

**London Ashford Airport Limited  
Summary Proof of Evidence  
of Sean McGrath**

**Planning**

PINS refs. APP/L2250/V/10/2131934  
and APP/L2250/V/10/2131936

LPA refs. Y06/1647/SH & Y06/1648/SH

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## Summary Proof of Evidence of Sean McGrath

- 1.1. My name is Sean McGrath and I am a director of Indigo Planning Limited.
- 1.2. I have been advising London Ashford Airport Limited (the Applicant) on planning matters in relation to the development proposals since 2005.
- 1.3. My Proof of Evidence provides an analysis of the planning policy context for the Applications, together with an overview of the key planning considerations relating to them. It addresses the six matters about which the Secretary of State particularly wishes to be informed. It also provides a planning response to other matters raised by Rule 6 Parties. This document comprises my Summary Proof of Evidence.

### **The Applications**

- 1.4. The Applications seek planning permission for the construction of a 294m runway extension, a 150m starter extension, a new terminal building capable of processing up to 500,000 passengers per annum and associated parking facilities at London Ashford Airport (the Airport).

### **Ecological Designations**

- 1.5. There are a number of ecologically important designations within the vicinity of the Airport. These are:
  - a. the Dungeness Special Area of Conservation (SAC);
  - b. the Dungeness to Pett Levels Special Protection Area (SPA);
  - c. the Proposed SPA Extension (pSPA);
  - d. the Proposed Ramsar (pRamsar);
  - e. the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI);  
and
  - f. the Dungeness Local Nature Reserve, which includes the RSPB reserve.

### **Accordance with National Planning Policy and Guidance**

- 1.6. I have considered the Applications against the range of national planning policy and guidance. I conclude that the Applications are in accordance with the aims and objectives of

national planning policy and guidance for the following key reasons.

- a. The Aviation White Paper acknowledges that the Airport could play a valuable role in meeting local demand for air travel and could contribute to regional economic development. The White Paper supports the Airport's expansion in principle subject to relevant environmental considerations. The environmental considerations in respect of the Applications can be addressed.
- b. Considerable regard has been given to the national, international and local designations of land. Evidence provided by the Applicant's witnesses demonstrates that there will be no likely significant adverse effects as a result of the Applications on the national and local designations, and no likely significant adverse effects on the integrity of the SAC, SPA, pSPA and pRamsar would occur as a result of the Applications.
- c. The evidence of Mr Stuart Coventry and others confirms that flying from the Airport will achieve carbon emission savings.
- d. The Applications will deliver investment, jobs and sustainable economic development. They will improve the economic performance of Shepway District and other areas of Kent. The Applications accord with, and respond positively to, adopted economic and regeneration objectives for Shepway District.

### **Compliance with the Development Plan**

- 1.7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. My Proof of Evidence has demonstrated that the Applications comply with the development plan.
- 1.8. The development plan documents of relevance to the determination of the Applications are the South East Plan and the Shepway District Local Plan Review 2006 (as saved).
- 1.9. Little weight should be attached to the emerging Development Plan Document policies. This position is agreed with Shepway District Council.
- 1.10. The Applications are supported by policies in the South East Plan, most notably Policy T9.
- 1.11. The expansion of the facilities at the Airport is supported by Policy TR15 of the Local Plan because the impact upon sites of environmental and ecological value, and other special features, such as the Dungeness Nuclear Power Stations, is acceptable.
- 1.12. I am satisfied that it has been demonstrated that the Applications would not have a likely significant adverse effect on the integrity of the designated European sites or proposed

European sites and that there would not be any significant adverse effects on the national and local designated sites or locally important flora and fauna. I am satisfied that the impact upon the nuclear power stations and other special local features is acceptable.

