

APP/L2250/V/10/2131934 & APP/L2250/V/10/2131936

SECTION 77 TOWN AND COUNTRY PLANNING ACT 1990 – REFERENCE OF APPLICATIONS TO THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

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

WRITTEN RESPONSE BY CLIVE SELF

DipLA CMLI MA (Urb Des)

AND RICHARD PERKINS BEng CEng MIOA

IN RESPONSE TO WRITTEN STATEMENT BY THE

**KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY
EXECUTIVE**

In respect of:

Planning Application Reference: Y06/1647/SH (New Terminal Building)

Planning Application Reference: Y06/1648/SH (Runway Extension)

relating to land at London Ashford Airport, Lydd, Romney Marsh, Kent, TN29 9QL

1.0 INTRODUCTION

- 1.1 This Written Response is submitted in response to the Written Statement of the Kent Downs Area of Natural Beauty Executive (KD/1/W) that has been submitted to the inquiry. It has been prepared by Clive Self and Richard Perkins whose qualifications and experience appear in their main proofs of evidence.
- 1.2 The Kent Downs Area of Natural Beauty Executive is not appearing at the inquiry itself. It is therefore not going to be possible for the Applicant to subject their evidence in the normal way, although much of what they have alleged has already been dealt with by the Applicant at the inquiry through its witnesses in dealing with other representations. However, to assist the inquiry, this Written Response deals with certain points where it is considered appropriate or helpful to respond in writing for the avoidance of doubt. Where a specific point has not been dealt with, this does not mean that these points are accepted.

2.0 KDAONB Statement

- 2.1 Paragraph 1 of the KDAONB Statement asserts that the Kent Downs AONB would be “significantly adversely affected” by over-flying aircraft using the extended runway at the Airport. They claim that the development would necessitate use of ‘very noisy aircraft’ flying over the AONB at low altitudes. These claims are not well-founded for a variety of different reasons.
- 2.2 First, contrary to the impression given or the understanding of the KDAONB Executive, no aircraft using ILS will in fact be lower than 3,200 ft as they pass over the AONB and many will be considerably higher. The notion that this is a low altitude, or one which would give rise to significant adverse effects, is simply incorrect. Secondly, it is incorrect to refer to the proposed aircraft as ‘very noisy’. It is in fact fair to say that none of the modern passenger jets, such as the B737, can reasonably be described as ‘very noisy’ in this regard.
- 2.3 Paragraphs 3 to 8 of the KDAONB Statement then go on to make reference to the concept of tranquillity and the work undertaken by CPRE. The value and weight that should be attached to that work, and the claim that CPRE are “the acknowledged leading experts” in the field of trying to conceptualise and identify tranquillity, has already been comprehensively addressed in Clive Self’s main proof of evidence and rebuttal and in oral evidence at the inquiry and is not repeated here. It is clear from that evidence that there are a number of basic flaws in the reliance upon this work and the concept of tranquillity in the sense used by

CPRE. The claim made in paragraph 5 that the effects of the proposed development on the AONB “have been almost wholly ignored” is without foundation. The effects of the proposed development have been carefully considered and assessed through a comprehensive process. The simple fact remains that on any objective analysis, there are no significant effects on the AONB. This has been considered in more detail in the evidence of Clive Self and Richard Perkins specifically in the context of landscape and visual effects and noise respectively.

