

LAA/14/D

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

SECTION 77 TOWN AND COUNTRY PLANNING ACT 1990 – REFERENCE
OF APPLICATIONS TO THE SECRETARY OF STATE FOR COMMUNITIES
AND LOCAL GOVERNMENT

TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND)
RULES 2000

**REBUTTAL PROOF OF EVIDENCE OF SEAN MCGRATH
BA (HONS) MSC MRTPI**

PLANNING MATTERS

In respect of:

Planning Application Reference: Y06/1647/SH (New Terminal
Building)

Planning Application Reference: Y06/1648/SH (Runway
Extension)

relating to land at London Ashford Airport, Lydd, Romney Marsh,
Kent, TN29 9QL



**London Ashford Airport Limited
Rebuttal Proof of Evidence of
Sean McGrath - Planning**

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and APP/L2250/V/10/2131936

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June 2011

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1. Introduction

- 1.1. My name is Sean McGrath. Full details of my qualifications and experience are provided in my Proof of Evidence (LAA/14/A).
- 1.2. This Rebuttal Proof of Evidence responds to points made in Proofs of Evidence submitted on behalf of Lydd Airport Action Group (LAAG), Protect Kent CPRE (called CPRE hereafter) and Kent Wildlife Trust (KWT) in respect of planning policy matters.
- 1.3. This Rebuttal is not intended to be an exhaustive rebuttal of the Rule 6 Parties' Proofs of Evidence. It only deals with selected points where it is considered helpful to respond in writing at this stage. I do not repeat the evidence provided in my Proof of Evidence in response to points about which I disagree. I simply clarify some points or correct statements given in the evidence of Rule 6 Parties where appropriate. Where a specific point is not dealt with in this Rebuttal, this does not mean that these points are accepted. Other points will be addressed further at the Inquiry if necessary.
- 1.4. This Rebuttal also provides a response to relevant topics considered as specialist matters in my Proof of Evidence and identified as matters about which the Secretary of State particularly wishes to be informed. I confirm where such matters have already been addressed by means of a Statement of Common Ground between the Applicant and a Rule 6 Party. I do not comment in detail where other Rebuttal Proofs of Evidence prepared on behalf of the Applicant provide a detailed or technical response.
- 1.5. Since the opening of the Inquiry, significant progress has been made on reaching agreement on various matters which had previously constituted grounds for objection to the Applications. The areas of agreement have been set out in Statements of Common Ground and submitted to the Inquiry. The effect of this is that the range of matters that are, to date, unresolved have narrowed significantly.
- 1.6. This Rebuttal is structured as follows:
 - Section 2 – provides a response to evidence submitted on behalf of LAAG;
 - Section 3 – provides a response to evidence submitted on behalf of CPRE; and
 - Section 4 – provides a response to evidence submitted on behalf of KWT.
- 1.7. My appendix to this Rebuttal contains:
 - Correspondence from British Energy (EDF), dated 6 December 2010.

2. Proofs of Evidence on behalf of LAAG

Proof of Evidence of Louise Barton - LAAG/6/A Changes Since 1988-1992

The weight to be attached to the 1992 planning permission

- 2.1. Mrs Barton states at paragraph 1.2 that the purpose of LAAG/6/A is to demonstrate that the Secretary of State's 1992 decision to grant planning permission for the previous airport expansion (CD1.46) cannot be treated as a material factor in determining the current Applications. Mrs Barton states that this is due to the scale of change in the circumstances relevant to an expansion of capacity at the Airport since the 1988-1992 period.
- 2.2. This claim is not well-founded and the planning history of the site is clearly a material planning consideration in the determination of the Applications. Whilst the detail of that decision inevitably needs to be examined in light of any changes of circumstance that are material, many circumstances have not changed materially or changed in a way to alter the conclusions that were reached on many of the issues.
- 2.3. As to the changes relied upon by Mrs Barton, these appear to be the following:
- a change in the ownership of the Airport (FAL Holdings Ltd having acquired the Airport in May 2001);
 - operational changes at the Airport, including changes in the restrictions imposed around the Airport;
 - competition from other airports and non-aviation related travel;
 - the introduction of low cost operators;
 - declining passenger numbers;
 - increased protection for the natural environment; and
 - changes to the nuclear industry, the rise of terrorism and climate change.

She appears to contend that these are sufficient reasons to conclude that the 1992 decision is no longer material.

- 2.4. This assertion is plainly incorrect. The 1992 decision remains highly material notwithstanding certain changes that have occurred since then. As set out in Section 7 of my main Proof of Evidence (LAA/14/A), the Secretary of State considered the previous proposals in great detail. The issues he considered at the time of determination were similar to many the

matters being considered today as part of the current Applications. The key matters remain the same:

- the impact of expansion on the protected sites; and
- the economic benefits of expansion.

2.5. The changes highlighted by Mrs Barton have made little substantive difference to these key matters. The specific topics are dealt with in the evidence of others.

Representations from the Nuclear Industry

2.6. I consider that much of LAAG/6/A consists of LAAG's narrative and it does not comprise an objection or evidence relating to an objection to the Applications on planning policy grounds. Aspects of that narrative which Mrs Barton sets out in LAAG/6/A have been dealt with in detail by Louise Congdon in LAA/4/D. However, I would like to make one particular correction to Mrs Barton's assertion regarding the nuclear industry.

2.7. At paragraph 3.7.3, Mrs Barton asserts that:

"There has been a significant change in the response of the nuclear industry to the current planning application."

2.8. She states that the previous operator of the power stations, the Central Electricity Generating Board (CEGB), and the NII made no formal objection to the previous planning application.

2.9. Mrs Barton states that the current operator of Dungeness B, EDF/British Energy, oppose the Applications. She states that this is on crash damage safety grounds and concerns over the development jeopardising a planning application for Dungeness C. In my view, this misrepresents the position.

2.10. In their letter of 6 December 2010, EDF in fact confirm that:

"The basis of our concerns in relation to the above proposal is unchanged from the representations we made in December 2007.

The main reason for the objection is the focus on the very small increase in risk presented by the development.

We recognise the increased risk is extremely small and would not compromise our current or future activities at the site, however, as a nuclear operator we are duty bound to resist any increase in risk however small."

