
LONDON ASHFORD AIRPORT LIMITED (LAA)**PINS REFERENCE APP/L2250/V/10/2131934 & APP/L2250/V/10/2131936****NOTE FROM INDIGO PLANNING ON COMPLIANCE WITH THE EIA REGULATIONS****Introduction**

- 1.1. We act for London Ashford Airport Limited (the Applicant) in relation to the call-in inquiry for the above references (the Proposals).

The Submission of the Planning Applications

- 1.2. Two planning applications were submitted to Shepway District Council (SDC) for determination on 15 December 2006. They were accompanied by two Environmental Statements; one relating to the proposed runway extension and one relating to the proposed new terminal building. Paper and electronic copies were provided.

The EIA Regulations 1999

- 1.3. At the time of the submission of the planning applications, the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (Statutory Instrument 1999 No. 293) as amended by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 2000, (Statutory Instrument 2000 No. 2867) were the relevant statutory requirements and, together, were commonly referred to as the "EIA Regulations".
- 1.4. The EIA Regulations form part of the development control system in England and relate to certain types of development. They relate to European Union Directive (Directive 85/337/EEC as amended by Directive 97/11/EC) on the assessment of the effect of certain public and private projects on the environment. They give local planning authorities a means of ensuring that they can take account of the environmental implications of individual developments in their decisions on planning applications.
- 1.5. The EIA Regulations place a number of responsibilities on planning authorities, which relate to the different stages of the environmental impact assessment (EIA) process.

Screening to determine whether EIA is required

- 1.6. The EIA Regulations only apply to certain types of development. Before a planning authority can request an EIA it must determine whether the proposal is subject to the EIA Regulations and can be classified as 'EIA development', and decide whether an EIA is required in that particular case.
- 1.7. The sensitivity of the area surrounding the application sites, in terms of both human and

ecological receptors meant that environmental considerations were identified by LAA as being of key importance from the outset of the application process and were taken into account throughout the development design.

- 1.8. The EIA Regulations apply to two separate lists of projects: Schedule 1 Projects, for which an EIA is required in every case and Schedule 2 Projects for which an EIA is required only if the particular project in question is judged likely to give rise to significant environmental effects.
- 1.9. It was agreed between LAA and SDC as local planning authority that the Proposals did not fall within Schedule 1 of the EIA Regulations.
- 1.10. It was agreed between LAA and SDC that the Proposals comprised EIA development under Schedule 2 (paragraph 10(e) of the EIA Regulations – construction of airfields where the threshold of the development area exceeds 1 hectare) – and that the applications would be accompanied by Environmental Statements (ESs).

Scoping to determine what information should be covered by an EIA

- 1.11. LAA sought advice from SDC on the scope of the information to be gathered during the EIA and to be covered in the ES.
- 1.12. A detailed scoping report was submitted by LAA to SDC on 26 August 2005. A formal scoping opinion was received from SDC on 19 December 2005.
- 1.13. In line with its legal obligations, SDC consulted with the relevant statutory stakeholders to inform its preparation of the formal scoping opinion. SDC adopted its scoping opinion and placed it on SDC's Planning Register.

Assessment Topics

- 1.14. The ESs for the Proposals provided environmental information on the following assessment topics:
 1. EIA Methodology
 2. Planning Policy Framework
 3. Ground Conditions
 4. Water Resources and Flood Risk
 5. Solid Waste Management
 6. Land Use
 7. Ecology and Nature Conservation
 8. Bird Conservation and Hazard Management
 9. Landscape and Visual Amenity
 10. Cultural Heritage and Historic Environment
 11. Traffic and Transport
 12. Air Quality
 13. Noise and Vibration

-
- 14. Socio-Economic
 - 15. Sustainability
 - 16. Cumulative Impacts
 - 17. Construction Mitigation
 - 18. Operational Mitigation
- 1.15. These ESs contained the information specified by regulation 2(1) and in Schedule 4 to the EIA Regulations.

Stakeholder Consultation and Publicity

- 1.16. Consultation is a key part of assessing the environmental impacts of a project and in ensuring that project benefits are maximised. Through the EIA processes, the EIA consultants were in regular contact with key stakeholders, local residents and the general public. Regular, and often public, meetings were held and a newsletter was circulated in order to keep stakeholders informed of the EIA process.
- 1.17. The EIA process involved iterative consideration of potential environmental impacts throughout the design and development of the Project. The work also involved extensive liaison between LAA and its various sub-consultants and the Regulatory Authorities throughout.
- 1.18. Indigo Planning co-ordinated the direct issue of documents (hard copy and/or electronic) to the range of statutory and key consultees as agreed with SDC.
- 1.19. SDC displayed a site notice and published a notice in the local press making clear that planning applications had been submitted for development, that they were accompanied by ESs and that representations were invited.
- 1.20. A series of public consultation meetings were held with the local community to present the proposed development to them and obtain their views on the proposed development.
- 1.21. Public consultation events were held both at the Airport and within the surrounding villages. The events were advertised in the local press. The meetings were held as part of the Stakeholder Consultation Strategy, which was produced to ensure that the local communities and key stakeholders have an opportunity to input into the development plans for the Airport.
- 1.22. Key public consultation events were as follows:

Date	Location
January 2005	London Ashford Airport (Lydd)
March 2005	London Ashford Airport (Lydd)
March 2005	Greatstone-on-Sea
April 2005	London Ashford Airport (Lydd)
June 2005	New Romney Assembly Rooms

June 2005	Dymchurch Assembly Rooms
July 2005	Hythe Town Hall
July 2005	Dymchurch Assembly Rooms
August 2005	London Ashford Airport (Lydd)
April 2006	New Romney Assembly Rooms
April 2006	Lydd Community Hall
April 2006	London Ashford Airport (Lydd)
April 2006	Hythe Town Hall
April 2006	London Ashford Airport (Lydd)
May 2006	Folkestone South Kent College Main Hall
May 2006	London Ashford Airport (Lydd)
May 2006	Holiday Inn Central on Canterbury Road
May 2006	Rye Town Hall
October 2006	London Ashford Airport (Lydd)

1.23. The Lydd Airport Consultative Committee met regularly at the Airport to discuss the Airport operations. The Committee included representatives of the following organisations:

1. British Energy (Dungeness);
2. Kent County Council;
3. Lydd Action Against Airport (LAAG);
4. London Ashford Airport (LAA);
5. Lydd NR Greatstone Residents Association;
6. Lydd and Hythe Ranges;
7. Lydd Town Council;
8. New Romney Town Council; and
9. Shepway District Council.

Availability of the Environmental Statement

1.24. The final ESs were made available at a number of sources including the LAA website, as well as:

1. Shepway District Council Offices;
2. Lydd Town Council Offices;
3. Lydd Public Library/Hall;
4. New Romney Town Council Offices;
5. New Romney Public Library; and
6. London Ashford Airport.

Supplementary Environmental Information

1.25. Where an ES has been submitted with a planning application, the planning authority can request further environmental information. The adequacy of environmental statements is determined in accordance with the requirements of the EIA Regulations.

1.26. Further information was submitted to SDC in line with requests over the period October 2007-December 2009. This was provided in the form of Supplementary Environmental Information through a Regulation 19 request from SDC and further supporting information provided for clarity or in response to matters raised during consultation. All further information was made available to relevant consultation bodies as defined in the EIA

Regulations and to interested third parties, including the Rule 6 Parties to the Inquiry. This information was publicised in the same way as the ESs themselves. The information provided under Regulation 19 was subject to consultation in the usual way.

- 1.27. The EIA for both planning applications was undertaken with reference to national and international best practice guidance.
- 1.28. Appropriate consideration was paid throughout each section of the ES documents to the range of impacts that could arise during both construction and operation of the proposed facilities.
- 1.29. The EIA process involved extensive compilation, evaluation and presentation of all the likely significant environmental effects and was intended to assist SDC in its consideration and determination of the planning applications. The EIA process itself provided a procedural and management technique to allow the consideration of the potential environmental effects of the Proposals and to allow development of appropriate mitigation measures to manage any adverse effects.
- 1.30. The EIA processes provided regulators with appropriate levels of information for decision making in a transparent and robust manner.
- 1.31. A number of the documents submitted to SDC during these rounds of supplementary information have superseded earlier planning application documents. An up-to-date list of the current and superseded documents is provided in Appendix 1 of LAA/14/A.

Summary

- 1.32. LAA submitted two planning applications. These were accompanied by two ESs. SDC publicised its receipt of this documentation and invited representations. On this basis, LAA considers that the requirements of Regulation 13 of the EIA Regulations have been complied with.
- 1.33. LAA made a reasonable number of copies of both ESs available to the public and therefore complied with Regulation 17 of the EIA Regulations.
- 1.34. LAA responded to SDC's request for Supplementary Environmental Information over the period October 2007-December 2009 and complied with Regulation 19 of the EIA Regulations.
- 1.35. New EIA regulations, applying to development in England only, came into force on 24 August 2011. These are the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (Statutory Instrument 2011/1824). They consolidate and amend the 1999 Regulations. These new regulations do not alter the approach to environmental impact assessment that LAA would be required to undertake, in the scenario that the planning applications were submitted today, but in any event, the relevant regulations for the purposes of the applications before the inquiry are the EIA Regulations 1999.