY (hereinafter called "the BAA") of the one part and THE COUNTY COUNCIL OF WEST SUSSEX (hereinafter called "the Council") of the other part

WHEREAS:

(A) The Council are the county planning authority for the purposes of the Town and Country Planning Act 1971 (hereinafter called "the 1971 Act") and are responsible for strategic planning and highways and a range of environmental services for the area within which Gatwick Airport as hereinafter defined is situated

(B) The BAA are the owners of the land forming Gatwick Airport shown edged blue on the plan attached hereto (which said land is herein referred to as "Gatwick Airport") and the body corporate authorized to own and manage that aerodrome

(C) The BAA have submitted the following planning applications to Crawley Borough Council:

- (i) CR/127/79 - outline application for permission for an airport passenger terminal complex and associated access (Application 1)
- (ii) CR/126/79 - Application for permission for the provision of roads services taxiways and aircraft stands landscaping and diversion of the River Mole to enable the area to be developed for aircraft maintenance and parking cargo handling and other ancillary facilities (Application 2)
- (iii) CR/125/79 - Application for permission for the widening of the existing main taxiway construction of taxiway entrances and exits the installation of associated runway lighting and repositioning of certain facilities in order to provide an emergency runway (Application 3)

(D) The BAA require the development proposed under Application 1 and part of that under Application 3 to enable them to accommodate their projected capacity of Gatwick Airport estimated in the White Paper 'Airports Policy' Command 7034 to be twenty-five million passengers a year on the basis that no additional operational runway is built at the airport

(E) Pursuant to Section 35 of the 1971 Act the Secretary of State for the Environment has by notice dated the Fourth day of July One thousand nine hundred and seventy-nine directed that Applications 1 and 2 be referred to him and he intends holding a public inquiry before determining the said applications

(F) Application 3 is not related to the developments proposed in Applications 1 and 2 and the Council are minded to grant consent to the said Application 3 subject to the conditions set out in Appendix 1 hereto but are desirous of restricting and regulating the proposed development in the manner hereinafter set out

(U) The Council are concerned to establish all possible safeguards against the possibility that the development of the second terminal under Application 1 (if permitted) would either be advanced as a justification or ultimately lead to a demand for a second operational runway at Gatwick Airport or both possibilities

(U) This Agreement is made by the parties hereto pursuant to their powers under Section 2 of the Airports Authority Act 1975 Section 52 of the 1971 Act Section 111 of the Local Government Act 1972 and Section 126 of the Housing Act 1974 as appropriate

NOW THIS DEED WITNESSETH as follows:

1. THE BAA covenants with the Council:

(a) The BAA will not construct or cause or permit to be constructed on land at Gatwick Airport a second operational runway or any part of such a runway for the taking-off or landing of fixed wing aircraft

(b) The BAA will not use or permit to be used the facilities at Gatwick Airport or any of them to serve or be used in association with a second operational runway for the taking-off or landing of fixed wing aircraft which might be constructed on land adjacent to or in the vicinity of Gatwick Airport nor will they carry out or cause or permit to be carried out at Gatwick Airport any development to serve or be used in association with such a runway

(c) The BAA will not construct or cause or permit to be constructed a second operational runway for the taking-off or landing of fixed wing aircraft on land adjacent to or in the vicinity of Gatwick Airport

(d) At any time when the main runway is in use or is available for operational use the emergency runway shown edged yellow on the said plan ("the emergency runway") shall not under any circumstances whatsoever be used for the taking-off or landing of fixed wing aircraft Furthermore the emergency runway shall be used for taking-off or landing of fixed wing aircraft only during times when the main runway is temporarily non-operational by reason of an accident or structural defect or when maintenance to the main runway is being undertaken and in all cases where maintenance is to be carried out other than in an emergency the BAA will give at least forty-eight hours notice in writing to the Council

(e) If the emergency runway is at any time widened extended or re-aligned or if an additional or alternative emergency runway is at any time during the subsistence of this Agreement constructed on Gatwick Airport or on land adjacent to or in the vicinity thereof then the provisions of sub-clause (d) shall thereupon immediately apply to the emergency runway as so widened extended or re-aligned or to any such additional or alternative emergency

runway as the case may be during the subsistence of this Agreement

(f) The BAA will ensure that records are kept of all aircraft movements which involve the taking-off or landing of fixed wing aircraft from or on the emergency runway and will on request make such records available to the Council