2.11. I attach a copy of EDF's letter at Appendix 1 of this Rebuttal. In short, EDF consider that the increased risk is extremely small, and that the Proposals will not compromise its existing and future operations at the site. Their objection is therefore not one based on any material

impact to their current or future activities at the site as they themselves make clear, and is consistent with the fact that EDF has not appeared at the Inquiry to give evidence or to substantiate an objection.

Proof of Evidence of Louise Barton - LAAG/7/A Need for Development

- 2.12. A detailed rebuttal of the claims made in the evidence in LAAG/7/A has been provided by Louise Congdon. I supplement this with the following additional points in writing.

Profitability of the Airport

- 2.13. Mrs Barton contends that Lydd and Manston airports are operating at a fraction of their respective capacities and are loss-making.
- 2.14. Mrs Barton contends that there is no case for the expansion of Lydd Airport based on need. Mrs Barton states that the planning application itself has been designed for a speculative development with the clear intention of minimising financial risk, by first allowing the Applicant to test the market with the extended runway before going ahead with the terminal.
- 2.15. The unfounded nature of these assertions has been dealt with by Louise Congdon in terms of the facts. But as a matter of principle, I would also add that whether the Airport makes a profit or not is not in fact a relevant planning issue and has no material relevance to the consideration of the Applications. In any event, the Applications seek to achieve significant efficiencies in the Airport's operations and commercial attractiveness which will reduce its loss-making, which is a sensible and legitimate commercial objective for any operator. Louise Congdon has explained how the Airport comprises one part of the Applicant's portfolio of business interests. The performance of the Airport in isolation is not the sole financial consideration of the Applicant.

Role of the runway extension in determining capacity

- 2.16. Mrs Barton claims that the existing runway length is not a limiting factor for the Airport's performance. Yet elsewhere in her evidence she appears to be contending that even with the increase in runway length, the runway will be a limiting factor. Leaving aside these contradictions in her evidence, the Applicant has presented expert evidence which demonstrates that the runway length is crucial to the ability of certain aircraft to take off with appropriate payloads. The proposed increase in runway length will allow aircraft to increase the number of passengers it is able to carry per aircraft movement, meaning a greater throughput of passengers at the Airport will be achieved without the need for a corresponding increase in aircraft movements.

Comparisons to Manston Airport

- 2.17. Various comparisons to Manston Airport are sought to be made by Mrs Barton in her evidence. These are misplaced. It is not the Applicant's case that the Airport will compete with Manston as dealt with in detail in the evidence of Louise Congdon. The evidence of

Louise Congdon (LAA/4/A) and Keith Sowerby (LAA/12/A) confirms that the catchment areas and roles of both Kent airports are complementary to each other.

Improving the quality of airport capacity in Kent

- 2.18. Mrs Barton appears to criticise the Applications for not compensating for shortfalls in the quality of airport capacity in Kent at paragraph 3.5 of LAAG/7/A. This objection is difficult to understand. The purpose of the Applications is not to address all shortfalls in the quality of airport capacity in Kent in its entirety. Clearly the scale of the proposed development could not achieve this. The Applications seek to improve the operations and efficiency of an existing airport facility in accordance with the Aviation White Paper which will inevitably improve the airport capacity of Kent using an existing airport location. This is beneficial for a number of reasons which have been explored in more detail elsewhere.

Proof of Evidence of Louise Barton - LAAG/8/A Economic Impact

- 2.19. A comprehensive response to the evidence provided in LAAG/8/A has been provided by Louise Congdon. I merely add the following additional miscellaneous points so far as they relate to my evidence.

Dungeness C

- 2.20. At paragraph 1.3A of her evidence, Mrs Barton claims that the expansion of the Airport poses a “major threat” to the construction of Dungeness C because the presence of a regional airport, or the prospect of one, could be deemed sufficiently hazardous to stop its construction. There is no evidence to support this claim. Indeed, the letter from EDF at Appendix 1 states that the proposals comprised in the Applications will not compromise future activities at Dungeness. This includes the potential to construct Dungeness C, should it ever come forward.
- 2.21. However, Dungeness C was in fact ruled out by the Secretary of State for Energy and Climate Change, Chris Huhne, in October 2010, when the revised draft National Policy Statement for Nuclear Power Generation was published. There is no existing basis for assuming that Dungeness C is a long-term future development for which land should be safeguarded. There is no evidence that development proposals for the Airport led to the Minister’s decision not to allocate Dungeness C.
- 2.22. Mrs Barton then makes the assertion that if the Airport fails to achieve 500,000ppa throughput and Dungeness C does not come forward, wealth in the area will be ‘permanently destroyed’. The two matters are not in fact linked. Dungeness C was not included in the revised draft National Policy Statement for Nuclear Power Generation. The proposals comprised in the Applications for the Airport were not the reason for the decision to dismiss Dungeness C as a potential site for new-build nuclear power facilities. The Airport will generate wealth and create employment in Kent. This will be a positive contribution. It is plainly wrong and unreasonable to suggest that because the Airport could not immediately

match or exceed the extent of employment currently provided at the Dungeness nuclear power stations now or in the future, the wealth of the area will be 'destroyed' as a result of the Applications. The only certainty in respect of the nuclear industry in this location is that Power Stations A and B will be decommissioned over time and that job losses will occur. The expansion of the Airport can help to reduce the impact of these job losses.

- 2.23. At paragraph 8.3.4 of her evidence, Mrs Barton states that development of the Airport could lead to a permanent loss of Dungeness as a new build site for a nuclear power station. This is pure unsubstantiated assertion and conjecture. There is no evidence to support this view and EDF has confirmed that it is not the case (see Appendix 1).
- 2.24. At section 8.5, Mrs Barton goes on to consider the impact of the "loss of Dungeness C". As I have already pointed out, it is speculation that Dungeness C would in fact come forward after 2025. This claim cannot be supported by any evidence and there are many factors which would influence such a decision. But the key factor that has been identified is the potential for environmental impact upon designated sites. Mrs Barton claims that a case could be made on the basis of an overriding national interest, but there is no evidence whatsoever to support this view. I do not consider that this view should be afforded any weight.

