

Shepway District Council

Proof of Evidence

Planning - Terence John Ellames

(SDC/4/A)

22 December 2010

Folkestone
Hythe & Romney Marsh
Shepway District Council



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**Town and Country Planning Act 1990 – Section 77
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(England) Rules 2000**



**Shepway District Council
Proof of Evidence (SDC/4/A)
Planning – Terence John Ellames**

**Call-in for Public Inquiry
Applications by London Ashford Airport Limited
Site at London Ashford Airport, Lydd, Romney Marsh, Kent,
TN29 9QL**

**Local Planning Authority ref.
Y06/1647/SH and Y06/1648/SH**

**Planning Inspectorate ref.
APP/L2250/V/10/2131934 & APP/L2250/10/2131936**

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1. INTRODUCTION

- 1.1 My name is Terence John Ellames, Shepway District Council's Major Applications & Projects Manager. I have a BSc honours in Economics from the University of Hull, Diploma in Town Planning from the University of Westminster, Diploma in Surveying from the University of East London and I am a full Member of the Royal Town Planning Institute. I have approximately 30 years planning experience, including Development Control, Policy and Project roles at the Royal Borough of Kensington & Chelsea, London Borough of Tower Hamlets, Thurrock Borough Council and overseas in Australia and the Philippines. I have been in my current position for 5 years, and I am the case officer for the current planning applications at London Ashford Airport (LAA).
- 1.2 This proof of evidence concerns two current planning applications at LAA:
- Construction of a 294 metre runway extension together with an additional 150 metre starter extension (Y06/1648/SH)
 - Erection of a terminal building, capable of processing 500,000 passengers per annum (ppa) and 639 car parking spaces (Y06/1647/SH).
- 1.3 This proof sets out the principal issues and arguments I am presenting to the Inquiry on behalf of Shepway District Council (or 'the Council') in support of the planning applications from a planning perspective. This is in addition to socio-economic evidence given by Jeremy Whittaker on behalf of Shepway District Council (SDC/3/A and B). The evidence which I have prepared and provide to this Inquiry (reference APP/L2250/V/10/2131934 & APP/L2250/10/2131936) in this proof is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.
- 1.4 Shepway District Council considered the planning applications on 3 March 2010, taking in to account officer planning reports, prepared by myself as case officer, and a report by consultants Bureau Veritas setting out recommendations for an Appropriate Assessment under the Habitat Regulations. The Council made an

Appropriate Assessment, which was based on the Bureau Veritas report, but incorporated certain amendments which had been proposed by LAA. Having regard to that Appropriate Assessment, the Council resolved to grant planning permission subject to a legal agreement and conditions. The Council reports, late representations and the resolution contained in Part 6 of the planning application file submitted to the Planning Inspectorate form the background to the Council's case for granting planning permission for the two applications and a positive Appropriate Assessment. This information is set out in CD1.48, CD1.51, CD1.52 and CD2.10.

- 1.5 It should be noted the actual report dates on the front page are 24 September 2009 (main Council report) and 3 March 2010 (supplementary Council report), albeit they were issued earlier. Further details of the Officer's recommendation and a summary of the Special Meeting of the Council (3 March 2010) are set out in 5.8-5.16 of the Statement of Common Ground between LAA and Shepway District Council, dated November 2010 (CD4.1). This is further explained in this proof of evidence.
- 1.6 Referring to the letter from the Government Office for the South East (GOSE) 22 June 2010 (CD1.47), paragraph 7. lists the matters the Secretary of State particularly wishes to be informed about for the purposes of his consideration for determination of the applications. Having regard to this letter, and the matters cited, the Council produced a Statement of Case in September 2010 (SDC/1), which this proof of evidence expands on along with the socio-economic evidence given by Jeremy Whittaker. The Council's Statement of Case includes as an Appendix a Consolidated Appropriate Assessment report, which is intended to clarify in a report format the Council's decision on 3 March 2010 in relation to the Appropriate Assessment for the purposes of the Inquiry. The Consolidated Appropriate Assessment report is also CD1.53.
- 1.7 This evidence is structured by considering the site and application related details, policy context/development plan/principle of airport expansion, impact on international and nationally designated nature conservation sites and associated features, noise and tranquillity, other issues/material considerations, socio-

economic effects and sustainability, the form of any conditions/S106 agreement and conclusions.