2. THE Council agrees with the BAA:

(a) Without prejudice to its right to oppose the grant of consent to Applications 1 and 2 and to raise and argue every matter the Council considers relevant in relation thereto and in particular to question the capacity of the main runway the Council will not raise or argue at the Public Inquiry any argument which postulates that it is the BAA's ultimate intention to build a second operational runway at Gatwick Airport in order to accommodate its projected capacity of Gatwick Airport estimated at twenty-five million passengers a year in the White Paper 'Airports Policy'

(b) To grant permission to Application 3 subject to the conditions set out in Appendix 1

(c) By way of covenant with the BAA that if and when planning permission is given for the development of that part of Gatwick Airport which is the subject of Application 2 and shown edged red on the plan attached hereto and the said land thereby becomes operational land within the meaning of Section 222 of the 1971 Act then any development of that land by the BAA being development permitted under paragraph 11 of Class XVIII or Class XXI of Schedule 1 to the Town and Country Planning General Development Order 1977 shall be treated as development for operational purposes without prejudice nevertheless to the right of the Council to comment adversely on being consulted in respect of any particular development and to the exercise by the Council in respect of any particular development of its powers under Article 4 of the said Order and in the event of the said General Development Order being extended modified or re-enacted then the provisions of such General Development Order as so extended modified or re-enacted as apply to development by the BAA shall be substituted for the provisions set out herein

3. IN this Agreement the terms "the BAA" and "the Council" shall include their respective successors in title or assigns

4. THIS Agreement shall subsist for a period of forty years from the date hereof

IN WITNESS whereof the parties hereto have caused their respective Common Seals to be hereunto affixed the day and year first before written

13/8/2004

APPENDIX 1

- (1) The development for which permission is hereby granted must be begun not later than the expiration of five years beginning with the date of this permission.
- (2) The development hereby authorised shall be constructed strictly in accordance with the siting and dimensions shown on plan number G/PT/248.
- (3) The emergency runway shall be used for the taking-off and landing of fixed-wing aircraft only during times when the main runway is temporarily non-operational by reason of an accident or a structural defect or when maintenance to the main runway is being undertaken. In all cases where such maintenance is to be carried out other than in an emergency, the BAA will give at least forty-eight hours notice in writing to the Local Planning Authority. The emergency runway shall cease to be used as such as soon as the main operational runway becomes serviceable.
- (4) The existing earth bank erected at the western end of the emergency runway as a noise baffle for Charlwood village shall be retained. No alteration in height, or position of the bank, shall take place without the prior approval of the Local Planning Authority.
- (5) The British Airports Authority shall ensure that records are kept of all aircraft movements which involve the taking-off or landing of fixed-wing aircraft from or on the emergency runway and shall on request make such records available to the Local Planning Authority.
- (6) Pursuant to the Land Drainage Act 1976, details of any works arising from the development affecting the bed, banks or flow of the River Mole including details of any outfall structures discharging into the water course, and including the proposed channel diversion and storage ponds shall be submitted for consideration by the Thames Water Authority prior to commencement of work.
- (7) All sewage and/or trade effluent resulting from the development shall be discharged into the available soil sewer to the satisfaction of the Local Planning Authority.

Seal

( THE COMMON SEAL of THE BRITISH AIRPORTS  
(  
( AUTHORITY was hereunto affixed in the  
(  
( presence of:

