

SHEPWAY DISTRICT COUNCIL

Minutes of the Special Meeting of the Council held at the Civic Centre, Castle Hill Avenue, Folkestone on Wednesday 3 March 2010

Present: Councillor Miss S J Carey (Chairman), Councillors H A Barker, Mrs L E Beaumont, Mrs K T Belcourt, R H C Bliss, G E Bunting, Miss P J Carr, A G Clifton-Holt, T Clifton-Holt, B W Copping, Ms V M Dawson, M J Dearden, A J Dunning, A J Ewart-James, P C Gane, C Goddard, S W Hayward, R P Hill, Ms J M Holben, Mrs J D Hollingsbee, D S Johnson, S Lawrence, Mrs V I Loseby, R C Love, M J A Lyons, P S Martin, N Matthews, T S McNeice, D D Monk, P Monk, Mrs S E F Newlands, A North, D L G Owen, S N Peall, T Prater, W L Richardson, Mrs E J Sanger, R D Tillson, Mrs S L Wallace, Mrs C J Waters and Mrs O Williams.

Apologies for absence: Councillors P D Carroll, P A R Marsh, D L G Owen and R A Pascoe.

82. DECLARATIONS OF INTEREST

Jeremy Chambers, Head of Corporate Services and Monitoring Officer, informed the meeting that he had advised members with regard to the common law issues of bias and predetermination and also making declarations of personal or prejudicial interest at the meeting in accordance with the Code of Conduct. As a result of advice given, Councillor P D Carroll would not be in attendance.

Councillor Mrs S E F Newlands declared a personal interest in minute 83, as she is a member of the Kent Downs Area of Outstanding Natural Beauty. She remained in the meeting during discussion and voting on this item.

Councillor R D Tillson declared a personal interest in minute 83, as he is a member of the Royal Society for the Protection of Birds. He remained in the meeting during discussion and voting on this item.

Councillor Miss P J Carr declared a personal interest in minute 83, as she is a member of the Kent Wildlife Trust. She remained in the meeting during discussion and voting on this item.

Councillor Mrs V I Loseby declared a personal interest in minute 83, as she is a member of the Coastal Community Group and the Lydd Airport Action Group. She remained in the meeting during discussion and voting on this item.

Councillor Mrs L E Beaumont declared a personal interest in minute 83, as she is a member of the Royal Society for the Protection of Birds. She remained in the meeting during discussion and voting on this item.

Councillor A G Clifton-Holt declared a personal interest in minute 83, as he farms under the flight path of Lydd Airport. He remained in the meeting during discussion and voting on this item.

Councillor T Clifton-Holt declared a personal interest in minute 83, as he farms under the flight path of Lydd Airport. He remained in the meeting during discussion and voting on this item.

Councillor N Matthews declared a personal interest in minute 83, as he is a member of the Royal Society for the Protection of Birds. He remained in the meeting during discussion and voting on this item.

Councillor A J Dunning declared a personal interest in minute 83, as he is a member of the Royal Society for the Protection of Birds. He remained in the meeting during discussion and voting on this item.

Jeremy Chambers gave a general introduction to the meeting and guide to the proceedings.

83. **PLANNING APPLICATIONS Y06/1648/SH AND Y06/1647/SH – LONDON ASHFORD AIRPORT, LYDD – REPORT A/09/05**

REPORT A/09/05 sets out details of planning applications Y06/1648/SH – construction of a 294 metre runway extension together with an additional 150 metre starter extension; and Y06/1647/SH - erection of a terminal building (capable of processing 500,000 passengers per annum) and 637 car parking spaces, both in respect of London Ashford Airport, Lydd.

Councillor R C Love drew Council's attention to a typographical error contained in the Revised Appropriate Assessment; page 3; paragraph 1.2.2; which should read:

'It is understood that LAA would not proceed with the terminal proposal without the runway proposal, but would proceed with the **latter** in isolation. Therefore, the terminal proposal is considered within this document only in combination with the runway proposal, along with the runway proposal in isolation and in combination with other projects that may lead to a cumulative impact'.