### **Effects on Ecological Designations**

- 1.13. I conclude that the Applications are consistent with Government policies in Planning Policy Statement 9: Nature Conservation and Local Plan Policies CO8 – CO12 and CO14 because the Applications would not have a likely significant effect on the SAC, SPA, pSPA and the pRamsar. In any event, the Applicant's evidence shows that it is beyond reasonable scientific doubt that there would not be a likely significant adverse effect on the integrity of any of these sites. In addition, the Applicant's evidence shows that there would not be a significant adverse effect on the SSSI and other nationally and locally designated sites.
- 1.14. Indeed, the enhancements that will follow from the implementation of the Airfield Biodiversity Action Plan (ABAP) will improve the biodiversity of the area.
- 1.15. The Applications are not likely to have a significant adverse impact on species protected under the Wildlife and Countryside Act 1981 or any other legislation.

### **Other Material Considerations**

- 1.16. Rule 6 parties have raised a number of issues that they consider to be material to the determination of the Applications. In respect of these, I conclude the following.
- a. There are no grounds to refuse planning permission on the basis of concerns about flight paths.
  - b. The evidence of Mr Richard Perkins concludes that the noise impact of the proposed runway extension and the proposed new terminal would be minor and acceptable. It is also a material consideration that the Applicant is prepared to restrict night time flying between 23:00 – 07:00, which is a significant concession on the part of the Airport and demonstrates willingness to minimise noise in the local area.
  - c. There is no basis to refuse planning permission for the Applications on the grounds of air quality concerns.
  - d. The Airport is accessible by a choice of means of transport.
  - e. Traffic and accessibility concerns do not form a valid reason for refusing planning permission for the Applications.
  - f. Flood risk does not constitute a reason for refusing planning permission for the Applications.

- g. Subject to appropriate flight path restrictions which will be controlled by planning obligation, the potential risk associated with an aircraft crashing into Dungeness power stations would be so low that there would be no grounds for refusing planning permission for the Applications because of the risk to nuclear safety.
- h. The Applications are consistent with relevant climate change policies and there is no reasonable basis for refusing planning permission on carbon management or climate change grounds.
- i. The Applications, including the operation of passenger aircraft out of the Airport, will have no material impact on the landscape character of the wider area.
- j. In 1992, the Secretary of State thoroughly considered proposals for a runway extension at the Airport and granted planning permission for the runway extension. This illustrates a history of support and approval for the continued use and expansion of the Airport.

#### **Benefits of the Applications**

- 1.17. There are significant benefits that will accrue should planning permission be granted for the Applications. These include:
- a. Providing ecological enhancements;
  - b. Generating much needed employment;
  - c. Providing training and development;
  - d. Contributing towards regeneration;
  - e. Contributing towards tourism;
  - f. Providing a catalyst for inward investment;
  - g. Enhancing accessibility; and
  - h. Providing noise and night-time flying restrictions.

- 1.18. In contrast, if the Applications are refused planning permission, these benefits will not be delivered. In addition, the Airport would continue to operate without any of the restrictions proposed, such as banning night time flying and introducing a cargo weight restriction.

#### **Planning Conditions and Planning Obligations**

- 1.19. The proposed conditions and planning obligations under section 106 of the Town and Country Planning Act 1990 are acceptable and necessary.

- 1.20. The proposed planning controls to be secured by way of condition or section 106 agreement would result in a more restricted operation of the Airport than is currently the case.

**Conclusion**

- 1.21. I have addressed the matters raised by the Secretary of State drawing on my Proof of Evidence and on the evidence given by other witnesses.
- 1.22. In my view, the Applications comply with both national policy and guidance and the development plan and there are no material considerations which indicate that planning permission should not be granted. In addition, as outlined above, the Applications will provide significant benefits for Shepway District and its residents, contributing to both economic prosperity and environmental protection.
- 1.23. Having weighed all the factors, in particular, the potential environmental implications, as well as the benefits that will accrue, and the resolution of the Council to see the expansion of the Airport delivered, I consider that planning permission should be granted for both the runway extension and the terminal building.