

4. HOW DO I RESPOND TO A PLANNING APPLICATION?

4.1 Introduction

This chapter explains what happens when an airport operator wants to build a new airport or expand operations or infrastructure at an existing airport, and how you can affect this. ***To have an effect, you must send comments to the right people at the right time.*** This chapter explains how to do this. [Box 4.1](#) is a summary checklist of how to respond to a planning application.

Box 4.1 Checklist for responding to a planning application

The basics

- Find out when you need to respond by, and respond in time
- If possible, read the planning application (and environmental statement), either on the Internet or at the local planning authority office
- Respond by writing a letter to your local planning authority which states:
 - Your name and address
 - The planning application you are responding to
 - What your views are, focusing on ‘material planning considerations’ (see [Section 4.3](#)), and local issues that your planning authority may not be aware of. Be clear about whether you support or oppose the planning application.
- Make sure that your letter is courteous, easy to read, and not too emotional: it will be placed on a register that anyone can look at.

If you have more time, are more organised, and want to make a greater impact

Before the application is made

- Check with the local planning authority to find out if they know when the application will be made
- Organise other people to respond to the planning application
- In your local authority’s Development Plan (available online or at the planning department), identify policies that could help your future arguments, for instance about minimising the need to travel or maintaining amenity
- Get legal advice to buttress your points (e.g. the Environmental Law Foundation [www.elflaw.org] gives initial advice free)