- 2.4 Paragraphs 9 -17 of the KDAONB Statement makes reference to the Kent Downs AONB Management Plan. It is not clear precisely what status KDAONB Executive attaches to this document in the context of this inquiry, but it is not an official planning policy document such as a document forming part of the development plan itself. In any event, there is nothing it identifies which is in fact in conflict with what is proposed by these Applications on an objective analysis. Therefore to the extent that it is appropriate to give it weight, or even substantial weight, there is nothing within it which conflicts with what is proposed. We deal with the question of Inspector decisions with particular regard to issues of tranquillity (such as that referred to in paragraph 17 of KDAONB Statement) in more detail below.
- 2.5 Paragraphs 18 and 19 of the KDAONB Statement refer to Government Guidance to the Civil Aviation Authority on environmental objectives relating to the exercise of its air navigation functions originally published in 2002 and recently updated in December 2005. Particular reference is made to paragraphs 45 and 46 of the Guidance which acknowledge that government policy does not ‘preclude over-flights of National Parks or AONBs’ but states that where possible, flights below 7,000ft should be avoided, provided they do not add to the environmental burden on more densely populated areas.
- 2.6 The first point to note is that the CAA itself is not an objector to what is proposed. There is therefore no suggestion from the CAA or similar body that the development proposals would in fact conflict with the wider environmental objectives of the CAA’s air navigation functions. The KDAONB do not bring any evidence to support any contrary view.
- 2.7 Secondly, whilst there will be some over-flights of the Kent Downs AONB below 7,000 ft, it is important to place these within the context of existing operations at the Airport where the established departure and arrival routes already traverse these areas. The proposal therefore does not materially alter the existing situation, or indeed the situation for the future even if this development were to be refused.

- 2.8 Thirdly, the guidance document itself makes the obvious point that overflying of AONBs is not precluded and it will often be impractical to do so. That is clearly the case for the existing and future operations at the Airport which is a long-established airport which has historically had far greater numbers of movements than are currently proposed.
- 2.9 Paragraphs 20 to 33 of the KDAONB Statement refer to a number of appeal/Local Plan Inspector's decisions where it is said that the issue of "tranquillity", noise or landscape impact has been a determining factor in considering the acceptability, or otherwise, of airfield developments within nationally protected landscapes. I briefly comment on the various decisions below as they do not in fact support KNAONB in the analysis that they seek to extract, nor any notion that "tranquillity" is intended to refer or apply to something materially different from that which has been comprehensively assessed for these proposals.

Suffolk Coasts and Heaths AONB Local Plan First Alteration

- 2.10 The first is reference to a report which was produced as part of the review of the Suffolk Coasts and Heaths Local Plan. During the course of that examination, the Inspector considered the reuse of a former military airbase at Rendlesham/Wantidsen for civilian aviation (see Policy LP141.1 considered at page 23 onward of his report). Inspection of the report reveals that the Inspector's task was essentially to assess whether the proposal for a major commercial development in the AONB would be consistent with government policy. This was a proposal to create an airport of an undefined scale within the AONB itself. It is therefore very different to what is proposed in the instant case which relates to a clearly defined extension to an existing airport which lies outside any AONB.
- 2.11 In their statement, KDAONB Executive seeks to rely upon the Inspector's conclusions at IR 175, 176, 188, 197, 263, 329-32 and 352 and the local authority's acceptance of those conclusions. However it can be seen at once that the Inspector concluded in that case at paragraph 329 of his report that in promoting an 'airport proposal of undefined scale in this sensitive location, the Plan fails to recognise the negative impact that the development would have firstly, on the natural beauty and quiet enjoyment of the AONB and secondly, on internationally important wildlife habitats'.
- 2.12 The assertion that these findings of the Local Plan Inspector are somehow relevant to consideration of the Airport proposals is without any merit. The Local Plan Inspector was considering the direct effects of creating a major commercial airport within the Suffolk

Coasts and Heaths AONB, and not indirect effects on an AONB from a modest expansion of an existing operational airport which lies outside any AONB altogether. In fact, in the case of the Airport, the Kent Downs AONB is at least 12 kilometres away. There could only ever potentially be very minor indirect effects from over-flying aircraft and there are no material direct effects as a result of the development proposed. The decision is of very little relevance to the Applicant's proposal and it is nonsensical to seek to apply it in this way.

2.13 It will be seen that the Suffolk proposal also related to a site that had not been operational for a number of years and the Inspector expressly placed weight on the fact that the area 'had remained undisturbed for many years' and was 'prized for its recreational and amenity value for that reason'. This is in direct contrast to the Airport. Not only is it well outside any AONB, it is also an active commercial airport that has a long-established continuing history of aviation of all kinds, including existing aviation activity that currently includes some freight activity at night and with the ability for that activity and other activities to grow without restriction in the future regardless of whether or not this application is approved.