- 1.8 At the time of writing this proof of evidence the Council had agreed a Statement of Common Ground with LAA, but no other Statements of Common Ground had been agreed between LAA and other Rule 6 parties. Discussions are continuing with LAA regarding conditions and a S106 legal agreement, and the Council has made representations to Natural England regarding proposals to extend the Special Protection Area (SPA) and designate a Ramsar site in the Dungeness area. Given this, and since this evidence is due to be given towards the end of the Inquiry (following the detailed evidence on the other topic areas), I will update the Inquiry on these issues from the Council perspective at the appropriate time.

2. SITE AND APPLICATION RELATED DETAILS

- 2.1 The location, site description, history, background and details of the applications are contained in the LAA application submissions (CD1.1-45), summarised by myself as the case officer in sections 1-4 and 5. of the Council's main and supplementary reports respectively (CD1.48, CD1.51), and also set out in 2, 3, 4.1-4.17, 5.1-5.7 and 6 of the Statement of Common Ground between LAA and Shepway District Council (CD4.1). Consequently it is not considered necessary to repeat this information here.

- 2.2 However, taken together and by way of introduction and context for the remainder of my evidence and arguments, it is worth highlighting a number of key points:

- (i) LAA is on the Dungeness Peninsula, in the Romney Marsh area, close to the sea. It is surrounded by small settlements (such as Lydd, Greatstone-on-Sea and New Romney), international and national ecology designations and a RSPB National Reserve. Dungeness Nuclear Power Station and Ministry of Defence sites are in the vicinity, and Ashford is approximately 28km to the north.

- (ii) LAA (formerly Lydd Airport) is an existing airport and has a history of operating commercial flights up to at least 250,000 passengers per annum (ppa), although the number of flights has declined since the 1970s. LAA was granted consent in 1992 for a runway extension following a Public inquiry, which considered similar issues to that currently being considered by this Inquiry. The runway extension permission was not implemented and has expired.
- (iii) LAA has invested in the site in recent years. Whilst LAA currently caters for approximately 3-4,000 ppa and a variety of other operations, LAA state that the existing airport terminal can potentially accommodate 300,000 ppa utilising existing infrastructure. There are no existing planning controls over hours of operation or helicopter movements.
- (iv) The background to the current submissions is aspirations to expand to the airport to 2 million ppa, based on projected aviation growth. Responding to this potential growth results in the need for a runway extension to enable larger fully laden planes, followed by terminal development to facilitate additional domestic and European services. The runway extension would allow LAA to grow more readily to 300,000 ppa, and the current new terminal proposal to expand capacity to 500,000 ppa. The new terminal would not be built without the runway extension.
- (v) The submissions by LAA over a period of more than three years are considered to meet the requirements of the Environmental Impact Assessment Regulations.

2.3 The Council's scoping report (carried out by the Centre for Environmental Management on behalf of the Council), and various Bureau Veritas reports and advice have been submitted to the Inquiry for consideration (CD2.7-8). The Council has also carried out extensive public and statutory consultations on the various submissions to aid the decision making process, details of which are summarised in sections 5 and 6 respectively of the Council's main and

supplementary reports. This includes reference to associated appendices detailing the various responses (CD1.48, CD1.51). Late representations were also considered by officers and at the Special Meeting of the Council (CD2.10).

3. POLICY CONTEXT, DEVELOPMENT PLAN DOCUMENTS AND PRINCIPLE OF AIRPORT EXPANSION

- 3.1 The planning policy position by LAA is set out in parts of various document submissions (CD1.8, CD1.9, CD1.21, CD1.28, CD1.38, CD1.44). The planning policy position is also summarised in section 6 of the Council's main report (CD1.48). Section 7 of the Statement of Common Ground between LAA and Shepway District Council consolidates and updates the Planning policy context (CD4.1). It is not considered necessary to repeat the entire policy context here. However, some documents are referred to in this evidence where appropriate.
- 3.2 Paragraph 7. a) of the letter from GOSE (CD1.47) requests information as to the extent to which the proposed development is in accordance with the Development Plan for the area, having regard in particular to the Shepway District Local Plan Review, adopted 16 March 2006 (saved policies). Paragraph 7. b) requests information as to the extent to which the proposed development is consistent with any emerging Development Plan documents, including consideration of the weight to be attached to them.
- 3.3 Until 6 July 2009 the Kent and Medway Structure Plan (KMSP) provided the strategic planning policy arm of the Development Plan for the area alongside the adopted Shepway District Local Plan Review (2006), and policy TP25 in the KMSP supported expansion of Lydd Airport (now LAA). The KMSP considered LAA could support increased aviation activity on a scale of one to two million passengers, subject to certain criteria (e.g. no material harm to internationally or nationally designated environmental areas, no significant adverse impact on the amenity of local communities which cannot be satisfactorily mitigated, other environmental and infrastructure measures, access, transport capacity and improvements to public transport). The relevant extract from the former KMSP,