Chris Lewis, the Head of Planning Services, gave a description of the reports to be considered and the statutory tests that apply to the applications, and went on to introduce Terry Ellames, Major Applications and Project Manager.

Terry Ellames presented the applications, gave an overview of his report and explained that report A/09/05 should have stated that application Y06/1647/SH was for the erection of a terminal building (capable of processing 500,000 passengers per annum) and **639** car parking spaces.

After a short adjournment, the following addressed Council with regard to the applications:

Channel Chamber of Commerce – Mr Peter Hobbs
Greatstone School Chair of Governors – Mr Paul Black
Keep the Marsh Special Alliance – Mr Rob Ryan
Kent Downs Area of Outstanding Natural Beauty – Mr Nick Johanssen
Kent Wildlife Trust – Mr Richard Moyse
RSPB – Mr Chris Corrigan
Shepway Environment and Community Network – Mr David Plumstead
Representative for Lydd Town Council – Councillor D G Kersey
Local resident in support – Ms Caroline Chambers
Local Resident against – Ms Trudy Auty
Lobby Group in support – Mrs Barbara Walsh on behalf of FLAG
Lobby Group against - Mr Matthew Horton on behalf of LAAG
Ward members for Lydd – Councillors Mrs Dawson and Clive Goddard
Ward member for New Romney Town – Councillor Mrs Carole Waters
Ward member for New Romney Coast – Councillor Mrs Valerie Loseby
County Council member for Romney Marsh Division – Councillor William Richardson
MP for Folkestone and Hythe – Mr Michael Howard QC

The applicants made a short presentation and then addressed points raised by the speakers.

The meeting then adjourned.

The meeting reconvened and debate commenced.

During the debate, the Council's counsel, Paul Brown QC gave a detailed explanation of the statutory requirements Councillors were obliged to apply in determining the applications.

Motion 1

Proposed by Councillor M J Dearden
Seconded by Councillor Mrs S E F Newlands

That this Council adopt the Revised Appropriate Assessment under the Habitat Regulations as set out in detail at the end of the Supplementary Report and prefer and adopt the applicant's proposed revisions to the February 2010 Revised Appropriate Assessment Report put forward by Indigo Planning on behalf of London Ashford Airport.

Further, that this Council approve the application of London Ashford Airport with suitable Section 106 conditions as promulgated by them.

Motion 2

Proposed by Councillor H A Barker

Seconded by Councillor Mrs K T Belcourt

That the Bureau Veritas Revised Appropriate Report in Appendix 2 be amended by the deletion of pages 22-38 inclusive and replaced by the text of the applicant's proposed revisions to the February 2010 Revised Appropriate Assessment paragraphs 1 to 4.5 inclusive and that this be agreed and adopted by the Council.

Motion 3

Proposed by Councillor T Prater
Seconded by Councillor Mrs L E Beaumont

To accept the officer's recommendations as detailed in report A/09/05

Amendment to Motion 1

Proposed by Councillor M J Dearden
Seconded by Councillor W L Richardson

1. That the Bureau Veritas Revised Appropriate Assessment report in Appendix 2 be further amended by way of the deletion of pages 22 to 28 inclusive, the deletion of paragraph 4.4.5 on page 29, the deletion of the last two sentences of paragraph 5.1.6 on pages 30 and 31 and the deletion of pages 34 to 38 inclusive and the replacement of that content by the text set out in the 'Applicant's Proposed Revisions to the February 2010 Revised Appropriate Assessment Report', paragraphs 1 to 4.5 inclusive. That this Revised Appropriate Assessment as amended be agreed and adopted by the Council, as the competent authority, having regard to the Wildlife and Countryside Act 1981 (as amended) and Regulation 48 of the Conservation (Natural Habitats and c) Regulations 1994. This concludes:
 - a) The proposals for a runway extension and new terminal and car park are considered not to have any adverse effects on the integrity of the Dungeness Special Area of Conservation (SAC), subject to mitigation.
 - b) The proposals for a new runway extension and new terminal and car park are considered not to have any adverse effects on the integrity of the Dungeness to Pett Levels Special Protection Area (SPA), subject to the proposed mitigation.
2. That the Council authorises that planning permission be granted for the runway extension (Y0/1648/SH0 and the new terminal and car park (Y06/1647/SH) subject to completion of a suitable Section 106 legal agreement and planning conditions, the terms of which to be delegated to the Head of Planning Services to agree on the Council's behalf.