2.14 In addition, the attempts to extrapolate some wider concept of tranquillity from the Inspector's reasoning are artificial. In fact the Inspector's reference to the tranquillity of the AONB in the paragraphs mentioned are effectively descriptions concerned with noise. Thus, for example, paragraph 188 is concerned with the objections to what the Inspector considered in that case would be a potentially noisy development in an area which had remained relatively undisturbed by noise nuisance since the base had originally closed. Likewise, paragraph 263 was concerned with the noise climate that would be created by the reintroduction of aircraft in an area which was relatively undisturbed and where background noise levels were very low. This clearly contrasts with the position with the Airport where not only is there an existing airport with attendant noise, but the Airport is outside the AONB altogether and the limited effects in terms of noise of what is proposed have been carefully and comprehensively assessed and considered in the ES accompanying the Applications.

Sussex Downs AONB

2.15 The second decision relied upon is a proposal for a change of use of land to an airfield which was proposed on land immediately adjoining the Sussex Downs AONB and visible from it, including in views from the South Downs Way. The Inspector dismissed the appeal on the

grounds that the noise arising from the development would have a detrimental effect on the countryside but concluded that there would be no harmful visual effects.

2.16 Again, the attempt to rely upon this decision as somehow relevant to the assessment of the proposals comprised in the Applications is misconceived. There are many obvious differences, not least that the proposal was for the creation of an airfield (which the Applicant's proposal is not), on land immediately adjoining the AONB (which the Applicant's proposal is not) and where the aircraft noise was assessed and was found it would have a demonstrably harmful effect on the area (which is not the case for the Airport).

2.17 This case was therefore determined on its merits as one would expect and provides no assistance for the determination of the Applications before the inquiry. It is noted, however, that the Inspector drew a distinction between the visual effects and the effects of noise in his reasoning and he did not rely upon other separate or distinct concepts of tranquillity of the type that KDAONB and CPRE have contended might exist. His analysis was concerned with the effect of aircraft noise on those seeking the quiet enjoyment of this particular part of the Sussex Downs AONB which he found to be of exceptional scenic beauty.

Exmoor National Park

2.18 This appeal referred to in paragraphs 28 to 29 of the KDAONB Statement in fact concerned an application for planning permission for the creation of a grass landing strip which was to be used for no more than 28 days annually. The Inspector and Secretary of State were both of the view that the scheme would have a harmful effect on the character and appearance of the National Park and quietness of the area.

2.19 Again, the attempt to transfer or apply this decision to the development proposed for the Airport is illogical. The development under consideration in Exmoor was proposed within a remote part of a protected National Park, and had nothing to do with development proposed to an existing airport lying outside the National Park or its equivalent. The circumstances in the Kent Downs AONB are very different in that the Airport is some considerable distance from the AONB, the area is already crossed by existing flight paths and is subject to a range of urban influences and the Airport is an existing long-established airport.

2.20 Whilst the Inspector referred at paragraph 44 of his report to the "tranquillity and quietness" of the particular part of Exmoor where the development was proposed, the

reasoning that then follows in these regards is concerned with noise disturbance that would come from the flights proposed in contrast to the existing situation. Again, there is nothing of substance in this decision to support the notion of a wider or different concept of “tranquillity”.

North Wessex Downs

2.21 Finally, at paragraphs 30 to 33 of the KDAONB Statement, reliance is sought to be placed on a proposal for a development wholly within the North Wessex Downs AONB. The application sought a very significant increase in the number of microlight flights and intensification of an existing airstrip. In deciding the appeal, the Inspector concluded that tranquillity was an important characteristic of the AONB and that the intensification of use would result in an unacceptable level of disturbance. Again, although the Inspector referred to tranquillity (see in particular paragraph 19) it is clear from the reasoning he gave on this issue that he was concerned with tranquillity in terms of noise rather than by reference to some other wider concept as now advocated by CPRE. The Inspector then went on to consider the effect of the increase in noise from the significant number of additional movements that were being sought against the relevant policy framework for proposals within an AONB.