the section on Kent's airports and Lydd, forms useful background information to the key Development Plan policy for the site and is attached as Appendix 1.

- 3.4 The Shepway District Adopted Local Plan Review (Adopted March 2006) proposals map shows LAA as a site for expansion, within an area at risk of fluvial and tidal flooding and partly within a Local Landscape Area. Part of Paragraphs 11.40-11.41 of the Local Plan refers to LAA as an important facility for the District with potential passenger growth, as identified in the former KMSP. It recognises the importance of the airport as a source of employment for Romney Marsh and supports development that strengthens the airport function. Because of the location, exposed landscape and surrounding areas of nature conservation these make the site unsuitable for other development and use as a new airport for London. However, like the KMSP, it considers the airport could support increased aviation activity on a scale of one to two million passengers per year.
- 3.5 The key related and saved policy is TR15. This states that 'The District Planning Authority will permit proposals for the expansion of facilities at Lydd Airport directly related to the commercial and recreational flying use provided there would be no significant impact upon the internationally important wildlife communities in the Lydd/ Dungeness area. Regard will also be given to the likely effect of proposals on other special features in the area, particularly the power station'. The Shepway District Adopted Local Plan Review, including the proposals map and list of saved policies, is CD7.5.
- 3.6 The relevant saved policies in the Local Plan include: SD1 (sustainable development); BE1 (building design, layout and special needs access), BE2 (public art); BE16 (landscape and amenity); U1a (infrastructure provision); U2 (sewerage and waste water disposal); U4 (protection of ground and water resources); U6 (areas at risk from flooding); U9 (water supply); U10 (waste disposal and recycling); U10a (contaminated land); U15 (light pollution); TR2 (public transport); TR5 (cycling); TR6 (walking); TR8 (A259); TR11 (access to the highway network); TR12 (car parking); TR13 (travel plans); C01 (development in the countryside); C04 (Special Landscape Areas); CO5 (Local Landscape Areas); C08-C011 (nature conservation – SPAs/ SACs/ Ramsar sites, SSSIs,

- wildlife sites/ nature reserves, habitats and landscapes protected by law); C012 (conditions/ agreements and nature conservation); C013 (water courses, ponds, canals, banks); and C014 (long term protection of Dungeness). Consideration is also required of the Kent Design Guide Supplementary Planning Document.
- 3.7 These policies have been considered, if not always explicitly, as part of the appraisal of various issues in sections 7 of both the main and supplementary Council reports. This includes consideration of associated potential conditions and the S106 legal agreement, referred to in 7.94 of the main report and 7.45-7.46 of the supplementary report as appropriate (CD1.48, CD1.51).
- 3.8 In the Statement of Case in September 2010 (para. 3.4, SDC/1) comment was made that given Coalition Government statements about regional planning, and the status of associated organisations, the Council did not intend to make any further references to the South East Plan (CD7.1) at the Inquiry. The implications of this for the Development Plan documents are referred to in 7.5 and 7.8. of the Shepway District Council and LAA Statement of Common Ground. However, the *Cala Homes* decision has established that regional plans still form part of the Development Plan, and so must be addressed. The relevant South East Plan policies are referred to in 6.5-6.7 of the main Council report and considered as part of the main and supplementary reports (CD1.48, CD1.51).
- 3.9 It is worth noting the South East Plan did not identify LAA as a regional airport, but nor did the former South East Regional Partnership Board object to the principle of expanding the existing airport to the levels currently proposed of up to 500,000 ppa (subject to provisos about nature conservation, biodiversity, infrastructure and other environmental issues). The South East of England Development Agency (SEEDA) also noted the relatively small-scale nature of the aviation expansion proposed and welcomed this, subject to provisos. Although these letters are referred to in the main Council report, for completeness copies of the actual letters are attached as Appendix 2.
- 3.10 In relation to emerging Development Plan documents the Council is now preparing a Local Development Framework with its lead document being the