Profitability and demand

- 2.25. At paragraphs 1.16A-1.17A of her evidence, Mrs Barton contends that the Airport will struggle to achieve a passenger throughput of 500,000ppa, and even if these numbers are achieved the Airport will be unprofitable. Again, leaving aside the lack of substance to these claims as dealt with in the evidence of others, as a matter of planning principle it is unclear what Mrs Barton's concern is and what relevance it has to the Applications. It is self-evident that if the Airport does not achieve the anticipated levels of throughput that have been assessed, then any perceived negative impacts would be reduced and the concerns of LAAG reduced or possibly removed altogether. As I have already pointed out, the profitability of the Airport and whether or not the Airport actually achieves the maximum throughput of passengers sought by these Applications is not a planning matter. It is a commercial risk for the owner of the Airport.
- 2.26. At paragraph 1.18A of her evidence, Mrs Barton states that the Airport will be reliant on its second phase of development comprising two million ppa to achieve profitability. This is not the case as explained by Louise Congdon and no evidence is put forward to support this claim and it should be given no weight.
- 2.27. At paragraph 1.20 of her evidence, Mrs Barton states that there are strong existing indicators that there is little demand for services at the Airport, and that the Airport has failed to attract customers despite its heavy investment programme since 2001 and the increased marketing of its services. Again, no evidence is provided to support this claim and it should be given no weight and it has been dealt with by Louise Congdon.

Proof of Evidence of Louise Barton - LAAG/9/A Conformity to the Aviation White Paper

The Airport's Capacity

- 2.28. At Section 2.2 (page 5) and Section 3.1 of her evidence, Mrs Barton states that *The Future Development of Air Transport in the United Kingdom: South East Consultation Document* (CD8.8) identifies capacity of 125,000 ppa at the Airport. Her evidence appears to be that this represents a capacity ceiling for the Airport.
- 2.29. This matter has been dealt with in detail in the rebuttal evidence of Louise Congdon (LAA/4/E). Louise Congdon confirms that the 125,000 ppa figure does not represent the Government's assessment of the acceptable level of capacity that could be supported at the Airport, but an assessment by the Government's consultants in 2001 as to the level of demand the Airport might be able to attract. Louise Congdon confirms that the figure was used by Government to confirm the level of contribution the Airport might make in the context of determining whether smaller regional airports could, in aggregate, make sufficient contribution that there was no need for an additional runway capacity at the main London Airports.

White Paper Policy for Small Airports

- 2.30. I consider that Mrs Barton has been selective in her quoting from the White Paper in Section 2 of LAAG/9/A. Mrs Barton implies there is no indication in the White Paper that represents relevant policy regarding development at Southend, Lydd and Manston airports. I consider this to be incorrect.

- 2.31. In relation to the Airport, the White Paper states at paragraph 11.98 that:

"The operators of Southend, Lydd and Manston argue that their airports could grow substantially and each has plans for development. The potential of other airports, including, Shoreham, and Biggin Hill, should also not be overlooked".

- 2.32. However, paragraph 11.99 also goes on to state that:

"We consider that all these airports could play a valuable role in meeting local demand and could contribute to regional economic development. In principle, we would support their development, subject to relevant environmental considerations".

- 2.33. This is a clear expression that there is in-principle Government support for development at these airports, subject to the requirements of relevant environmental considerations.

Little Cheyne Court Wind Farm Decision

- 2.34. Mrs Barton asserts at (the second) Section 3 ‘Case Observations’, that the Secretary of State dismissed policy support for the Airport’s expansion in the White Paper due to its weakness. This is not correct. The Secretary of State did not make any reference to the White Paper in his decision issued in October 18th 2005 to grant planning permission for the Little Cheyne Court Wind Farm (CD9.23.a) and had no need to do so.
- 2.35. The Inspector’s report, at paragraph 488 (CD9.23.b) did refer to the White Paper. But the context in which the Inspector at the Wind Farm Inquiry referred to the White Paper is important. The issue that was being debated at the time related not to Government’s policy support for the expansion for the Airport, but to the timing and delivery of the expansion plans and the installation of a radar system.
- 2.36. The Inspector concluded at paragraph 492 of his report that:

“as and when any radar system is installed, I am confident that a variety of technical and procedural fixes exist, proven elsewhere, which would be available to draw on to overcome any difficulties experienced. LAA’s expansion proposals face a number of hurdles before they can be realised. But I see no fundamental incompatibility between the scope of that development and the construction and operation of a wind farm at Little Cheyne Court.”

Therefore it is incorrect to suggest that the Inspector dismissed policy support for the expansion of the Airport.

Coventry Airport Terminal decision

- 2.37. Mrs Barton also refers to the Secretary of State’s decision in relation to the new terminal at Coventry Airport (LAAG.9.B, Appendix 2). However, this decision confirms the White Paper’s position that the starting point for the consideration of the expansion of airports is to make the best use of existing airport capacity.

Best use of Existing Capacity

- 2.38. I consider that the proposals comprised in the Applications, particularly the runway extension, will allow the Applicant to make the best use of the Airport’s capacity. This view is shared in the evidence of Louise Congdon (LAA/4/A). Paragraph 2.11 of the White Paper states:

“A sustainable approach entails first making better use of existing infrastructure, wherever possible, and this has been a primary consideration in developing our conclusions”.

- 2.39. Paragraph 2.18 of the White Paper also confirms that the approach is to minimise the need for airport development in new locations by making best use of existing airports where

possible. Paragraph 1.4 states that the White Paper does not preclude any particular development, which could include a new terminal building and runway extension, but sets out policies which will inform and guide the consideration of specific planning applications.

- 2.40. At Section 2.0 on page 3, Mrs Barton states that the overarching premise of the White Paper is that best use must be made of existing airport capacity. Mrs Barton appears to be of the view that making best use of existing airport capacity is the same as making the maximum use. In my view, best use must be read in the context of best meeting demand in terms of attracting airlines to operate services. This is what the proposals comprised in the Applications would achieve.
- 2.41. Mrs Barton asserts at paragraphs 3.1 and 4.0 of her evidence that excess capacity at the Airport and at Manston means that development at the Airport would not accord with the White Paper as the Airport is not making the most of its existing infrastructure capacity. This is incorrect.
- 2.42. The restricted length of the existing runway means that the best use cannot be made of the existing Airport. I consider that if the runway is extended, it will be possible to make better use of existing Airport capacity, in accordance with the aims and objectives of the White Paper.