3. That in the event that the terms of the Section 106 legal agreement and/or the planning conditions cannot be agreed by the Head of Planning Services, the details regarding the agreement and/or conditions be reported back to the Development Control Committee for further consideration.
4. To inform the Government Office for the South East (GOSE) and Natural England of the Council's resolution to adopt the Appropriate Assessment as further amended and to grant both planning applications subject to the completion of a suitable Section 106 legal agreement and appropriate planning conditions.

In reaching the decisions to grant planning applications, the Council considers that the proposed developments would not have an adverse impact on the integrity of the Dungeness to Pett Levels Special Protection Area or on the integrity of the Dungeness Special Area of Conservation. The Council are satisfied having considered all representations and the officer's report that there is no reasonable scientific doubt remaining that the planning applications would have any adverse impact on those designations. The Council also considers that the planning applications do not conflict with central government planning guidance and comply with the provisions of the Shepway District Plan Local Plan Review and the South East Plan, in particular policies CO8, CO9, TR15, and SD1 of the Local Plan and policies NRM5 and CC1 of the South East Plan.

In coming to this decision, regard has been had to the following policies:

Shepway District Local Plan Review – SD1, BE1, BE2, BE16, U1a, U2, U4, U6, U9, U10, U10a, U15, TR2, TR5, TR6, TR8, TR9, TR11, TR12, TR13, TR15, CO1, CO4, CO5, CO8, CO9, CO10, CO11, CO12, CO13, CO14.

SD1, BE1, BE2, BE16, U1a, U2, U4, U6, U9, U10, U10a, U15, TR2, TR5, TR6, TR8, TR9, TR11, TR12, TR13, TR15, CO1, CO4, CO5, CO8, CO9, CO10, CO11, CO12, CO13, CO14

The South East Plan – BE6, CC1, CC2, CC4, CC7, PPS9, SP2, T1, T2, T5, T4, T8, T9, T14, NRM1, NRM4, NRM5, NRM7, NRM9, NRM10, NRM11, NRM12, W2 and M1

RESOLVED:

1. ***That the Bureau Veritas Revised Appropriate Assessment report in Appendix 2 be further amended by way of the deletion of pages 22 to 28 inclusive, the deletion of paragraph 4.4.5 on page 29, the deletion of the last two sentences of paragraph 5.1.6 on pages 30 and 31 and the deletion of pages 34 to 38 inclusive and the replacement of that content by the text set out in the 'Applicant's Proposed Revisions to the February 2010 Revised Appropriate Assessment Report, paragraphs 1 to 4.5 inclusive. That this Revised Appropriate Assessment as amended be agreed and adopted by the Council, as the***

competent authority, having regard to the Wildlife and Countryside Act 1981 (as amended) and Regulation 48 of the Conservation (Natural Habitats and c) Regulations 1994. This concludes:

- a) ***The proposals for a runway extension and new terminal and car park are considered not to have any adverse effects on the integrity of the Dungeness Special Area of Conservation (SAC), subject to mitigation.***
- b) ***The proposals for a new runway extension and new terminal and car park are considered not to have any adverse effects on the integrity of the Dungeness to Pett Levels Special Protection Area (SPA), subject to the proposed mitigation.***

(Voting: For 27; Against 13; Abstentions 1)

For: Councillors H A Barker, Mrs K T Belcourt, R H C Bliss, G E Bunting, Miss S J Carey, A G Clifton-Holt, T Clifton-Holt, B W Copping, Ms V M Dawson, M J Dearden, A Dunning, A J Ewart-James, C Goddard, D R Godfrey, S W Hayward, R P Hill, Ms J M Holben, Mrs J D Hollingsbee, D S Johnson, R C Love, P S Martin, D D Monk, Mrs S E F Newlands, A North, W L Richardson, Mrs C J Waters and Mrs O Williams,

Against: Councillors Mrs L E Beaumont Miss P J Carr, P C Gane, S Lawrence, Mrs V I Loseby, N Matthews, T S McNeice, P Monk, S N Peall, T Prater, Mrs E J Sanger, R D Tillson and Mrs S L Wallace.