2.22 Again, the decision is of no material relevance as it deals with the direct effects of development on an AONB set within the AONB, rather than any indirect effects on an AONB of the type in issue here. It is however relevant to note that the Inspector in that case at paragraph 18, observed that during a fly-past by a microlight ‘the sound was very noticeable when making the pass near to where I was standing, this being exacerbated in my judgement by the slow speed of the aircraft which means the sound is experienced for longer than would be the case with, say, a commercial airliner’. There was therefore on the facts also a clear difference between the type of aviation and the nature of its intrusive effect with what is proposed here.

Kent Downs AONB

2.23 I note that KDAONB Executive refers to work that they commissioned from Northumbria University on the effects of the proposal. It is unfortunate in this regard that the KDAONB purported to commission this work with reference to the Applicant, and without checking on whether or not what they were suggesting to Northumbria University was correct. In the normal way, there would have been opportunity for them to have made contact with the

Applicant and its expert witnesses if they had wished. The result is that the work they have commissioned is fundamentally flawed and unreliable. There are a number of basic flaws.

- 2.24 At paragraph 36 of the KDAONB Statement, the Executive asserts that ‘fully-laden aircraft ... will tend to approach the runway to land at shallower angles (therefore being lower in the sky at any given distance from touchdown). On the basis of more heavily-laden aircraft using the Airport in future, we would expect the impact on the AONB to be greater than otherwise, due to the aircraft being noisier and lower in the sky...’
- 2.25 This basic supposition which has obviously gone on to form the basis of KDAONB’s objection and Northumbria University’s consideration of the proposals is fundamentally wrong. The weight of an aircraft does not determine its approach angle or altitude. All of the larger aircraft, such as the Boeing 737, using ILS will follow the 3.5 degree descent regardless of payload. The consequential assumptions that have obviously influenced KDAONB Executive to object on the basis that aircraft using the airport with the extensions will be lower over the ground are therefore also wrong. Accordingly, the KDAONB Executive’s objection is unreliable as it was formulated on the basis of an important fundamental misunderstanding of the nature of the development and its consequences.
- 2.26 At paragraph 39 of the Statement it is stated that aircraft landing from the north-east will over-fly the Lypne Escarpment at 3,200ft AOD if approaching over the Hythe ranges and at 2,100ft AOD if approaching on a more northerly flight-path. It is then stated that heights will be less than this due to the height of the land in the AONB and it is asserted that this will have a significant noise and (visual impact) within the AONB.
- 2.27 It is correct to say that there is a height difference between the approach altitude and the actual height of aircraft passing over the Lypne Escarpment. However the significance of this is dramatically overstated. The height in question needs to be adjusted by only 320 feet (i.e. the difference between the height of the Lypne Escarpment and the Airport) to give the true height of an aircraft above the escarpment. This means that an aircraft at an altitude of 3,200 ft would in fact be 2,880 feet above the escarpment at this point. This marginal difference would not give rise to any significant ‘noise and visual impact’, as alleged in the KDAONB representations and it is not explained why it would.
- 2.28 In addition, in respect of the northerly route, B737 type aircraft are not permitted to use the NDB approach at 2,100 ft as this is in fact restricted to smaller aircraft only. It is evident that the KDAONB Executive did not appreciate this in making its objection.