3. Proofs of Evidence on behalf of CPRE

Proof of Evidence of Brian Lloyd (CPRE/01/A)

Weight of the 2003 Aviation White Paper

- 3.1. Mr Lloyd acknowledges that the Aviation White Paper ‘The Future of Air Transport’ (CD5.24) is the most recent Government policy on aviation and informs and guides the consideration of specific planning applications (paragraph 3.2). However, at paragraph 3.9 of his evidence, Mr Lloyd claims that there have been three ‘significant changes’ since the Aviation White Paper was published in 2003. He states that these are:
- The Climate Change Act of 2008, which sets legally binding targets for emissions;
 - The economic recession; and
 - The new coalition Government.
- 3.2. He states that these changes ‘*significantly diminish the weight that should be given to the White Paper in this Inquiry*’.
- 3.3. I disagree with this. The implications of the Heathrow Judgement and the Climate Change Act are addressed in detail in the rebuttal evidence of Louise Congdon (LAA/4/D) and the evidence of Stuart Coventry (LAA/11/A). I do not add to the points made in this evidence here, but confirm that, in my view, the Climate Change Act does not diminish the support which the White Paper gives to the provision of additional capacity at regional airports.
- 3.4. The effects of the recession are dealt with in Louise Congdon’s rebuttal evidence (LAA/4/D). I agree with Louise Congdon’s assessment that the current recession does not in itself remove or undermine the support which is given to increasing the capacity of airports such as the Airport in meeting a greater proportion of demand for air travel locally.
- 3.5. Louise Congdon also deals with Coalition policies in her rebuttal (LAA/4/D). I agree with her view that the most recent statements from Ministers confirm their support for the expansion of regional airports.
- 3.6. In my view, the speech by the Minister of State for Transport, the Rt. Hon. Theresa Villiers to The Transport Times ‘A New Strategy for Aviation’ Conference, summarises the Coalition’s policy position. Ms Villiers confirmed that “*it is important that we have a policy framework that allows the aviation industry to flourish in a competitive global environment*”.

3.7. She continues:

“in light of the decision to reject new runways at the South East’s three biggest airports, it has become more important (my emphasis) than ever to ensure that we make the best use of the capacity we have. We need to improve our airports and improve the quality of the passenger experience within those capacity constraints”.

3.8. In relation to regional airports, Ms Villiers confirms that:

“they make a vital contribution to local economies. A key part of our approach to aviation is to seek to create the right conditions for regional airports to flourish. I believe that they also have the potential to help relieve overcrowding in the South East. So it is important that the work of the South East Airports Taskforce benefits the wider industry”.

3.9. She confirms that a key element of the South East Airports Taskforce is to look:

“at ways to make better use of existing capacity both inside and outside the terminal” and comments that “this could involve improving the flow of passengers through the airport or changing the scheduling and movement of aircraft on the ground”.

3.10. The Secretary of State for Transport, the Rt. Hon Philip Hammond in a speech to the Airport Operators’ Association (CD8.13) confirmed that:

“We recognise the vital importance of Britain’s regional airports in supporting the economies of areas outside London. Wherever they are located, all our airports matter”.

3.11. In short, there is no basis to assume that the Coalition Government diminishes the weight that should be given to the White Paper. It is clear to me that it should continue to be afforded significant weight.

Best Use of Existing Capacity

3.12. At paragraph 3.13 of his evidence, Mr Lloyd asserts that the existing potential capacity at the Airport is not being used and that emerging Government policy confirms that the priority should be to maximise this potential before any consideration is given to expansion.

3.13. The Applications seek to maximise the potential of the existing Airport in the short term and allow for some expansion in the medium to long term. At present, the only practical restriction on the number of flights from the Airport is the capacity of the existing 1950s terminal building. The existing terminal building is designed to be capable of processing up to 300,000ppa, but in reality current capacity is limited to approximately 200,000ppa. This is

explained in detail in the evidence of Louise Congdon (LAA/4/A). Louise Congdon's evidence highlights the need for the proposed new terminal building and the extension.

- 3.14. The Coalition Government's policy aims for regional airports in the South East remain as expressed in the White Paper. The principle of ensuring the best use of existing infrastructure at existing regional airports has been reconfirmed in a speech by the Rt. Hon. Theresa Villiers MP as recently as January 2011. This speech provided an insight into the Coalition Government's vision for aviation in the UK. I do not consider this reduces or removes the policy effect of the White Paper for the purpose of present-day decision making.
- 3.15. I consider that extending the runway would accord with the White Paper policy to secure the best use of existing capacity at the Airport as it would allow the restricted length of the existing runway, which is the obstacle to effective use of the Airport, to be overcome.

Non-related development

- 3.16. At paragraph 3.17 of his evidence, Mr Lloyd states that airports attract a range of related and non-related development. He goes on to state that although such related and non-related development is not specifically proposed at the Airport:

“regard needs to be given to the potential for this to happen and whether or not this is a suitable location for such development to occur on the back of a much expanded airport”.

- 3.17. I disagree that any consideration should be given to whether or not other related or non-related development is promoted at the Airport at this Inquiry. If other development is proposed in the future, it will be assessed on its merits at that time. It is not part of this development and it cannot be brought into consideration at this Inquiry.

KCC Documents

- 3.18. Mr Lloyd makes reference to three documents which he says do not make reference to the expansion of the Airport (paragraphs 3.40 - 3.45 of CPRE/01/A). These are:

- 21st Century Kent – a blue print for the County's future;
- The East Kent Sustainable Community Plan; and
- The Joint Kent and Greater Essex Proposals for a Local Enterprise Partnership.

- 3.19. However, these are not planning policy documents. They are long-term strategic vision documents, produced by partnerships whose key priorities are achieving economic development and sustainable communities. These documents have a role in setting a framework for the matters with which they are concerned. They do not comprise part of the relevant development plan or material considerations of significant weight for the determination of the Applications.

