

London Ashford Airport Call-in Inquiry

PINS ref: APP/L2250/V/10/2131934 &
APP/L2250/V/10/2131936

LPA refs: Y06/1647/SH (New Terminal
Building) and Y06/1648/SH (Runway
Extension)

Supplementary Note on Planning Matters

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Contents	Page
1. Introduction	1
2. 2011 Budget Matters	2
3. Presumption in favour of sustainable development	5
4. Draft National Planning Policy Framework	6
5. The Regional Spatial Strategy	9
6. The Natural Choice: securing the value of nature	10

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Supplementary Note on Planning Matters

1. Introduction

- 1.1. This supplementary note deals with matters relating to the Chancellor of the Exchequer's 2011 Budget, the draft National Planning Policy Framework and other recent statements or documents published for the purposes of informing future policy.

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2. 2011 Budget Matters

- 2.1. This Section summarises the themes of the 2011 Budget, relevant to the Applications, which indicate the Government's current preferred approach to planning reforms.

2011 Budget

- 2.2. George Osborn, as Chancellor of the Exchequer, published proposals in his 2011 Budget to help rebuild Britain's economy, including a '*Plan for Growth*'. It was confirmed that the planning system has a key role to play in implementing this plan.
- 2.3. On 23 March 2011, Greg Clark, Minister of State for Decentralisation, made a Written Ministerial Statement – '*Planning for Growth*'. This sets out the Government's commitment to reforming the planning system so that it promotes sustainable growth and jobs.

Plan for Growth

- 2.4. The Budget proposed a change to the direction to be taken by Government and those bodies with responsibility for planning decisions.
- 2.5. The Chancellor stated "*the current planning system is holding back UK growth and jobs. It is overly bureaucratic, costly for business and unresponsive to demand*" (para. 2.4).
- 2.6. The key planning theme of the Budget is to drive sustainable economic growth through the planning system, and national planning policy in particular (para. 2.7).
- 2.7. The Government's top priority in introducing the National Planning Policy Framework (NPPF) will be to support long-term sustainable economic growth, through both development plans and decisions on individual applications (para. 2.14).
- 2.8. The Government will make radical changes to the planning system to support job creation and growth. The Government considers that by creating a planning system, supported by powerful financial incentives, it will deliver commercial development, vital infrastructure and much needed housing (para. 2.8).
- 2.9. The Government is committed to ensuring that the planning system does everything it can to support growth (para. 2.9).
- 2.10. The Government will introduce a powerful new presumption in favour of sustainable development, so that the default answer to development is 'yes' (point 2).

Written Statement by The Rt. Hon Greg Clark MP, 23 March 2011

- 2.11. Greg Clark MP published a Written Ministerial Statement on 23 March 2011 entitled '*Planning for Growth*'. It supports the Chancellor of the Exchequer's call to action on growth in the 23 March 2011 Budget. This set clear expectations that local planning authorities and other bodies involved in granting development consents should prioritise growth and jobs.
- 2.12. This written statement amounts to a new statement of planning policy. Local planning authorities are expected to take its contents into account with immediate effect and its contents are material considerations in local planning decisions.
- 2.13. It is stated that "*the planning system has a key role to play in this, by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible*". It continues, "*there is a pressing need to ensure that the planning system does*

everything it can to help secure a swift return to economic growth”.