Core Strategy. The last public consultation on the Core Strategy was 'Preferred Options' (CD7.6), which ended in July 2009. The Council expects to submit its Core Strategy in autumn 2011, followed by an examination in public and final adoption in winter 2011/2012. It is not considered the Core Strategy has reached a stage where it can be given significant weight in the determination of the current applications. However, the central thrust of the overarching proposals in 'Preferred Options' is a Strategy for Rural Development in the Romney Marsh area, and potentially setting out future principles for the LAA site (pages 108-117 set out the options, with LAA alternatives listed on pages 114-115).

- 3.11 The Secretary of State's decision following the LAA public inquiry will ultimately affect this part of the Council's Core Strategy in terms of what is permissible on the LAA site. Along with the decommissioning of Dungeness B Nuclear Power Station, which is not currently proposed to be replaced in the draft National Nuclear Policy Statement, this could affect employment policies for the Romney Marsh area.
- 3.12 In terms of national aviation policy the Aviation White Paper encourages airport growth to meet rising demand, especially in the South East. LAA is identified as a small airport, the growth of which should not be overlooked in helping meet local demand (CD5.24). This is considered consistent with LAA's aspirations for expansion as proposed by the current planning applications. A statement produced by the Conservative and Liberal Democrat coalition on agreements reached (CD8.7) includes the cancellation of a third runway at Heathrow and the refusal of additional runways at both Gatwick and Stansted. As part of emerging aviation policy this is considered to only bolster the growth potential for small airports such as LAA, in at least the short to medium term.
- 3.13 Shepway District Council's support for LAA expansion is also considered to be potentially consistent with the emerging 'Localism' agenda for planning. The Localism Bill 2010 is based the principle of more decentralisation, making provision for the abolition of Regional Spatial Strategies, with a duty for public bodies and local authorities to work together strategically, and to engage constructively in the preparation of Development Plan Documents.

3.14 The Council believes there are clear national and local policy reasons for supporting the expansion of LAA for aviation and socio-economic reasons. If the Secretary of State also agrees with LAA and Shepway District Council that there will be no significant adverse effects on international and nationally designated nature conservation sites, as well as the other issues/topics associated with these applications, the proposed development should be considered in accordance with the Development Plan for the area, subject to conditions and a S106 legal agreement.

4.1 IMPACT ON INTERNATIONAL AND NATIONALLY DESIGNATED NATURE CONSERVATION SITES, PROPOSED DESIGNATIONS AND PROTECTED SPECIES

4.1 Paragraph 7. c) of the letter from GOSE (CD1.47) requests information as to the extent to which the proposed development would be consistent with Government policies in Planning Policy Statement (PPS) 9: Biodiversity and Geological Conservation. This is with particular regard to the following: The extent to which the proposed development is likely to have an impact on the local flora and fauna and any designated sites; the importance that the Government attaches to the SAC, SPA, SSSI, proposed Ramsar site and proposed extension and additions to the SPA; whether or not there is likely to be any impact on a European protected species listed in the Habitats Directive; and whether there is likely to be any impact on a species protected under the Wildlife and Countryside Act 1981 (CD5.12) or any other legislation.

4.2 The impacts on the international and nationally designated nature conservation sites have been some of the most important and complex issues in the determination of these applications, and are the principle reason why determination by the Council was delayed by a period of more than three years. This is as officers and the Council considered the information and arguments of LAA and their specialists, Natural England, RSPB and others, including advice from the Council's own consultant Bureau Veritas. There were various LAA

submissions, statutory and other consultation responses and negotiations over more than three years, as the Council sought to try and clarify the impacts on ecological designations and protected species.