- 3.20. Even if they were relevant in this regard, I do not agree with Mr Lloyd's interpretation of them. Mr Lloyd appears to be of the view that setting out explicit support for Manston equates to an automatic lack of support for the expansion of the Airport. This is not the case. Lack of references to the Airport cannot be interpreted as any form of in-principle objection to the Applications. Both SDC and Kent County Council participated in the preparation of these documents and both have expressed support for the Applications. Indeed, the fact that the Airport does not feature heavily in these documents is more consistent with the view that that the scale of proposed development is, within the wider context of the Sub-Region, considered modest.
- 3.21. In any event, it is incorrect for Mr Lloyd to say that there is no coverage of the Airport in these documents. For example, paragraph 1.1.4 of the East Kent Sustainable Communities Plan states:
- “further travel choices are presented through East Kent's two underused airports – Kent International Airport at Manston and London Ashford Airport at Lydd. Both sites have the potential for significant expansion and are actively seeking to grow”.*
- 3.22. 21st Century Kent highlights the potential to link Ashford International Station with Manston Airport. Mr Lloyd mentions that an airport check-in facility can be provided at Ashford. Lydd Airport is in fact closer to Ashford than Manston. The linkage by road between Ashford and the Airport is better. I can see no reason, in principle, why in the future should an airport check-in facility be provided at Ashford International Station, it could not also service flights leaving from the Airport.
- 3.23. On the broader point on the relationship between Manston and Lydd, this is dealt with in Louise Congdon's Proof of Evidence and again in her Rebuttal Evidence. I concur with the views expressed by Louise Congdon in these documents.

The Development Plan

- 3.24. Mr Lloyd quotes saved Policy TR15 from the Shepway District Local Plan Review which was adopted in March 2006 (CD7.5) at paragraph 3.49 of his evidence. Mr Lloyd states that this Policy's support for expansion at Lydd is in part a reflection of the proposals in the Kent Structure Plan that was in force at the time the Local Plan was being prepared (paragraph 3.50). This was the 1996 Kent Structure Plan, which was adopted in 1996.
- 3.25. Mr Lloyd asserts at paragraph 3.51 that if Policy TR15 is given weight, the operators would be seeking to create a regional airport, and this would be contrary to the intention of the Policy as explained in the supporting text. There is no justification for this interpretation.
- 3.26. He also asserts that the support for expansion of the Airport as advocated in Policy TR15 of the 2006 Local Plan should be given limited weight because the 2006 Local Plan was

prepared to be in conformity with 'an old' Structure Plan (i.e. the 1996 Kent Structure Plan), and that this plan was superseded by the Kent and Medway Structure Plan in 2006.

- 3.27. Mr Lloyd is correct in accepting that the 1996 Kent Structure Plan provides support for the expansion of the Airport and that the 2006 Local Plan was in conformity with the policies of the 1996 Kent Structure Plan. However, he is wrong in seeking to diminish the policy significance of this. The Local Plan allocation arises as a result of a well-established, long-standing history of policy support for the principle of expansion at the Airport at local plan making level. Consultation Draft Local Plan documents dating from 1992 provided support for the expansion of the Airport.
- 3.28. This support for the expansion of the Airport was continued to be expressed in the 2006 Kent and Medway Structure Plan, and is now in the 2009 South East Plan. The South East Plan currently remains part of the relevant development plan for the Applications. The Court of Appeal has ruled that the Government's proposal to abolish Regional Spatial Strategies (RSSs) is capable of being a material consideration for decision-making purposes. It was acknowledged that it would be unusual to give weight to the intention to abolish RSSs as a material consideration, as the RSS forms part of the development plan that must be considered by decision-makers. However, decision-makers have the flexibility to consider any other material considerations and there will be a minority of cases where the abolition of RSSs will be relevant and given weight. I do not consider that the Applications represent such a case.
- 3.29. The 2006 Kent and Medway Structure Plan no longer forms a part of the statutory development plan. It is, however, correctly agreed between the Applicant and SDC that the 2006 Structure Plan forms a relevant piece of background policy for the Applications and is a material consideration in the determination of the Applications. The 2006 Kent and Medway Structure Plan provided support for the expansion of the Airport. It was subject to substantial consultation and drafted in full understanding of the various environmental designations relevant to the Airport and it reflected a previous history of support.
- 3.30. In addition to the consistent line of policy that I have dealt with above, it can be seen that the principle of support for development at the Airport subject to environmental considerations was addressed at the public local inquiry for the Local Plan, held in 2003. The Inspector's report for the 2006 Local Plan (dated June 2004) states in relation to Lydd:

"The site is constrained by nature conservation and landscape designations and any proposals for expansion beyond the present boundary would have to be weighed against these important factors (11.1.56).

I consider that Policy TR14 [now Policy TR15] and its reasoned justification safeguard the Airport, and support Airport expansion subject

to certain criteria. The additional wording to paragraph 11.40 of the RDD would ensure that the impact on flying activities of development near the Airport would be taken into account (11.1.57).

The effect of Airport development on nature conservation interests would be fully taken into account under Policy SD1 and under Countryside policies of the Plan. The environmental importance of the area is also referred to in paragraphs 11.39 and 11.40 and does not need to be repeated in Policy TR18 (11.1.60).

RECOMMENDATION: No modification to Policy TR14 or to paragraph 11.40 (11.1.61)."

- 3.31. Mr Lloyd appears to suggest that the 2006 Kent and Medway Structure Plan did not continue the history of support for the expansion of the Airport. Such a suggestion is incorrect, as it clearly does. Whilst a greater range of assessment criteria are articulated, the 2006 Kent and Medway Structure Plan states in terms at Policy TP25: Lydd Airport that "the expansion of aviation at Lydd Airport will be supported".
- 3.32. In short, Mr Lloyd is right that the 2006 adopted Local Plan had to be in conformity with the 1996 Kent Structure Plan, as a development plan would have to be in conformity with the Regional Strategy that replaced the Structure Plan tier of policy. But this does not diminish the weight that should be afforded to Policy TR15. Policy TR15 was drafted in the context of a long and consistent history of support for the expansion of the Airport, and in the context of the emerging 2006 Kent and Medway Structure Plan which continued to support the expansion of the Airport. Policy TR15 should be afforded significant weight in the determination of these Applications.