- 2.14. Greg Clark confirmed that the Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. The Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.
- 2.15. Greg Clark confirmed that the Government’s commitment is to introduce a strong presumption in favour of sustainable development in the forthcoming NPPF. In the NPPF, local planning authorities will be expected to *“wherever possible, approve applications where plans are absent, out of date, silent or indeterminate....Local planning authorities should therefore press ahead without delay in preparing up-to-date development plans, and should use that opportunity to be proactive in driving and supporting the growth that this country needs. They should make every effort to identify and meet the housing, business and other development needs of their areas, and respond positively to wider opportunities for growth.”* It was reconfirmed that the NPPF will contain a strong presumption in favour of sustainable development. This will mean that local authorities should start from the presumption that applications for development and job creation will be accepted.
- 2.16. In deciding whether to grant planning permission, local planning authorities should, *inter alia*:
- i. Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
 - ii. Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as more robust local economies;
 - iii. Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date; and
 - iv. Ensure that they do not impose unnecessary burdens on development.
- 2.17. In the determination of planning applications, decision makers are obliged to have regard to all relevant considerations and give appropriate weight to the need to support economic recovery. Applications that secure sustainable growth should be treated favourably.
- 2.18. Greg Clark stated that *“the Secretary of State for Communities and Local Government will take the principles in this statement into account when determining planning applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment”.*
- 2.19. He continued *“benefits to the economy should, where relevant, be an important consideration when other development-related consents are being determined, including heritage, environmental, energy and transport consents.... Decisions on these other consents should place particular weight on the potential economic benefits offered by an application.”*

Summary of Key Points

- 2.20. The Budget sets out ambitious proposals to ensure that the planning system does everything possible to support economic growth and sustainable development, helping to rebuild Britain’s economy.
- 2.21. The new presumption in favour of sustainable development is an important new principle underpinning the planning system. It is intended to ensure that the default answer to

development and growth proposals is “yes” rather than “no”, except where this would clearly compromise the key sustainable development principles in national planning policy.

- 2.22. The Government considers this presumption will give developers, communities and investors greater certainty about the types of applications that are likely to be approved. It is also considered that this default position towards development proposals will help to speed up the process for planning applications and, importantly, encourage growth.
- 2.23. Decision makers are encouraged to have careful and full regard to the principles in Greg Clark’s statement that significant weight should be attached to the need to secure economic growth and employment.
- 2.24. Most of the proposed reforms to the planning system as set out in the Budget will take time to deliver. However, the Government’s current clear advice to local authorities is that they can start immediately prioritising growth in the decisions that they take locally.
- 2.25. The Government considers that every Council should be firmly on the front foot in encouraging and supporting growth and not impose any unnecessary burdens in the way of development.
- 2.26. The Applicant submits that these policy principles all further strongly support the grant of planning permission for the proposals before the Inquiry.

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3. Presumption in favour of sustainable development

- 3.1. The Government published the text of its proposed presumption in favour of sustainable development on 15 June 2011. This indicates the approach that the Government could take to introducing a presumption in favour of sustainable development in the forthcoming National Planning Policy Framework (NPPF).
- 3.2. The statement accompanying the publication of the text stated that:
- i. The presumption fulfils the Government's commitment in the '*Plan for Growth*';
 - ii. The Government is committed to ensuring that the planning system does everything it can to support long term, sustainable economic growth;
 - iii. The Government has made it clear that significant weight should be placed on the need to support economic recovery through the planning system;
 - iv. The three 'pillars' of the economy, society and the environment are interconnected; and
 - v. The Government's clear expectation is that we move to a system where the default answer to development is "yes", except where this would compromise the key sustainable development principles set out in national planning policy.
- 3.3. The statement confirmed that planning should help deliver:
- i. A strong, flexible and sustainable economy, by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure;
 - ii. Protection and enhancement of our natural, built and historic environment, prudent use of natural resources and actions to mitigate and adapt to climate change, including moving to a low carbon economy; and
 - iii. Strong, vibrant and healthy communities, by providing an increased supply of housing to meet the needs of present and future generations; and by creating a good quality built environment, with accessible local services, that reflects community needs and supports well-being.
- 3.4. The Government has advised that the presumption in favour of sustainable development should be central to the approach taken to both plan-making and decision-taking. Local planning authorities are required to plan positively for new development and approve all individual proposals wherever possible.
- 3.5. For decision-making purposes, local planning authorities are directed to:
- i. Approve development proposals that accord with statutory plans without delay; and
 - ii. Grant planning permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.
- 3.6. The Government has confirmed that these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policy objectives in the NPPF taken as a whole.
- 3.7. Again the Applicant submits that these policy principles all further strongly support the grant of planning permission for the proposals before the Inquiry.

