

Town and Country Planning Act 1990

Applications by London Ashford Airport Ltd

APP/L2250/V/10/2131934 & APP/L2250/V/10/2131936

Site at London Ashford Airport Limited, Lydd, Romney Marsh, TN29 9QL

CPRE/102 - Comments on NPPF on behalf
of CPRE Protect Kent

London Ashford Airport Inquiry: Draft National Planning Policy Framework

In response to a letter (see attached) from Leanne Palmer at the Planning Inspectorate we have been invited to make any comments to the Inspector that we may have on the recently published draft of the National Planning Policy Framework (NPPF). The comments as submitted follow:

Firstly, the NPPF is currently in draft form for consultation purposes only. Consequently it is our view that it should only have limited weight in the consideration of the proposals for London Ashford Airport. Until it is finalised the currently agreed national planning policy remains extant, and this has been the basis of much of the evidence to the Inquiry.

We understand that the Government is aiming to finalise the NPPF before the end of the year. If this turns out to be the case, and a decision has not been made on the applications before it is finalised, the NPPF is likely to become an important consideration. If this looks likely, we consider that it would be appropriate for the Inspector or the Secretary of State (depending on the stage reached with the Inspector's Report) to seek the views of interested parties on the bearing of the NPPF on the proposals before a final decision is made. This may necessitate the re-opening of the Inquiry.

Secondly, the draft NPPF seeks a genuinely plan-led planning system (paragraph 19, first bullet point), which of course accords with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Consequently, irrespective of the stage reached with the NPPF the currently existing development plan – the South East Plan and the saved policies of the Shepway District Local Plan Review – remain the primary planning policy considerations. However, there may be issues about conformity of these plans with the NPPF that may need to be addressed. Again, this is a matter that would most appropriately be dealt with by further submissions or a further Inquiry session if the NPPF is finalised before a decision is made.

Thirdly, paragraph 87 of the draft NPPF is the only one that specifically relates to the planning of ports, airports and airfields. This advises that such developments will not be the subject of a separate national policy statement, but that consideration should be given to the NPPF; principles set out in the relevant national policy statements; and the Government Framework for UK Aviation. As things currently stand, the NPPF is only at draft stage, the Framework for UK Aviation is at scoping stage and the only relevant national policy statement on aviation is the 2003 White Paper (to be replaced by the new Framework for UK Aviation). This highlights the evolving nature of the national policy background to aviation developments, which is not particularly helpful in the consideration of the LAA applications. In particular we have already highlighted the Coalition's concerns with the 2003 White Paper as stated in the scoping report (CD5.36 – see paragraphs 2.1.1 to 2.1.10 of CPRE/01/D). Again, as things currently stand the existing national planning policy remains extant, but further views should be sought if the NPPF is finalised before a decision is made.

We would note, though, that paragraph 87 is included in the transport section of the draft NPPF meaning that aviation proposals first and foremost should be seen in that context. This accords with the approach taken in both the South East Plan and the Shepway Local Plan Review, where aviation policies are similarly included in the transportation sections of these plans. Whilst we accept that transport proposals help to facilitate economic growth, and it is economic growth that underpins the draft NPPF, we do not accept that anticipated job creation is the overriding consideration in determining these applications. As we have already stated, the proposed job growth as a result of the LAA proposals are modest (see CPRE/01/D). Economic considerations form just one component of sustainable development as explained in paragraph 10 of the draft NPPF.

Fourthly, as a core planning principle the second bullet point of paragraph 19 of the draft NPPF states:

“Decision-takers at every level should assume that the default answer to development proposals is “yes”, except where this would compromise the key sustainable development principles set out in this Framework.”

Also, the draft NPPF introduces ‘the presumption in favour of sustainable development’, which is seen as *“the golden thread running through both plan making and decision taking”* (paragraph 14). Consequently *“local planning authorities should plan positively for new development, and approve all individual proposals wherever possible”* (paragraph 14).

This may be taken by LAA as a positive change that supports the granting of planning permission, but it is clear that the default 'yes' response should be only where sustainability principles are not compromised. Paragraph 10 of the draft NPPF defines what the delivery of sustainable development means, and this includes "*planning for places (an environmental role).*" This component of sustainable development means that the planning system should be used to "*protect and enhance our natural, built and historic environment, to use natural resources prudently and to mitigate and adapt to climate change, including moving to a low-carbon economy*".

Additionally, elaborating on this, we would highlight the following parts of the draft NPPF:

- Paragraph 16: "*Development likely to have a significant effect on sites protected under the Birds and Habitats Directives would not be sustainable under the terms of the presumption in favour of sustainable development.*"
- Paragraph 19, 4th bullet point: "*in considering the future use of land, planning policies and decisions should take account of its environmental quality or potential quality regardless of its previous or existing use*"
- Paragraph 19, 8th bullet point: "*planning policies and decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*"
- Paragraph 83: "*Where practical, encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. The planning system should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.*"
- Paragraph 173: "*Planning policies and decisions should aim to:*
 - *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development*
 - *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions, while recognising that many developments will create some noise; and*
 - *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*"

These considerations are all important matters that contribute to ensuring sustainable development. They have all been raised in evidence to the inquiry in the context of existing national, regional and local planning policy, and the draft NPPF continues to recognise them as key components of sustainable development. Therefore, they will continue to be major considerations in determining the applications.



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Date:

APP/L2250/V/10/2131934

**Further appeal references at
foot of letter**

28 July 2011

Dear Ms Newport

**Town and Country Planning Act 1990 - Section 77 and Town and Country
Planning (Inquiries Procedure) (England) Rules 2000
Applications by London Ashford Airport Ltd
Site at London Ashford Airport Limited, Lydd, Romney Marsh, TN29 9QL**

The National Planning Policy Framework: Consultation Draft was issued on 25 July
(see hyperlink)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>

As such you are advised to examine this document and consider if any part of the
draft National Planning Policy Framework has a bearing on this appeal, particularly the
reasoning why and what weight you would attach to such draft policy changes.

You may bring this to the attention of the Inspector at your inquiry.

Yours sincerely

Leanne Palmer

Letter ID

Further appeal references:- APP/L2250/V/10/2131936