Shepway District Core Strategy

- 3.33. At paragraph 3.52 of his evidence, Mr Lloyd claims that SDC's 'most up to date position on Lydd' is expressed in the Preferred Options document of its Core Strategy. That is obviously not the case. SDC's most up to date and comprehensive position on the Airport is expressed in its decision to grant planning permission for the Applications at the Committee in March 2010. Moreover, this was at a time when there were a number of objections being expressed or pursued against the Applications which have since fallen away or been resolved. It follows that the support by SDC for the Proposals could only be the stronger for the development now.
- 3.34. It is also important to deal with the weight to be attached to the emerging Shepway Core Strategy. SDC has only reached Preferred Options stage for its Core Strategy. It is expected that the next stage, the Submission Version, will be submitted to the Secretary of State for consideration in Autumn 2011. The Core Strategy has therefore clearly not advanced to a stage where its policies supersede the saved policies of the adopted Local Plan.

- 3.35. Until the Core Strategy has reached a submission draft and been scrutinised by an Inspector at Examination in Public, I consider that limited weight can be attached to its policies in principle. This is the agreed position between the Applicants and SDC, and is confirmed in CD4.1.
- 3.36. However, I also disagree with the suggestion that the Proposals are not in accordance with the emerging Core Strategy policies anyway. As set out in detail in the evidence of others, the development proposals will in fact result in a greater emphasis on conserving, enhancing and managing the environment and the landscape and detailed consideration has been given to these issues in formulating and developing the Proposals.

Impact on Tranquillity and Quality of Life

- 3.37. Mr Lloyd claims at paragraph 4.6 that he is going to set out the planning policy context for CPRE's evidence on tranquillity and quality of life. However, he in fact goes on to cite sections of Government guidance, rather than planning policy.
- 3.38. At paragraph 4.7 Mr Lloyd refers to the Rural White Paper – 'Our Countryside: The Future'. Mr Lloyd gives the impression that the Rural White Paper seeks to promote tranquillity at the expense of providing for economic prosperity. I disagree that this is the aim of the guidance. In my view, the Rural White Paper seeks to strike a balance between protecting the countryside and providing for economic prosperity, including providing for housing and jobs.
- 3.39. At paragraph 4.11 Mr Lloyd states that it is clear from the Rural White Paper that tranquillity is recognised as an intrinsic part of the character of the countryside. He states that tranquillity is an aspect of the countryside that contributes to: peoples' enjoyment of the countryside; peoples' physical and mental health; and to the local rural economy. This is not an accurate summary. Although the Rural White Paper refers to the fact that tranquillity is a less tangible feature of the countryside, and that it should be promoted, it does not link it to people's physical and mental health and the rural economy as claimed. Mr Lloyd refers to paragraph 11.1.1 of the Rural White Paper, but this identifies that the countryside is a *recreational* asset, that recreation can improve mental and physical health and that revenue from millions of visitors is an important component of the economy of rural England.
- 3.40. Mr Lloyd states at paragraph 4.11 that the countryside around the Airport is particularly tranquil. His notion of tranquillity is not here defined. I agree with the evidence of Clive Self that in so far as it possible to ascertain the way in which this term is being used, the area around the Airport is not particularly tranquil. There is already existing activity associated with the Airport and there will continue to be such activity in the future, with increases in aviation activity even if the development were not to be granted planning permission. Urban development is already readily visible in the local area. There are two active military firing ranges and the presence of the Dungeness power stations and its associated powerlines cannot be ignored.

3.41. At paragraph 4.12 Mr Lloyd refers to paragraph 5 of PPS1. He goes on to state at paragraph 4.13 that it is clear from PPS1 that the impact on quality of life is an important planning consideration in securing sustainable development. He states that all of the five objectives listed at paragraph 5 of PPS1 have equal weighting and all need to be taken account in assessing planning applications. He states that: *“the first bullet point is clear that development should improve people’s quality of life”*.

3.42. Again, his summary of the policy is not accurate. Paragraph 5 of PPS1 and the first bullet point state that:

“Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- *Making suitable land available for development in line with economic, social and environmental objectives to improve people’s quality of life.”*

3.43. The bullet point makes clear that the focus is in making suitable land available for development in line with necessary economic, social and environmental objectives to improve people’s quality of life. In my view, that includes provision of appropriate infrastructure and use of existing airports to enable people to travel to their chosen destinations without necessarily having to travel out of their regions, as well as promoting and fostering the local economy and job creation through an existing aviation asset. The proposed development at the Airport is clearly in accordance with this bullet point. The Airport is suitable for development and has been allocated for development in line with economic, social and environmental objectives, where the environmental and amenity implications of the development are fully addressed in the detail of the application. This development complies with the first bullet point of paragraph 5.

3.44. Mr Lloyd goes on to refer to PPS4 (CD6.3) and PPS7 (CD6.4a). However, neither Policy Statement mentions ‘tranquillity’, or its intrinsic value in the countryside in the way he suggests or represents policy which can be interpreted as being in conflict with the proposed development.

3.45. At paragraph 4.27 Mr Lloyd refers to the South East Plan (CD7.1) and he states at paragraph 4.28 that the issue of tranquillity is specifically highlighted in paragraph 11.2. This again fails to give the relevant context in which tranquillity is raised. In paragraph 11.2, the economic value of the countryside is recognised through the jobs it creates, the visitors it attracts and by helping the Region retain and attract high value employees and businesses.

3.46. At paragraph 4.30 of his evidence Mr Lloyd refers to paragraph 18.10 of the South East Plan. This part of the South East Plan does not refer to tranquillity of East Kent and Ashford, but it does state that the opportunities for increased international linkages and the economic strengths of the sub-region should be ‘exploited’, provided they do not cause unacceptable

harm to the environment. It is clear that proposals at the Airport will increase international linkages and improve the economic strength of the sub-region, and the expansion will not cause unacceptable harm to the environment, as is explored in more detail in the evidence of my colleagues.