- 4.3 In the context of PPS9 and the Habitats Directive the most important issues are the potential impacts on the internationally designated Dungeness Special Area of Conservation (SAC) and Dungeness to Pett Levels Special Protection Area (SPA).
- 4.4 On these issues, as pointed out in the Council's Statement of Case, the Council does not itself propose to call ecological evidence. I am not an ecologist, and do not purport to provide substantive evidence on the question whether the Secretary of State should be satisfied that the applications are not likely to have any significant effect on the SAC, SPA, SSSI, proposed SPA or Ramsar. On those issues, the Council relies on the evidence which will be produced by LAA and its specialists. The function of my evidence is to explain how the Council reached its decision.
- 4.5 As noted above, in order to assess the information provided by LAA in support of its applications, and to assist it in reaching a conclusion on the conflicting views about ecology impacts and mitigation as expressed by Natural England, RSPB and others, the Council commissioned Bureau Veritas to provide specialist ecology advice, and to make recommendations to the Council. To assist in the examination of the various ecology evidence, the Council has supplied full details of the Bureau Veritas reports and advice, as contained in CD2.8. Throughout the period of Bureau Veritas' involvement, Council officers met with Bureau Veritas on numerous occasions to discuss the advice which had been given, to gain an understanding of the basis of that advice, and to ensure that it fully covered all the issues which had been raised.
- 4.6 As can be seen from the ecology sections and conclusions of the main and supplementary officer reports, Bureau Veritas' advice was a key factor in the officer recommendation to refuse planning permission on certain ecology grounds, particularly related to amended recommendations 1.b), 2.a), b) and c)

of the supplementary Council report. In circumstances where the Council had commissioned Bureau Veritas to provide advice precisely because officers lacked the in-house expertise to form a view on the ecological issues, it did not seem logical to disagree with their conclusions. Members, however, were not so constrained. This was a question on which the Council specifically took legal advice. Counsel advised that, provided members asked themselves the correct question, it was open to them to disagree with Bureau Veritas, either on those issues where Bureau Veritas's conclusions were in favour of the applications, or on those issues where they were against.

- 4.7 Having considered the Bureau Veritas recommendations, the comments from LAA's consultants and ecology specialists, advice from the statutory advisor Natural England, and comments from the RSPB and others, the Council made an Appropriate Assessment which concluded that the integrity of neither the SPA nor the SAC would be adversely affected by the application proposals. In so doing, members accepted some of the conclusions in the Bureau Veritas reports, but on others accepted the alternative recommendations put forward by LAA's experts. As stated in the introduction, a Consolidated Appropriate Assessment report has since been prepared which reflects the Council decision on 3 March 2010, and is appended to the Statement of Case (SDC/1) and also identified as CD1.53.
- 4.8 With regards the nationally designated Dungeness, Rye Bay and Romney Marsh SSSI the Council considers any impacts to be insignificant or minor. It agrees with LAA there are no significant impacts on land use/habitat or designated features such as geomorphology, plants, invertebrates, amphibians, birds or mammals, which cannot be adequately mitigated by a Biodiversity Action Plan and other measures.
- 4.9 This Consolidated Appropriate Assessment report also contains a 'Shadow Assessment' of a 'proposed' SPA extension and potential Ramsar site, as these were considered material and consistent with national guidance at the time of preparing the reports for the Council meeting in March 2010. This concluded: Any impacts as a result of the boundary of the SPA being closer to the airport

site would not be significant so as to have an adverse effect on the integrity of the SPA; with regards the Ramsar the impacts would be similar to those predicted for the SSSI, which is concluded not to be adverse.

- 4.10 Notwithstanding the above, for the purposes of the Inquiry officers consider the most contentious issues with regard to the SPA, proposed SPA, SSSI and Ramsar to be noise and visual impact on protected birds, bird strike/bird management and bird assemblage. For the SSSI officers consider the main issues to be Nitrogen Deposition levels and the impact on protected vegetation. These are the issues on which the Council decided to agree with LAA's consultants and specialists, rather than Natural England, RSPB, Kent Wildlife Trust and its own consultant Bureau Veritas. Other issues raised by Natural England and others are considered to be secondary given the Council and Bureau Veritas generally agreed with LAA about the minor or insignificant nature of other objections. These secondary issues are, for example: Loss of habitat/land use change (SAC and SSSI); buried geomorphology (SSSI); ditch habitat, Great Crested Newts and aquatic invertebrates (SAC and SSSI); lighting, moths and other invertebrates (SSSI); highways improvements to Hammonds Corner and protected species surveys. Other issues that need consideration are vegetation and nitrogen deposition in the SAC and proposed Ramsar given objections and concerns from Natural England and others.
- 4.11 Officer appraisal of the various ecological issues and advice can be found in 7.1-7.31 and 9.3-9.9 of the supplementary Council report (CD1.51), including related references to the main Council report. The actual decision of the Council on 3 March 2010 can be found in the minutes and resolution of the Council meeting (CD1.52). Further clarification of the Council's position can be found in 8.1-8.8 of the Shepway District Council and LAA Statement of Common Ground (CD4.1).
- 4.12 Since the Council's decision in March 2010 further information has been provided from Natural England about the SPA extension and Ramsar for consultation purposes. This information forms CD14.7-10. The Council considered the consultation details on 8th December 2010 and has objected (CD15.4). This is on the basis the proposals are considered unnecessary, they are flawed in some

