



GOVERNMENT OFFICE  
FOR THE SOUTH EAST

Representing Central Government in the South East

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22<sup>nd</sup> June 2010

Our Ref: GOSE/103/001/SHEP/49040  
Your Ref: Y06/1648/SH & Y06/1647/SH

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTION 77  
PLANNING & COMPULSORY PURCHASE ACT 2004**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995**

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

- 1. Construction of a 294m runway extension together with an additional 150m starter extension: planning application Y06/1648/SH**
- 2. Erection of a terminal building, capable of processing 500,000 passengers per annum, and 637 car parking spaces: planning application Y06/1647/SH**

**Location: London Ashford Airport (LAA), Lydd, Romney Marsh, Kent. TN29 9QL**

1. I am directed by the Secretary of State to refer to the above named applications for planning permission. You will be aware that the Secretary of State has received requests to call in the applications for his own determination.
2. The Secretary of State's policy on call-in is set out in Richard Caborn's statement of 16 June 1999 in reply to a Parliamentary Question tabled by Mr. Bill Michie MP. His policy is to be very selective about calling in planning applications. He will, in general, only take this step if planning issues of more than local importance are involved. Having regard to this policy, the Secretary of State is of the opinion that these are applications that he ought to decide himself because he considers that the proposals may conflict

with national polices on important matters. The Secretary of State accordingly directs, under his powers in Section 77 of the 1990 Act (as amended), that the applications shall be referred to him instead of being dealt with by Shepway District Council.

3. To consider all the relevant aspects of the proposed development, the Secretary of State has decided to hold a local inquiry. For the purposes of the 2000 Rules this letter is the "relevant notice" that an inquiry is to be held and the date of this letter is the "starting date".
4. The Planning Inspectorate will be writing to you shortly about the timetable for this case. As you may be aware, the Planning Inspectorate has issued Procedural Guidance: [http://www.planning-inspectorate.gov.uk/pins/21st\\_century/index.html#nogo](http://www.planning-inspectorate.gov.uk/pins/21st_century/index.html#nogo) and all called in applications will be subject to bespoke timetables, which are explained in an Advice Note available on the Planning Portal: <http://www.planningportal.gov.uk/england/genpub/en/1115316688339.html>
5. As such, the local planning authority, applicant and any other parties who are likely to be significantly involved in the inquiry process (e.g. Rule 6 parties), should now start considering the submission of a draft timetable for this case. The Planning Inspectorate will be confirming when that draft programme should be submitted for their agreement. If you wish to discuss bespoke timetables, please contact Gavin Findlay of the Planning Inspectorate (0117 372 8918, email: [gavin.findlay@pins.gsi.gov.uk](mailto:gavin.findlay@pins.gsi.gov.uk)).
6. Meanwhile, the original applications, together with any accompanying plans and other documents **which have not already been supplied to this Office** (including any related certificates and correspondence) should now be sent to the following address:

The Planning Inspectorate  
4/03 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
BRISTOL BS1 6PN  
(For the attention of Gavin Findlay)

7. On the information so far available to the Secretary of State, the following are matters which the Secretary of State particularly wishes to be informed about for the purposes of his consideration of the applications:-
  - a) The extent to which the proposed development is in accordance with the development plan for the area, having regard in particular to Shepway District Local Plan Review – (adopted 16 March 2006) (saved policies).
  - b) 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.



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- c) The extent to which the proposed development would be consistent with Government policies in Planning Policy Statement 9: *Nature Conservation* – 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;
  - Whether there is likely to be any impact on a species protected under the Wildlife and Countryside Act 1981 or any other legislation.
- d) Whether there are any other material planning considerations relevant to the Secretary of State's consideration.
- e) Whether any permissions granted for the proposed development should be subject to any conditions and, if so, the form these should take.
- f) Whether any planning permissions granted should be accompanied by any planning obligations under section 106 of the 1990 Act and, if so, whether the proposed terms of such obligations are acceptable.

This is to be taken as the Secretary of State's statement under rule 6 (12) of the 2000 Rules.

8. In accordance with rule 6(1) and (2), the local planning authority shall ensure that two copies of a statement of case are received by the Secretary of State, and one copy has been received by any statutory party as defined in rule 2 ***within six weeks of the starting date (unless the Planning Inspectorate notifies you otherwise)***. Your attention is drawn to rule 6(11). The Secretary of State will comply with rule 6(4).
9. The statement of case should contain the full particulars of the case which you propose to put forward at the inquiry and a list of any documents to which you intend to refer or put in as evidence. If you are proposing to give evidence, or call another person to give evidence, at the inquiry by reading a written statement (i.e. proof of evidence), your attention is drawn to rule 13.
10. Your attention is drawn to rules 4 and 6(2), in particular to the requirement upon your Council to inform forthwith the Secretary of State of the names and addresses of any statutory parties.

11. Your attention is also drawn to the provisions in rule 14 of the 2000 Rules that the local planning authority and the applicant shall together prepare an agreed statement of common ground and ensure that a copy is received by the Secretary of State and by any statutory party not less than 4 weeks before the inquiry opens.
12. In pursuance of Article 14 of the 1995 Order, the Secretary of State hereby directs the Council not to grant planning permission for any development which is the same kind as that which is the subject of the applications referred to above on any land which forms part of, or includes, the site to which the applications relate until the Secretary of State has issued his decision on those applications.
13. Although I have written to the applicant's agents in similar terms to this letter, your attention is drawn to Article 18 of the 1995 Order. This requires the Council to serve on the applicant notice of the terms of, and the reasons for, the section 77 direction.

Yours faithfully

*Jennie Gilks*

**Mrs J Gilks**

**Authorised by the Secretary of State to sign in that behalf**