4. Draft National Planning Policy Framework

- 4.1. The consultation draft National Planning Policy Framework (DNPPF) was published on 25 July 2011. The framework is intended to streamline the national planning policies into a single document. It remains substantially unchanged from that proposed in May 2011 by DCLG's Policy Advisory Committee and continues the themes of the 2011 Budget.
- 4.2. Comments are invited by 17 October 2011. Once formalised, the draft will provide the framework for the preparation and production of local and neighbourhood plans, as set out in the Localism Bill which is currently making its way through the Parliamentary process.
- 4.3. The Government is committed to securing sustainable economic growth. In particular, the DNPPF identifies that there is an urgent need to restructure the economy, to build on the country's inherent strengths and to meet the twin challenges of global competition and of a low carbon future. It states that investment in business should not be over-burdened by the combined requirements of planning policy expectations.

Key Themes and Objectives

- 4.4. The key themes of the Ministerial Foreword are: that development means growth; without it peoples' lives and the places in which they live will be worse if things stagnate; sustainable development is about positive growth; and that development that is sustainable should go ahead, without delay. A presumption in favour of sustainable development is to be the basis for every planning decision.
- 4.5. It is confirmed that the purpose of planning is to help achieve sustainable development and not hinder or prevent development. Sustainable development is central to the economic, environmental and social success of the country and is the core principle underpinning planning. The DNPPF states that planning should proactively drive and support the development that this country needs and that every effort should be made to identify and meet development needs, including business needs, in an area.
- 4.6. It is stated that a positive planning system is essential because, without growth, a sustainable future cannot be achieved. Planning must operate to encourage growth and not act as an impediment. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

Delivering Sustainable Development

- 4.7. For the planning system, delivering sustainable development means:
1. Planning for Prosperity (an economic role) – use the planning system to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type and in the right places, is available to allow growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
 2. Planning for People (a social role) – use the planning system to promote strong, vibrant and healthy communities, by providing an increased supply of housing to meet the needs of present and future generations; and by creating a good quality built environment, with accessible local services that reflect the community's needs and supports its health and well-being; and
 3. Planning for Places (an environmental role) – use the planning system 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.

- 4.8. The NPPF is clear that the above three components should be pursued in an integrated way. It states that there is no necessary contradiction between increased levels of development and protecting and enhancing the environment, as long as development is planned and undertaken responsibly.

Environmental Protection

- 4.9. The requirements of the Habitats Directive, the Birds Directive and the Ramsar Convention are to be applied equally to pSACs and pRamsar sites, as they do European designated sites. In determining planning applications in accordance with local plans and the presumption in favour of sustainable development, authorities should aim to conserve and enhance biodiversity. Planning permission should only be refused if, in the circumstances that significant harm is unavoidable, it cannot be adequately mitigated or compensated for or if a development would result in the loss or deterioration of irreplaceable habitats.

Presumption in favour of Sustainable Development

- 4.10. A presumption in favour of sustainable development is placed at the heart of the planning system. Local planning authorities are advised to plan positively for new development and approve all individual proposals wherever possible.
- 4.11. They are advised to approve development proposals that accord with statutory plans without delay and grant planning permission where local plans are absent, silent, indeterminate or where relevant policies are out of date.
- 4.12. All of the NPPF policies are to apply unless the adverse impacts of allowing development would significantly, and demonstrably, outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 4.13. Decision makers are encouraged to respond positively to wider opportunities for growth. They should assume that the default answer to the development proposal is “yes”, except where this would compromise the key sustainable development principles set out in the Framework.