respects, and that the Council is seeking a more collaborative approach towards ensuring the interests of wildlife and the local community are safeguarded and enhanced. It should be noted that whilst the Council has objected, these objections do not relate to proposals to expand LAA, but of the proposed designations on the District. LAA is considered in 4.14 –4.15 of the Cabinet report (CD15.4), where it is noted the proposals for the Ramsar site are much smaller than those envisaged in the 'shadow' Appropriate Assessment, and that overall the proposals would not constrain LAA's proposals.

- 4.13 Based on the above, the planning applications are considered to be consistent with Government policies in Planning Policy Statement (PPS) 9, subject to conditions and a S106 legal agreement. This is with particular regard to: The extent to which the proposed development is likely to have an impact on the local flora and fauna and any designated sites; the importance that the Government attaches to the SAC, SPA, SSSI, proposed Ramsar site and proposed extension and additions to the SPA; whether or not there is likely to be any impact on a European protected species listed in the Habitats Directive; and whether there is likely to be any impact on a species protected under the Wildlife and Countryside Act 1981 or any other legislation.

5. NOISE AND TRANQUILITY

- 5.1 Paragraph 7. d) of the letter from GOSE (CD1.47) requests information as to whether there are any other material planning considerations relevant to the Secretary of State's consideration. I have separated noise and tranquillity out from other relevant material considerations because this was one of the recommended reasons for refusal in the Council's supplementary report (amended recommendation, 2. d), CD1.51).
- 5.2 The Council is concerned to ensure that the airport expansion proposals do not have any significant noise impacts on the local community and wider area. The Council has fully considered the noise effects of the applications and consider them to be minor overall, though there will be materially significant or moderate

adverse effects for some properties near the airport. It is more difficult to quantify the effect on tranquillity.

- 5.3 Overall, whilst the Council considers there would be an adverse noise effect, based on advice from Bureau Veritas and the Council's Environmental Health Officer this was not considered a sufficient reason on its own to recommend refusal of the applications. But that this could be a reason for refusal alongside others if the benefits of the proposals are not considered to outweigh the adverse effects when taken together.
- 5.4 Full appraisal of the noise and tranquillity issues is given in 7.44-7.60 and 7.95 of the main Council report, 7.32-7.38 and 9.2 of the supplementary report, including reference to advice from Bureau Veritas and the Council's Environmental Health Officer. Paragraph 8.9 of the Statement of Common Ground between LAA and Shepway District Council summarises the noise and tranquillity position, and 4.18 highlights most of the related restrictions currently being discussed as part of the conditions and S106 legal agreement. Noise related conditions and/or obligations are proposed to control and give certainty about the level of noise effects, details of which were still under discussion at the time of preparing this evidence. Bureau Veritas has provided further advice on noise issues in relation to conditions and a S106 agreement, details of which are included as part of Appendix 5.
- 5.5 The potential proposals by LAA to provide an additional scheme over and above planning conditions and a S106 agreement for those properties most affected ('The Five Communities Scheme') is noted, but was not a material consideration taken in to account when the Council determined the applications.