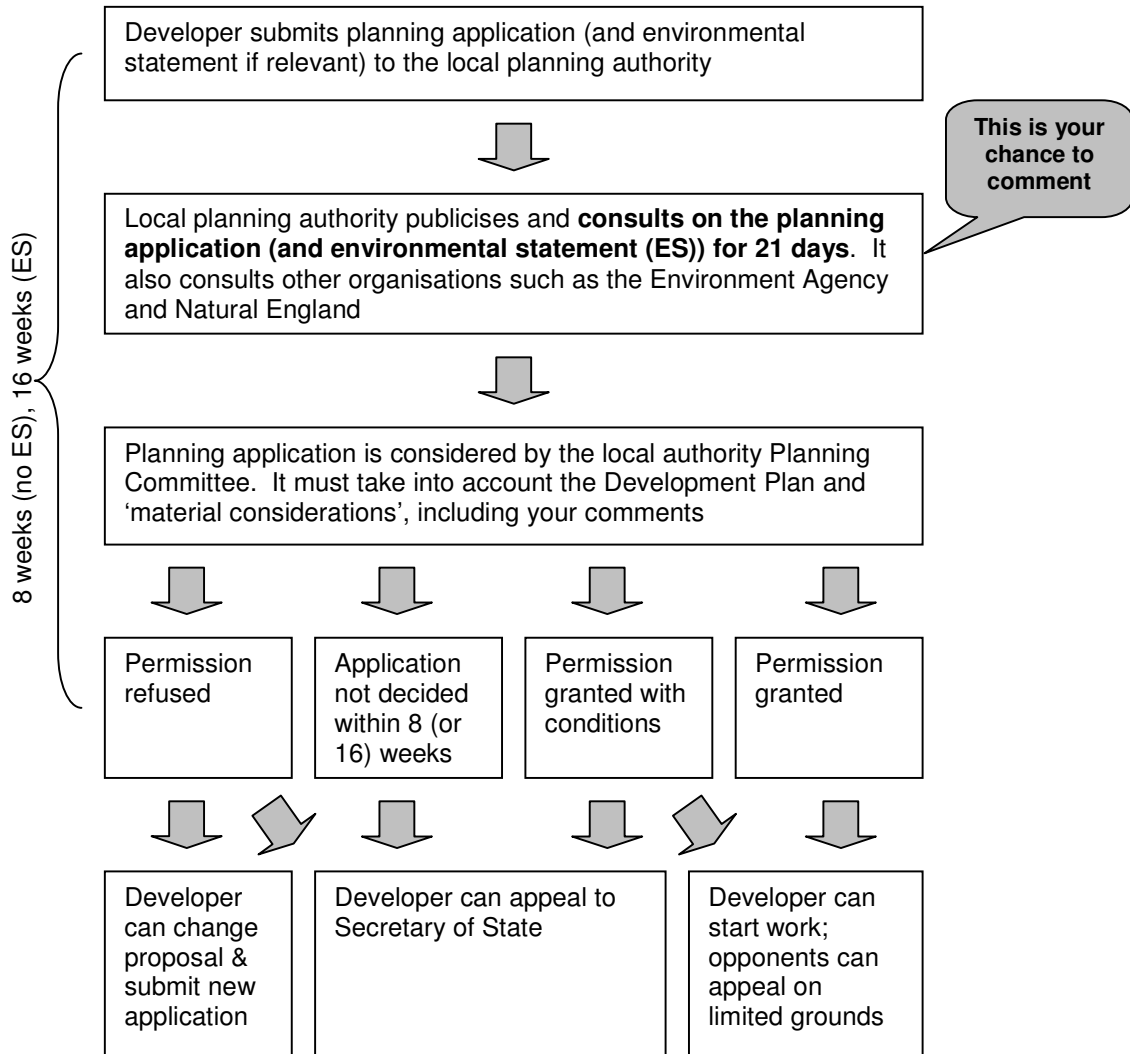
When the application is made

- Remind other people to respond to the planning application. If you’re really organised, get different people to ‘adopt’ a chapter of the environmental statement and critique it (see [Chapter 6](#) for questions that might help with this)
- Respond to the planning application as above, citing policies from the Development Plan to support your arguments, and critiquing the environmental statement if you wish
- Tell your parish councillors and write to your MP about your views
- Write to the local newspaper about your views

4.2 The planning process

This section gives an overview of the planning application process, to show how your comments will be taken into account. [Figure 4.1](#) summarises the planning process.

Figure 4.1 The planning process



Before an airport operator ('developer') can build a new airport or expand their existing operations, they must get planning permission from their local authority. To get planning permission, they have to send in a *planning application* which provides information about the proposed project's design and land uses, access to the development, and availability of infrastructure such as water supply and drainage.

For most airport-related projects, the developer must also prepare an *environmental statement*. This is a report which explains what the project's environmental impacts are likely to be, and what the developer proposes to do to minimise these impacts. [Section 6](#) discusses what an environmental statement must cover.

The local planning authority must then *publicise* the planning application and environmental statement, and *consult* on them. Usually they publicise the proposal in local newspapers and on the local authority's website. Often local newspapers will carry an article about the proposal at this stage. If you live very near to the proposed project, the local authority may also write to you directly asking for your comments. The planning application and environmental statement will be available for you to inspect at the local authority offices, and normally also on the local authority's website.

When it publicises the planning application, the local planning authority will say when you must comment by – you will have at least 21 days to do so. [Section 4.3](#) explains how you should comment. ***Make sure that you comment in time!***

The local authority's Planning Committee then decides whether planning permission should be granted. In doing so, it must take account of the policies in its Development Plan and other material considerations; comments from the Environment Agency, Natural England, English Heritage and other 'statutory consultees'; and representations by the public and owners or tenants of the land.

Where a planning application does not require an environmental statement, the Planning Committee should make a decision within 8 weeks of when the developer made the application; where it requires an environmental statement, the Planning Committee should make a decision within 16 weeks. The Planning Committee can:

- refuse planning permission altogether (in which case the developer can change the proposal and submit a new application, or appeal to the Secretary of State);
- grant planning permission with conditions (for instance about passenger throughput, traffic arrangements etc.); or
- grant planning permission without conditions.

If a planning application is likely to have a widespread and significant effect, the Secretary of State has the power to "*call in*" planning decisions of sufficient importance, although under [recent government proposals](#) these powers might become more restricted. This process will also involve the appointment of an Inspector to conduct a public inquiry. Although the power is discretionary, third parties may write to the Secretary of State setting out their arguments and requesting that he consider "*calling-in*" the application for his determination (such a case may have added weight if it also has the support of other bodies, local organisations and Members of Parliament). Under recent government proposals, these "*call in*" powers would be restricted.