Abstentions: Councillor M J A Lyons.

RESOLVED:

2. ***That the Council authorises that planning permission be granted for the runway extension (Y0/1648/SH0 and the new terminal and car park (Y06/1647/SH) subject to completion of a suitable Section 106 legal agreement and planning conditions, the terms of which to be delegated to the Head of Planning Services to agree on the Council's behalf.***
3. ***That in the event that the terms of the Section 106 legal agreement and/or the planning conditions cannot be agreed by the Head of Planning Services, the details regarding the agreement and/or conditions be reported back to the Development Control Committee for further consideration.***
4. ***To inform the Government Office for the South East (GOSE) and Natural England of the Council's resolution to adopt the Appropriate Assessment as further amended and to grant both planning applications subject to the completion of a suitable Section 106 legal agreement and appropriate planning conditions.***

In reaching the decisions to grant planning applications, the Council considers that the proposed developments would not have an adverse impact on the integrity of the Dungeness to Pett Levels Special Protection Area or on the integrity of the Dungeness Special Area of Conservation. The Council are satisfied having considered all representations and the officer's report that there is no reasonable scientific doubt remaining that the planning applications would have any adverse impact on those designations. The Council also considers that the planning applications do not conflict with central government planning guidance and comply with the provisions the Shepway District Plan Local Plan Review and the South East Plan, in particular policies CO8, CO9, TR15, and SD1 of the Local Plan and policies NRM5 and CC1 of the South East Plan.

In coming to this decision, regard has been had to the following policies:

Shepway District Local Plan Review – SD1, BE1, BE2, BE16, U1a, U2, U4, U6, U9, U10, U10a, U15, TR2, TR5, TR6, TR8, TR9, TR11, TR12, TR13, TR15, CO1, CO4, CO5, CO8, CO9, CO10, CO11, CO12, CO13, CO14.

SD1, BE1, BE2, BE16, U1a, U2, U4, U6, U9, U10, U10a, U15, TR2, TR5, TR6, TR8, TR9, TR11, TR12, TR13, TR15, CO1, CO4, CO5, CO8, CO9, CO10, CO11, CO12, CO13, CO14

The South East Plan – BE6, CC1, CC2, CC4, CC7, PPS9, SP2, T1, T2, T5, T4, T8, T9, T14, NRM1, NRM4, NRM5, NRM7, NRM9, NRM10, NRM11, NRM12, W2 and M1

(Voting: For 27; Against 12; Abstentions 2)

For: Councillors H A Barker, Mrs K T Belcourt, R H C Bliss, G E Bunting, Miss S J Carey, A G Clifton-Holt, T Clifton-Holt, B W Copping, Ms V M Dawson, M J Dearden, A Dunning, A J Ewart-James, C Goddard, D R Godfrey, S W Hayward, R P Hill, Ms J M Holben, Mrs J D Hollingsbee, D S Johnson, R C Love, P S Martin, D D Monk, Mrs S E F Newlands, A North, W L Richardson, Mrs C J Waters and Mrs O Williams,

Against: Councillors Mrs L E Beaumont Miss P J Carr, P C Gane, S Lawrence, Mrs V I Loseby, N Matthews, T S McNeice, P Monk, T Prater, Mrs E J Sanger, R D Tillson and Mrs S L Wallace.

Abstentions: Councillors M J A Lyons and S N Peall.

There being no further business, the Chairman of the Council closed the meeting at 1.53am.