6. OTHER ISSUES/MATERIAL CONSIDERATIONS

- 6.1 Paragraph 7. d) of the letter from GOSE (CD1.47) requests information as to whether there are any other material planning considerations relevant to the Secretary of State's consideration. As part of its appraisal and reports the

Council fully considered a range of other issues including: Transport and traffic; air quality and climate change; visual environment, terminal design, landscaping and lighting; flood risk, drainage and sewage; construction, contamination, archaeology and historic environment; Dungeness nuclear power station, MOD, security and safety (including bird strike). These are set out in 7.61-7.93 and 9.9 of the main Council report and 7.41-7.42 of the supplementary Council report (CD1.48, CD1.51), and represent the Council's position on these issues. The Council's position is also set out on these issues in 8.13-8.32 of the Shepway District Council and LAA Statement of Common Ground (CD4.1).

- 6.2 The proposals are considered to be consistent with Local Plan, the South East Plan and national guidance regarding these various issues. The issues have been fully consulted upon with statutory and non-statutory authorities, details of which can be found in section 5. of the main Council report and section 6. of the supplementary Council report (CD1.48, CD1.51). Conditions and a S106 legal agreement are proposed to control, mitigate and give certainty to any related effects, details of which were still under discussion at the time of preparing this evidence.

7. SOCIO-ECONOMIC EFFECTS, MANSTON AIRPORT AND SUSTAINABILITY

- 7.1 Aside from the policy arguments that support the principle of expansion of this existing small airport for aviation reasons, the Council welcomes the private investment and socio-economic benefits the proposals would bring to a relatively deprived area. Likewise the Council considers socio-economic issues a key material planning consideration relevant to the Secretary of State's decision.
- 7.2 The Council's Regeneration & Economic Development Manager will present evidence to the Inquiry that addresses the socio-economic strategic and policy context, local economic performance, investment and job creation, wider impact on the sub-region, skills and development training opportunities and tourism impact. This concludes that:

- (i) The expansion of LAA offers the prospect of significant private sector employment in an area that is currently under performing economically and cannot rely on the energy sector in the future. It would stimulate indirect and induced employment, as well as have a modest positive impact in attracting businesses to the local area. It would offer the opportunity to bring new visitors to the area and raise the profile of Kent as a visitor destination. Whilst the expanded airport could conceivably lead to the loss of some visitors, this is felt to be relatively small scale, especially when considering the location of the predominant tourist activity in the area.
- (ii) Taking into consideration all of these aspects, it is the conclusion of Shepway District Council that the expansion of the airport would have a positive economic impact.

7.3 Kent County Council (KCC) will not itself be presenting evidence to the inquiry, but is presenting a written statement from KCC's Integrated Strategy and Planning Division on socio-economic impacts (KCC/1W). Shepway District Council Officers have been in discussions with KCC about this and the statement covers a variety of issues: National policy and airport capacity in the South East; KCC's support for the expansion of both LAA and Manston airport and relationship between the two airports; employment impact across the wider area with particular emphasis on the potential relationship between the airport and Ashford growth area; tourism and potential new marketing opportunities; the skill levels that are currently available across the wider area and the relationship of these to the skills required by the airport.

7.4 KCC's conclusions are understood to comprise the following:

- (i) Until the National Policy Statement on airports is produced there is currently no up to date national, regional or other Government sanctioned policy for expanding airport capacity which provides a strategic planning basis for ensuring that the future demand for air travel can be met in the

South East. However, notwithstanding that nationally and regionally air passenger traffic has declined in 2008 and 2009, future demand is still expected to grow as the economy comes out of recession. Whilst there is no prospect of major increase in runway capacity being provided to serve London and the South East in the near future, there is a role for regional and smaller airports such as LAA to provide services to help fill the gap.

(ii) London Ashford (Lydd) Airport provides a local service for business and leisure. This is currently on a small scale but the airport has the capability to expand and bring new employment and business opportunities to the area if the present proposals can be permitted. This would serve not only the existing population and businesses but would complement development schemes already taking place in Shepway and Ashford Districts.