Some airport development at specific airports benefits from *deemed planning consent*, and the only requirement is to consult with the local planning authority (although it does not override the need for an environmental assessment where relevant). An airport can benefit from permitted development rights if it is economically regulated by the Civil Aviation Authority (at present the criteria for this is a turnover of at least £1million in two out of the last three financial years). Qualifying airports can add operational buildings, including hangars and terminal extensions (up to 15% of the original floorspace), as well as navigational equipment and aprons. [Part 18 of the Town and Country Planning \(General Permitted Development\) Order 1995](#) gives detailed information on permitted development rights at airports. [Box 4.2](#) summarises these. Furthermore, many UK airports do not have limits on aircraft movements. An increase in air traffic that does not require new facilities will not necessarily require planning permission.

More information about the planning system can be found on the [Planning Portal](#).

Box 4.2 Development with deemed planning consent at certain airports: extracts from Part 18 of the General Planning Development Order

Class A Development at an airport: The carrying out on operational land by a relevant airport operator or its agent of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at a relevant airport.

Class B Air navigation development at an airport: The carrying out on operational land within the perimeter of a relevant airport by a relevant airport operator or its agent of development in connection with—

- (a) the provision of air traffic control services,
- (b) the navigation of aircraft using the airport, or
- (c) the monitoring of the movement of aircraft using the airport.

Class C Air navigation development near an airport: The carrying out on operational land outside but within 8 kilometres of the perimeter of a relevant airport, by a relevant airport operator or its agent, of development in connection with—

- (a) the provision of air traffic control services,
- (b) the navigation of aircraft using the airport, or
- (c) the monitoring of the movement of aircraft using the airport.

Class D Development by Civil Aviation Authority within an airport: The carrying out by the Civil Aviation Authority or its agents, within the perimeter of an airport at which the Authority provides air traffic control services, of development in connection with—

- (a) the provision of air traffic control services,
- (b) the navigation of aircraft using the airport, or
- (c) the monitoring of the movement of aircraft using the airport.

Class E Development by the Civil Aviation Authority for air traffic control and navigation: The carrying out on operational land of the Civil Aviation Authority by the Authority or its agents of development in connection with—

- (a) the provision of air traffic control services,
- (b) the navigation of aircraft, or
- (c) monitoring the movement of aircraft.

Class F Development by the Civil Aviation Authority in an emergency: The use of land by or on behalf of the Civil Aviation Authority in an emergency to station moveable apparatus replacing unserviceable apparatus.

Class G Development by the Civil Aviation Authority for air traffic control etc.: The use of land by or on behalf of the Civil Aviation Authority to provide services and facilities in connection with—

- (a) the provision of air traffic control services,
- (b) the navigation of aircraft, or
- (c) the monitoring of aircraft,

and the erection or placing of moveable structures on the land for the purpose of that use.

Class H Development by the Civil Aviation Authority for surveys etc.: The use of land by or on behalf of the Civil Aviation Authority for the stationing and operation of apparatus in connection with the carrying out of surveys or investigations.

Class I Use of airport buildings managed by relevant airport operators: The use of buildings within the perimeter of an airport managed by a relevant airport operator for purposes connected with air transport services or other flying activities at that airport.

4.3 Commenting on the planning application

Planning Committees must decide on planning applications "in accordance with the [development] plan unless other material considerations indicate otherwise"¹. So you should ideally comment in terms of 1. the Development Plan and 2. 'material considerations'. **Don't worry if you don't have time to look at the Development Plan or identify the local authority's material considerations. Just write down all of the arguments that you can think of**, and the planning authority will automatically discount those that it can't use in decision-making.

The *Development Plan* for the local authority consists of 1. the local authority's Core Strategy and other Development Plan Documents (DPD) and 2. the Regional Spatial Strategy (RSS). The DPDs can be found on your local authority's website; the RSS will be on your regional assembly's website. Both will also be available at your local authority's planning office.