- 2.29 In paragraph 41 of the Statement it is then asserted that in-bound aircraft could be at less than 2,000ft over the Lypne Escarpment. This is simply incorrect. Whichever route aircraft follow to approach on the ILS, they will be at an altitude of at least 3,200ft until passing 8.5 nm on the final approach.
- 2.30 Paragraph 45 the Statement then states that tranquillity is a relative term and to this end, KDAONB Executive seeks to include what they describe as a 'recalibrated map to show relative tranquillity within the Kent Downs AONB'. It is explained that this has been done because 'under the national map base the extremes of most or least tranquil areas would have been outside of the AONB and the graduation within the AONB therefore subdued'.
- 2.31 We refer to, but do not repeat again all of the flaws that exist in the tranquillity map itself that have already been explored in evidence in dealing with CPRE's reliance upon such maps. Needless to say, the original map and the "recalibrated" map suffer from basic flaws that make them an unreliable guide for use in this context, and their use in this way is not adopted or endorsed by any relevant policy applicable to this area.
- 2.32 Notwithstanding the absence of any logical or principled approach to the exercise that has been undertaken, it is in fact clear from the recalibrated plan that the approach paths to the Airport for the AONB are in fact identified as one of the least "tranquil" areas within the AONB already. This is actually unsurprising. Quite apart from the fact that the Lypne Escarpment lies under existing flight paths and so would be affected by aviation anyway (to the extent that such effects are material), it is orientated to face over the partially developed coastal strip and it already has local urbanising influences such as the major employment area of Link Park on the doorstep. Therefore the development will have no material effect on any such tranquillity anyway.
- 2.33 The dubious value and underlying difficulty of using tranquillity maps to inform development decisions is evident from the CPRE's and KDAONB own interpretation of the maps. On the one hand the CPRE have previously sought to argue that the area around the Airport is shown as one of the more tranquil areas and as such should be protected and is not suitable for additional flights, and on the other KDAONB is arguing that although the existing flightpath approach to the Airport is identified as one of the less tranquil areas, it is accordingly more vulnerable and should be protected accordingly.

Noise Impacts on Kent Downs AONB

- 2.34 Paragraphs 47 to 51 of the Statement are said to relate to aircraft noise. Richard Perkins has already presented evidence to the Inquiry on this matter and it is not replicated here. The following written response should however be read in conjunction with his evidence to the Inquiry and documents LAA/5/A to LAA/5/F.
- 2.35 As is explained in more detail in that evidence, community noise annoyance from aircraft is based on 16 hour annual average levels, and the 57 dB level represents the onset of significant community annoyance. This is described in detail in CD1.41a/b and LAA/5/A.
- 2.36 KDAONB Executive has seriously misunderstood the position in purporting to apply this level as being one which can be used to judge the effects from the passage of a single aircraft movement. Such events are described in terms of an L_{Amax} or an L_{Aeq40secs}, and it is wrong to treat these as equivalent to the 57 dB level referred to above. This represents a basic misunderstanding of the science of noise and how it is assessed.
- 2.37 It is possible to approximate the noise from a single aircraft movement as an acoustical 'point-source' in the manner that KDAONB suggest. In its simplest form, noise attenuates at a rate of 6 dB per doubling of distance (ignoring air absorption, ground effects, etc.). This attenuation effect can be observed in the SEL data quoted in Table 16.24, CD1.41b.
- 2.38 KDAONB, however, quotes a formula in paragraph 49 of their statement which purports to be the attenuation rate of 6 dB per doubling of distance, and they then go on to claim that the output is the level of noise experienced for approximately 40 seconds, using an input source level of 90 dB SEL. The original reference for the Piercy and Daigle formula that is used as the full reference is not cited. However, the formula appears to convert an SEL to an L_{Aeq40secs}, as well as to apply a distance correction, although it would appear that there was a typographical error in this evidence (distance attenuation is negative, and not positive).
- 2.39 It has therefore not been possible to validate the method that was used by KDAONB to calculate the purported "noise levels" in their statement. However, the evidence is demonstrably wrong. Further, the noise contours illustrated in Figure 6 assume a constant height above the Airport's runway along the entire flight path, giving an underestimate of a single event noise level close to the Airport, and a significant over estimate of the single event noise levels above the Kent Downs. These noise contours are completely misleading.

- 2.40 A more appropriate conclusion to draw from the noise data in relation to flights over the Lympne Escarpment is that a single event level would last for 40 seconds, and the level of noise is very similar to that experienced currently from the largest aircraft currently using the airport, and therefore the only change would be an increase in the number of movements, as described in proof LAA/5/A and no material change in the LAeq16hr level.
- 2.41 In summary, the evidence presented by KDAONB Executive confuses the science involved in calculating noise levels for a daily exposure with those for a single event level, and erroneously conclude that aircraft noise above the Kent Downs will lead to the onset of significant community annoyance. This is clearly not the case, and there will be no material change to the noise climate in the Kent Downs from the proposed increase in aircraft noise as a result of the proposed runway extension and new terminal building.