Transport Policy

- 4.14. The objectives of transport policy are to facilitate economic growth by taking a positive approach to planning for development and support reductions in greenhouse gas emissions and congestion, and promote accessibility through planning for the location and mix of development.
- 4.15. When planning for airports and airfields that are not the subject of a separate national policy statement, planning policies should consider their growth and role in serving business, leisure, training and emergency service needs. In doing this, planning policies should take account of this Framework as well as the principles set out in the relevant national policy statements and the Government Framework for UK Aviation.

Material Consideration

- 4.16. The DNPPF is clearly capable of being a material consideration. The weight to be given to it is a matter for assessment in each particular case.

As a consultation draft, the draft document is subject to potential amendment. It does, however, give a clear indication of the Government’s overall intention for planning policy and the key elements of the draft have already been reflected in statements of Government policy to which reference has already been made above. Current planning policy statements, guidance notes and circulars will remain in place until they are formally cancelled.

- 4.17. The Applicant submits that the elements of the DNPPF summarised above should attract significant weight, and that they again strongly support the grant of planning permission for the proposals before the Inquiry.

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5. The Regional Spatial Strategy

- 5.1. The South East Plan remains part of the relevant development plan for the Applications.
- 5.2. The Court of Appeal (Rix, Rimer and Sullivan LLJ) has ruled that the Government's proposal to abolish Regional Spatial Strategies (RSSs) is capable of being a material consideration for decision-making purposes.
- 5.3. The weight to be accorded to a material consideration remains a matter for the decision maker, taking the facts before them fully into account.
- 5.4. It was acknowledged that it would be unusual to give weight to the intention to abolish Regional Spatial Strategies (RSS) 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. It is not considered that the Applications represent such a case.
- 5.5. It is agreed that the South East Plan supports the contribution which can be made by the smaller regional airports in meeting air travel demands within the South East region, subject to relevant environmental considerations. It is agreed that the Applications are consistent with current local planning policy and with current national policy on aviation development.

6. The Natural Choice: securing the value of nature

- 6.1. *'The Natural Choice: securing the value of nature'* was presented to Parliament by the Secretary of State for Environment, Food and Rural Affairs in June 2011. It is a White Paper on matters relating to the natural environment. Its objectives will inform the future consultation draft of the National Planning Policy Framework (NPPF) which is expected to be published later this year.
- 6.2. The White Paper sets out measures to protect and improve the health of ecosystems. It promotes an integrated approach to managing the natural environment and discusses measures to help the natural environment to adapt to climate change. A key message of the White Paper is that economic growth and the natural environment are mutually compatible.
- 6.3. The White Paper confirms (para. 1.17) that the Government's priority is to restore sustainable economic prosperity for all. It states:
- "We have taken responsible action to reduce the financial deficit and to promote sustainable growth. In doing so, we reject the outdated idea that environmental action is a barrier to growth or that achieving economic development and a healthy natural environment is a barrier to growth or that achieving economic development and a healthy natural environment are incompatible objectives."*
- 6.4. The Government's position is that growth and prosperity are compatible with a thriving natural environment (para. 2.1). It is confirmed in the White Paper that planning has a key role to play in securing a sustainable future. The Government expects the planning system to deliver development and protect and enhance the natural and historic environment and wants it to contribute to our objective of no net loss of biodiversity (para. 2.35).
- 6.5. The White Paper introduces a framework for biodiversity offsetting (para. 2.38). It is stated that good developments incorporate biodiversity considerations in their design but are still likely to result in some biodiversity loss. Biodiversity offsetting is presented as a means of compensating for this loss; a developer would secure compensatory habitat expansion or restoration in a location separate to its development site. It is intended that this new voluntary approach to offsetting will be established and that the concept will be tested in a number of pilot areas.
- 6.6. Again, the Applicant submits that the principles in the White Paper all further strongly support the grant of planning permission for the proposals before the Inquiry given the nature of the proposals and the evidence in respect of biodiversity that has been presented.