Things to look for when reading DPDs and RSSs are:

- Focus on the key 'planning policies'. These are typically in boxes or in bold font, and will look roughly like the examples in [Box 4.3](#). All the other materials in the plan explain and support the planning policies. The most relevant planning policies will probably be the general / sustainability policies at the start of the plan, and policies on transport, quality of life, and natural resources.
- Some planning policies (like A. and B. in [Box 4.3](#)) relate directly to airport development. Typically they will support airport expansion. Check if 'your' airport is specifically supported: if not, you could mention this in your submission.
- Other planning policies (like C. and D. in [Box 4.3](#)) set criteria that all development should adhere to. If 'your' airport wouldn't achieve these criteria, then say so in your submission.

Box 4.3 Example of planning policies

A. [Regional Spatial Strategy] "Plans and strategies should support the economic activity generated and sustained by the Region's airports. The future operational and infrastructure requirements, surface access demands and environmental impacts for each airport should be identified in Airport Master Plans. For X Airport, the Local Development Framework should identify and protect an appropriate airport boundary to allow for possible future use and expansion. Development that would impede the operational requirements of the airport should not be permitted within this boundary."

B. [Core Strategy] "Improvements to transport infrastructure and services will be sought [including] improving accessibility to Y Airport."

C. [Core Strategy] All development proposals in the District should ensure that:

- The scale, density, layout and design make the most efficient use of land
- Visual, residential and general amenity are protected and where possible enhanced
- There should be no loss of greenfield land unless justified by national planning

¹ Planning and Compulsory Purchase Act 2004, Section 38

policy, the Core Strategy, or an allocation for development in the Local Development Framework

D. [Core Strategy] Support will be given to proposals and activities that protect, retain or enhance existing community assets, or lead to the provision of additional assets that improve community well-being. Proposals involving the loss of community assets including land in community use, for example relating to facilities such as community/village halls, village shops and post offices... will not be supported.

Material considerations vary from local authority to local authority, and authorities have much leeway to decide what considerations are relevant and how much weight to give to them. [Box 4.4](#) shows typical examples of material considerations.

Box 4.4 Examples of typical material considerations and things that are typically not material considerations

<p>✓ Typical material considerations</p>	<p>✗ Typically <i>not</i> material considerations</p>
<ul style="list-style-type: none"> • The design and appearance of the proposed development • Flood risk • Impact on listed buildings, conservation areas, archaeological sites, or protected trees • Impact on designated areas for nature conservation • Loss of light / overshadowing • Loss of privacy to a room • Landscaping and visual amenity • Traffic generation, road access/layout, and adequacy of parking, loading and turning • Public rights of way • Disabled access • Public safety • Noise and disturbance • Use of hazardous materials • Risk of air, water or soil pollution • Loss of trees or green space • Possible planning gain² 	<ul style="list-style-type: none"> • Effect on property values • Loss of views • Effect on income to businesses • Identify of the applicant • Moral or religious issues • Disturbance from construction works • Alternative proposals for the site • Covenants on a property • Matters that relate to other regulatory regimes such as Building Standards or Health and Safety

The planning authority must make your comments available for anyone to inspect. Your comments may be published on the local authority website. So make sure that your letter is as professional-looking and –sounding as possible. [Box 4.5](#) shows an example of how you might structure your letter.

² Any planning advantages arising from a proposal that is not directly connected to it, for instance affordable housing, open space and contributions to educational schemes. Planning gain is usually provided through a 'Section 106 Agreement'.

Box 4.5 Example of letter responding to a planning application

14 Willow Court
Willowbrook
Nedford ND1 7XL
14 October 2008

Development Control
Nedfordshire District Council
Nedford ND3 9FT

Dear Planning Officer,

Re. Planning Application No. 1235/ND (expansion of Nedford Airport)

I live within 2 miles of the Nedford Airport boundary, and am already severely affected by the operations of the airport. I already have a hard time hearing the radio and television in the early evening because of noise from aircraft. I oppose the airport's expansion for the following reasons:

- It would double the number of flights going over my house. I would suffer much more noise as a result;
- The greater number of cars and buses going to the airport would increase traffic outside my house. This would go against Policy T1 in Nedfordshire's Core Strategy. It would also increase noise and air pollution, and make it more difficult for me to get in and out of my drive;
- I know three families that have already moved away from the area because of concerns about the expansion of the airport. I feel that this is affecting community life in my area;

...

Yours sincerely,

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