(iii) It now seems unlikely that the Dungeness “C” nuclear power station will be constructed and in view of the poor employment prospects on Romney Marsh it is vitally important to the regeneration prospects of the Shepway District and adjoining areas of East Kent that the proposals to expand air passenger transport at LAA is given every possible chance of success. KCC supported the expansion of Lydd Airport in the Kent & Medway Structure Plan and it is just as important that proposals succeed now. The introduction of new private sector jobs, particularly such as LAA can offer, is what is required to grow the economy, boost employment and tackle deprivation in accordance with both Government policy and the County Council’s regeneration framework

7.5 Both the Council’s Regeneration & Economic Development Manager and the statement by KCC show the local and wider sub-regional socio-economic importance and benefits of the proposed airport expansion at LAA, and that Manston Airport and LAA can be considered as complimentary. If the Secretary of State agrees that the applications will not adversely affect the integrity of the international and national ecology designations, and that the applications will

have positive aviation and socio-economic effects, then in my professional opinion the planning applications should be considered sustainable in the existing and emerging planning policy context. Therefore the proposals are considered consistent with Local Plan policy SD1 Sustainable Development, PPS4: Planning for Sustainable Economic Growth and PPS1: Delivering Sustainable Development.

8. PROPOSED CONDITIONS AND S106 AGREEMENT

- 8.1 Paragraph 7. g) and f) of the letter from GOSE requests information as to whether any permissions granted for the proposed development should be subject to any conditions and accompanied by any planning obligations under section 106 of the 1990 Act and, if so, whether the terms of such obligations are acceptable.
- 8.2 The Council considered draft conditions and heads of terms for a S106 agreement as part of the supplementary report to the Council meeting in March 2010 (Appendix 4 to that report and also CD1.51). This was considered a reasonable basis for more detailed discussions. A further draft was prepared by LAA in September 2010 following further discussions (Appendix 3).
- 8.3 Key elements of the draft conditions are: A Construction Environmental Management Plan; Construction Health and Safety Plan; Geomorphology Schedule and Programme of Works; Airport Operational Controls; Highway improvement works to Hammonds Corner; a Lighting Scheme; Airfield Biodiversity Action Plan; Bird Control Management Plan; Air Quality Management Strategy; Airport Annual Monitoring Report and Noise Management Plan.
- 8.4 Key elements of the draft S106 agreement are: Air Quality Management Strategy; Noise Management Plan; Operational restrictions; Road Signage Strategy; Carbon Management Action Plan and Carbon Audit; Restriction on the occupation of the Terminal Building; Terminal Design Standards; Road Routing

Plan; Travel Plan; Car Park Management Plan; Shuttle Bus; Highways improvements at Hammonds Corner; Employment and Training Programme

- 8.5 During October 2010 Natural England, RSPB and other Rule 6 parties were consulted about this revised draft, and their responses are included in Appendix 4. Shepway District Council forwarded the responses to LAA and provided additional comments on 26 October, details of which are included in Appendix 5. This includes further advice from Bureau Veritas regarding noise conditions and obligations.
- 8.6 Officers subsequently met LAA on 1 November 2010 to discuss these various comments. At the time of writing this proof of evidence officers and its legal consultant were awaiting further revisions to the S106 and conditions, with a view to Shepway District Council and LAA submitting an agreed set of conditions and obligations to the Inquiry.
- 8.7 Despite the wide range of comments submitted on the latest drafts, officers are of the opinion Shepway District Council and LAA are close to agreeing conditions and a S106 agreement. Full consideration has been given to Circular 11/95: The Use of Conditions in Planning Permissions (CD5.20) and Circular 05/05: Planning Obligations (CD5.19). Consideration has also been given to the new Community Infrastructure Levy, but it should be noted Shepway District Council will be considering these Regulations as part of its work on the Local Development Framework, which is still evolving. Consequently there is currently no charging schedule.

9. CONCLUSION

- 9.1 The Council has considered all the information and arguments over more than the past three years and is of the opinion these planning applications for limited expansion of LAA should be allowed. LAA is an existing small airport seeking to make a very substantial investment to meet the needs of aviation growth in part of the South East, the alternative being an underused and potentially failing

existing airport. As well as much needed local socio-economic benefits the proposals provide for a convenient catchment area for East Sussex, the Ashford growth area and coastal town of Folkestone. The proposals are not considered to adversely affect the integrity of international and national sites, and through a suite of planning conditions and S106 agreement will ensure an environmentally sensitive and well-designed local airport to meet the needs of the future.

- 9.2 In this context the proposals are in accordance with the Development Plan for the area and various national and other policy guidance, particularly Shepway District Local Plan policy TR15, PPS1: Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth and PPS9: Biodiversity and Geological Conservation, as well as the Habitats Directive.