- 3.47. At paragraph 4.32 of his evidence Mr Lloyd refers to the Shepway Local Plan (CD7.5) in seeking to make points about tranquillity. However the Plan makes no reference to tranquillity as being part of the character of Shepway.
- 3.48. At paragraph 4.37 Mr Lloyd asserts that the proposals to expand the Airport will cause a loss of tranquillity that is a distinctive part of the character and quality of the area around the Airport. As I have pointed out, however, the Local Plan does not mention tranquillity as being a part of the character of the areas designated around it. In any event I agree with Clive Self in his evidence (LAA/10/A) regarding the issue of the effect on the character and quality of the area and issues of tranquillity.
- 3.49. Mr Lloyd appears to suggest that impact on “tranquillity” is a planning policy test in itself. To this end, he claims that the South East Plan specifically identifies the enjoyment of tranquillity as contributing to quality of life. Whilst the word ‘tranquillity’ is used in the supporting text to Countryside and Landscape Management policies of the South East Plan, the concept of ‘tranquillity’ does not appear in any of the policies as a formal planning policy test. As to Mr Lloyd’s other assertions that the Applications would lead to a reduction in the quality of life of surrounding communities, I strongly disagree. Evidence put forward by the Applicant has shown that, based on the wide range of relevant tests and assessments, the Applications will not have any significant adverse impact on the surrounding community and will in fact only serve to enhance the quality of life by increasing the ability to travel and the creation of important jobs in the area. I therefore do not consider there is any basis for suggesting that the grant of planning permission for the Applications would reduce the quality of life around the Airport. Nor is there any basis for refusing the Applications on the grounds of being contrary to planning policy relating to tranquillity. No such planning policy test exists and the Proposals are not materially harmful in this respect in any event.

Greenhouse Gas Emissions and Climate Change

- 3.50. Issues concerning greenhouse gas emissions and climate change by Mr Lloyd are addressed in the evidence of Stuart Coventry (LAA/11/A and LAA/11/E) which CPRE did not choose to question orally at the Inquiry.
- 3.51. I note, however, that Mr Lloyd refers to the Supplement to PPS1: Planning and Climate Change (CD6.2). At paragraph 4.41, Mr Lloyd claims that where a development plan has not been kept up to date to reflect national policy, local authorities should make decisions in accordance with the Supplement to PPS1 and consistent with its key planning objectives. He goes on to assert that:

“where proposals are not consistent, and it is not practicable to amend proposals to make them acceptable, considerations should be given to refusal of permission.”

- 3.52. Mr Lloyd goes on to say that, given that the Shepway District Plan Review 2006 pre-dates the Supplement to PPS1 and that SDC’s Core Strategy is still under preparation, the decision needs to be made in accordance with the Supplement to PPS1.
- 3.53. In fact, this is not an accurate summary. Paragraph 39 of the Supplement states that planning authorities should ensure proposed development is consistent with policies in the PPS, and:

‘Where proposals are inconsistent with the Key Planning Objectives set out in this PPS, consideration should be given to how proposals could be amended to make them acceptable or, where this is not practicable, to whether planning permission should be refused.’

- 3.54. The Proposals are consistent with the Key Planning Objectives set out in the Supplement to PPS1 for the reasons set out in my Proof of Evidence (LAA/14/A) and in the evidence of others on behalf of LAA.

High Speed 2

- 3.55. Mr Lloyd asserts (at paragraph 3.47, and elsewhere), that because High Speed 1 rail services are now operational across Kent, the case for the expansion of the Airport is undermined. He implies that because the Coalition Government supports the establishment of a high speed national rail network that this somehow reduces the need to increase airport capacity in the South East. Louise Congdon has already demonstrated the fallacy in this claim and the different travel demands that are being met by these different services. Consistent with relevant policy, the Applications seek to make better use of existing airport capacity. The air and rail travel services are complementary to each other. The Coalition Governments’ commitment to improve rail services plainly does not mean that improvements to other transport choices are not required, particularly where other transport choices are shown to be supported by the Government.

Proof of Evidence of Graeme Willis (CPRE/02/A)

- 3.56. Clive Self has responded comprehensively to Mr Willis’ evidence regarding tranquillity. In planning policy terms I note, however, that Mr Willis expressed “disappointment” that the Applicant did not address tranquillity in the sense that CPRE would have wished in the planning application documents. This is artificial. All of the factors that are in fact relevant to a wider concept of tranquillity as apparently understood by CPRE have been extensively considered in detail in the Applications and in the evidence to this Inquiry (including matters such as landscape and noise). A more generalised concept of impact upon ‘tranquillity’ does

not represent a planning policy test at the national, regional or local level.

- 3.57. Mr Willis also claims that there is widespread and growing agreement as to the importance of tranquillity in public policy and acceptance of the value of the CPRE's national tranquillity map and data. I do not consider that this is the case. There is no policy test assessing impact on tranquillity, and CPRE's national tranquillity map has no status in the planning system relevant to this development.

Proof of Evidence of Nick Levinson (CPRE/03/A)

- 3.58. Again, the evidence of Mr Levinson has been responded to by Mr Self and others in more detail. But as far as planning policy is concerned, I note that Mr Levinson claims at paragraph 4.1 that there exists 'a narrow-sighted view that the Marsh is an empty area ripe for development'. This statement is made without reference to the established policy framework for this area and the fundamental principle of the plan-led approach to development control. The Airport is an allocated development site in the adopted Local Plan and it has a long history of support from policy and decision makers for its expansion, subject to environmental considerations. I consider that its expansion is consistent with current planning policy and it is not "narrow-sighted" as appears to be suggested.

