



Departments of the Environment and Transport

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Your reference
AGC/L62800013
Our reference
SE2/5281/21/40
Date

27 September 1989

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 35
APPLICATION BY THE LYDD AIRPORT GROUP LTD FOR AN EXTENSION OF 296 METRES TO THE
EXISTING RUNWAY AT LYDD AIRPORT, ROMNEY MARSH, KENT

1. Consideration has been given to the report of the Inspector, Mr M Griffin BSc(Eng), MICE, DipTE, who held a local inquiry into your clients' application to the Shepway District Council for planning permission for an extension of 296 metres to the existing runway at Lydd Airport, Romney Marsh, Kent. The Secretary of State directed, in pursuance of Section 35 of the Town and Country Planning Act 1971, that the application be referred to him for decision instead of being dealt with by the local planning authority.
2. A copy of the Inspector's report is enclosed and his conclusions are annexed to this letter. He recommends that planning permission be granted subject to an Agreement under Section 52 of the Town and Country Planning Act 1971 between the applicants and Shepway District Council being completed and subject to conditions.
3. The Secretary of State has given very careful consideration to all the arguments for and against the proposed development and to the Inspector's conclusions.
4. The Secretary of State understands the fears of the local residents concerning the safety aspects of the proposal with regard to the nuclear power stations and possible bird strikes to aircrafts. He notes that Shepway District Council consulted both HM Nuclear Installations Inspectorate and the Central Electricity Generating Board on this matter before the local inquiry was held. With restrictions on the annual number of aircraft movements and on the flight paths and runways used as proposed by the District Council and the opportunity to make representations in the event of changes to Lydd Airport Group's Air Traffic Control Instructions (which is promised by the Council) the Inspectorate raised no objection to the proposal. The Central Electricity Board agreed with this conclusion.
5. The Secretary of State has also, since the local inquiry, consulted the Nuclear Installations Inspectorate and the Civil Aviation Authority as recommended by the Inspector. The Nuclear Installations Inspectorate explain that in the case of the Dungeness A and B reactors, both the Central Electricity



Generating Board's and the Inspectorate's assessments, conducted independently, show that the risk of an aircraft crashing onto the Dungeness Power Station and leading to an uncontrolled release of radioactivity was below their published risk criteria. The risk from an aircraft crashing onto the external air ducts on Dungeness 'A' or at pile cap level at Dungeness 'A' and 'B' and on the cooling ponds was even more remote. The Civil Aviation Authority have explained that a small runway extension such as that proposed at Lydd Airport is unlikely to have any effect on the existing bird hazard at Lydd and that there is unlikely to be a need to expand the existing bird control measures should the extension be approved.

6. On the basis of the Inspector's conclusions and the above information, the Secretary of State concludes that the safety considerations involved do not justify a refusal of planning permission provided it is made subject to the conditions and obligations proposed by Shepway District Council and provided the proposed legal agreement includes obligations to cease air traffic movements while rail movements of irradiated fuel are taking place.

7. The Secretary of State agrees with the Inspector that the proposal is in accordance with national and local planning policies provided that the effects on the Dungeness Site of Special Scientific Interest (SSSI) and on the residential amenity can be shown not to exceed an acceptable level.

8. The Secretary of State does not consider that the residential amenity considerations recorded by the Inspector justify withholding permission.

9. The Secretary of State has had regard to the effect of this proposal on the adjoining Site of Special Scientific Interest (SSSI), which has also been identified as having the potential for classification as a Special Protection Area (SPA) for birds under the provisions of the European Communities Directive 79/409/EEC on the Conservation of Wild Birds. The Secretary of State considers that the application should be treated as an application to which paragraphs 25 and 26 of DOE Circular 27/87 apply. (This Circular sets out the Government's obligations under the EC Directive and the measures necessary to ensure that these obligations are met.) The Secretary of State accepts the Inspector's view that this proposed development would be detrimental to the population of the rare species of birds at Dungeness. On the basis of the evidence available the Secretary of State is not able to satisfy himself that the disturbance or damage to the birds or their habitats would not be significant as required by paragraph 26 of Circular 27/87. Nor has he been able to satisfy himself that any disturbance to the birds will be outweighed by the economic gains which may follow from the granting of permission. Therefore in his opinion the application does not satisfy the criteria set out in paragraphs 25 and 26 of the Circular. The Inspector concluded that the SSSI might be better served in the long term by a gradual expansion of Lydd Airport to some predetermined limit with an ongoing measure of control rather than allowing its expansion to be unconstrained. However, in the opinion of the Secretary of State a development which is unacceptable under Circular 27/87 should not be permitted because it will allow conditions to be imposed on the use and development of the application site. Other means exist should it be necessary to control any expansion of the use of the airport which may take place following the withholding of permission.

10. The Secretary of State has therefore decided that, on the basis of the evidence before him he would not be justified in granting the permission sought and accordingly he is minded to refuse permission for an extension of 296 metres to the existing runway at Lydd Airport.

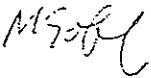
11. If, however, the Secretary of State was able to satisfy himself that any damage or disturbance to the birds or their habitats would not be significant in the terms of the European Communities Directive, he would be minded to grant the permission sought. In order to be in a position to decide whether any such damage or disturbance would not be significant the Secretary of State considers that the following information is needed:

- (a) Data on the breeding success of terns at Dungeness SSSI in the period 1978-1988 to determine whether periods of more intensive use of Lydd Airport had an effect on breeding success. Data from other UK colonies would also be needed for comparative purposes.
- (b) More objective data on the effects of aircraft movements on the breeding success of birds, especially terns.
- (c) Data comparing the effects of turbo-prop planes and small aircraft with modern jet aircraft as proposed in your clients' application.

12. If your clients are able to submit the required information, it should be sent to the above address and will be considered in accordance with the Town and Country Planning (Inquiries Procedure) Rules 1988. In order to give your clients time to consider the matter further, the decision on this application will be deferred for a period of 6 weeks, or until the required information is submitted to the Secretary of State or he is informed that your clients are unable to provide it, whichever is the sooner.

13. A copy of this letter has been sent to Shepway District Council and to all those who appeared at the local inquiry or submitted written representations.

Yours faithfully



MRS M GOFF