(signed) M.W.T. Not

Secretary to the Authority

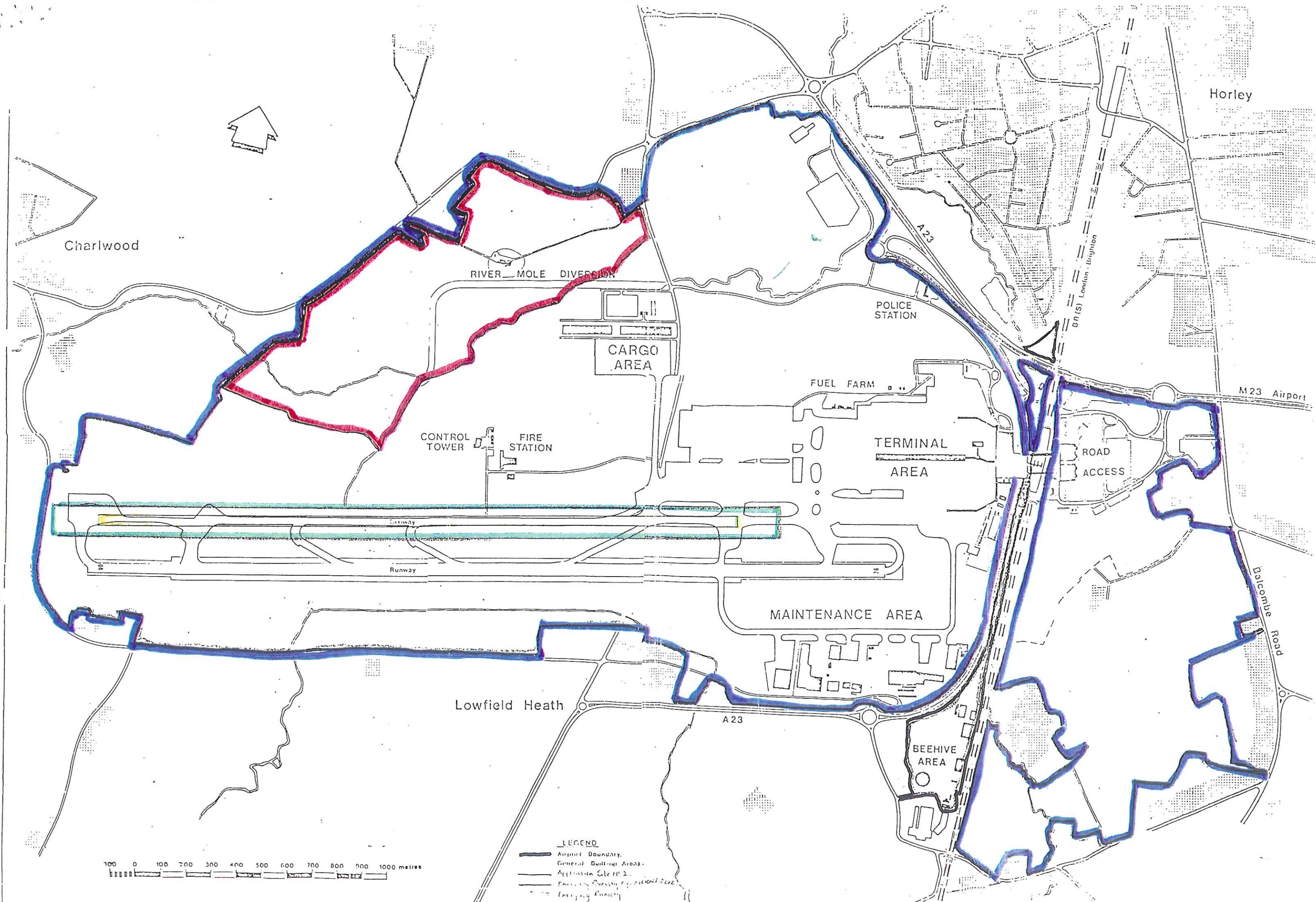
Seal

( THE COMMON SEAL of THE COUNTY COUNCIL  
(  
( OF WEST SUSSEX was hereunto affixed in  
(  
( the presence of:

(signed) E.M. Holdsworth

County Secretary





Charlwood

Horley

RIVER MOLE DIVERSION

POLICE STATION

CARGO AREA

CONTROL TOWER  
FIRE STATION

FUEL FARM

TERMINAL  
AREA

ROAD  
ACCESS

M23 Airport

MAINTENANCE AREA

Lowfield Heath

A23

BEEHIVE  
AREA

Buscombe Road

100 0 100 200 300 400 500 600 700 800 900 1000 metres

LEGEND

- Airport Boundary
- General Built-up Areas
- Aviation Site No. 2
- Emergency Services (Fire, Police, etc.)
- Existing Railway