Proof of Evidence of Cllr. Valerie Loseby (CPRE/04/A)

- 3.59. Mrs Loseby has submitted evidence on the effects of the Applications on 'Quality of Life'.
- 3.60. At paragraph 2.1 of her proof, Mrs Loseby makes comments in response to landscape matters. The evidence of Clive Self sets out in detail the Applicant's evidence on landscape matters. I agree with Clive Self's conclusions that the Proposals will not result in any material harm to either the character or quality of the surrounding landscape.
- 3.61. Mrs Loseby makes various comments in relation to her understanding of noise disturbance impacts as a result of the Applications. The evidence of Richard Perkins comprehensively deals with noise matters. I agree with Richard Perkins' conclusions that the noise impact of the proposals comprised in the Applications would be of minor significance and acceptable. I do not consider that there is a justifiable basis for refusing planning permission for the Applications on noise grounds.
- 3.62. Mrs Loseby asserts that the Applications will generate air pollution and negatively impact peoples' health. The evidence of Bethan Tuckett-Jones addresses air quality matters. Bethan Tuckett-Jones reported on the potential impacts of the Applications on air quality and their potential human health effects in detail in the Environmental Statements that accompanied the Applications. This demonstrated that the potential impacts of the Applications on health are negligible and that the modelling undertaken for the air quality assessments was robust. No objections to the Applications have been raised in relation to

- human health effects resulting from air quality impacts. It is therefore not considered further in evidence.
- 3.63. Mrs Loseby asserts at paragraph 2.9 that she is concerned about the impact of further lighting at the Airport as it will disturb local residents and damage the night-time character of the area.
- 3.64. There are already significant sources of light in the environs surrounding the Airport from adjoining residential areas and from the Dungeness Nuclear Power Stations. Against this general context, the lighting assessment submitted in support of the Applications concluded that together with the correct adoption of mitigation measures, the impact of the proposed expansion to 300,000ppa and 500,000ppa would not significantly affect the ambient level of light conditions in the surrounding environs.
- 3.65. Furthermore, the existing external lighting associated with the Airport buildings is also proposed to be improved as part of the proposed development. As the Airport is not intending to operate any flights during the night time (2300 - 0700 hrs), the Airport will not be utilising the runway and approach lighting during these hours (except for an emergency or military/Government reasons). In addition, the Applicant states that floodlighting would only be used as and when required for security and health and safety purposes.
- 3.66. This matter is dealt with in the officer's report to planning committee (CD1.51). The Environmental Health Officer's comments include that the design of the proposed lighting scheme has taken into account environmental concerns, along with ensuring functional requirements and that health and safety issues are not compromised. Full details of the mitigation strategy for each area of the Airport have been considered and the report concludes the impact from lighting will be negligible with respect to residents. The Environmental Health Officer concurs with these conclusions and recommends that the submission of the lighting strategy is covered by planning condition to ensure the outcome of the development meets the results concluded in the report.. The Applicant and SDC are discussing appropriate conditions with regard to lighting.
- 3.67. At paragraph 2.11, Mrs Loseby comments on SDC's handling of the Applications. The Applicant's response to this matter is the subject of a separate submission to the Inquiry (LAA/109).

Proof of Evidence of Cllr. Roger Joynes

- 3.68. Mr Joynes makes assertions in relation to landscape, noise and air quality. Again, I support the conclusions of the evidence submitted to the Inquiry by Clive Self, Richard Perkins and Bethan Tuckett-Jones.
- 3.69. At paragraph 2.5, Mr Joynes states that he is concerned about the ability of the Applicant to operate night flying, particularly freight. I consider that it is a material consideration that the

Airport currently has a license to operate 24 hours, but that the Applicant is prepared to restrict night time flying between 23:00 –07:00. This restriction will not apply to anytime night time operations required for emergency and governmental reasons. This restriction is a significant concession on the part of the Airport and demonstrates willingness to minimise noise in the local area in the event of the grant of planning permission for the Applications.

Proof of Evidence of Paul Black (CPRE/04/C)

- 3.70. Mr Black's evidence is focused on his assertion of the impacts of the Applications on the pupils and staff of Greatstone Primary School. Many of the comments relate to noise and air quality. I revert to the evidence of Richard Perkins and Bethan Tuckett-Jones.
- 3.71. At paragraph 3.3.6, Mr Black states that neither the Applicant nor SDC has contacted the school in order to discuss its concerns. Dialogue between the Applicant, SDC and the school is currently underway. The purpose of this is to inform planning conditions and the s106 agreement and a separate submission to the Inquiry on this matter will be made.
- 3.72. At paragraph 3.3.8, Mr Black states that the Applications will threaten 60 direct jobs. No evidence is put forward to support this claim and I do not consider that this statement can be substantiated.

Proof of Evidence of Gareth Thomas (CPRE/05/A)

- 3.73. At paragraph 8.4 of his evidence Mr Thomas asserts that the bus service between Ashford and the Airport will not be viable. This is pure assertion and I do not agree with it. In any event, the delivery and maintenance of a bus service will be controlled through the s106 legal agreement.

Proof of Evidence of Sean Furey (CPRE/07/A)

- 3.74. The issue of flood risk has already been dealt with comprehensively at the Inquiry, but I note that Mr Furey asserts that it is CPRE's view that assessment of flood risk submitted for the planning applications for the runway extension and new terminal building is inadequate and is out-of-date, as is the advice received from the Environment Agency in 2006.
- 3.75. An updated Flood Risk Assessment was prepared on behalf of the Applicant. The evidence of Christopher Mead has addressed flooding matters in detail and responded to the points raised by CPRE. The updated Flood Risk Assessment is compliant with the requirements of PPS25. A Statement of Common Ground addressing this matter was signed between the Applicant and CPRE on 22 March 2011.
- 3.76. Mr Furey also claimed that the 2003 Aviation White Paper is out-dated and he implied little weight should be given to it. I do not agree for the reasons I have already given.

Proof of Evidence of Geoff Meaden (CPRE/09/A)

Mr Meaden stated that all the source information reviewed in this Flood Risk Assessment Report would need to be reviewed and revised. The updated Flood Risk Assessment addresses the concerns raised by CPRE and satisfies the requirements of PPS25. The evidence of Mr Mead addresses these matters in detail. As noted above, a Statement of Common Ground of this matter was signed between the Applicant and CPRE on 22 March 2011.

4. Proofs of Evidence on behalf of KWT

Proofs of Evidence of Richard Moyse KWT/3/A, KWT 3/D and KWT3/F

Key Planning Policy Requirements

- 4.1. Mr Moyse makes comments on planning policy matters in his proofs of evidence, I do not agree with Mr Moyse's assertions in relation to the key planning policy requirements for the Applications or his associated interpretations. However, I do not consider this further. There are no outstanding matters between the Applicant and KWT. Three Statements of Common Ground providing the detail of this agreement have been signed by both parties during the course of the Inquiry (CD 4.10; 4.13; and 4.14). The associated sections of KWT's evidence to the Inquiry can now be deleted.