

**Town and Country Planning Act 1990 - Section 77 and Town and Country
Planning (Inquiries Procedure) (England) Rules 2000**

Statement of Case Lydd Airport Action Group

Applicant: London Ashford Airport Limited (LAAL)
Location: London Ashford Airport Limited, Lydd, Romney
Marsh, TN29 9QL
Applications: Y06/1647/SH and Y06/1648/SH
Proposals: 294m runway extension and a 150m starter extension
plus a new terminal to accommodate up to 500,000ppa
References: APP/L2250/V/10/2131934
APP/L2250/V/10/2131936

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Lydd Airport Action Group (LAAG) was established in 2004 to oppose the proposed planning application for the large scale development of Lydd Airport. LAAG has ~ 3000 members in 1740 households. Membership is drawn primarily from East Sussex and Kent. From the outset LAAG has argued that from a common sense viewpoint Lydd Airport is an inappropriate site for a regional airport - the airport is located less than three miles from the Dungeness Nuclear Power Complex with a height restriction of 2000ft and less than two miles and eight miles from the Lydd (D044) and Hythe Military Ranges (D141) with respective height restrictions of 4000 ft and 3200 ft. The airport is also located under one of the principal migratory bird routes in the south of England and is surrounded by unique natural habitats protected under both European and national environmental laws.

LAAG has campaigned on a broad range of issues and is one of a number of bodies opposing this planning application. Although LAAG supports all the grounds of objection which it understands will be raised at the inquiry by other objectors, to prevent duplication at the inquiry LAAG will concentrate on pursuing the following points.

Lydd Airport Action Group (LAAG) will demonstrate:

- 1) The proposed development of Lydd Airport does not conform to the Aviation White Paper (*The Future of Air Transport, December 2003*) which states that the starting point is to make best use of existing airport capacity, which at Lydd Airport remains considerable.
- (2) There is no need for this development. The development is speculative. At present the airport operates well within its existing capacity of 300,000 passengers per annum. If there is a need for additional capacity in the south east it should be provided at Manston Airport.
- (3) Key aviation information after five consultations remains inaccurate and incomplete. LAAG will demonstrate that in the noise and pollution studies serious flaws remain relating to flight paths, the modal split and baseline movements. In addition, new flight procedures (paths) have been ignored. LAAG contends that these inaccuracies and omissions cast doubt on the validity of the noise and pollution studies.
- (4) In line with the Scoping Opinion and Lydd Airport's Master Plan, the planning application, the Environmental Impact Assessment and the Appropriate Assessment under the Habitats Regulations should have been assessed on the basis of 2million passengers per annum (2mppa), rather than the throughput considered of 500,000ppa.
- (5) The economic benefits accruing from this development have been substantially overstated. LAAG will demonstrate that forecasts of the additional employment which would be generated by Lydd Airport's expansion will be affected by its questionable commercial viability and the downward pressure on numbers employed at airports resulting from the increasing impact of low cost

operators. LAAG will also demonstrate the adverse impact of the development on existing businesses including the Dungeness nuclear power complex.

(6) LAAG believes that airport expansion presents an unnecessary and unacceptable risk to the general public by introducing large aircraft taking off and landing close to the existing nuclear power complex at Dungeness. LAAG contends that the Nuclear Installations Inspectorate (NII) was wrong in not supporting British Energy's (now EDF's) objection to airport expansion on grounds that it introduces unnecessary risk of a major nuclear accident. LAAG will demonstrate that the nuclear risk assessment model does not and cannot represent the specific risks associated with expansion of Lydd Airport and that the NII's interpretation is contrary to nuclear safety guidelines. Further, LAAG has evidence of a mismatch between nuclear and aviation safety criteria as well as a lack of governance that could place the public at risk if the plans were to be approved. LAAG will also demonstrate the consequences of an accident should one occur at the Dungeness nuclear power complex.

(7) No weight should be attached to the decision to grant permission. The decision made by Shepway District Council on March 3rd, 2010 to grant permission pursuant to planning application was unlawful. The action of the chief planning officer in inviting the applicant to provide a basis on which his members could choose to ignore the advice of their own consultant, was biased. That bias infected the decision by the members. Further evidence of such bias is that a letter dated March 3rd 2010 from Natural England contradicting further representations from the applicant's consultants was not provided to members prior to the decision as requested by Natural England. Even if that letter had been disclosed LAAG alleges it would have been unlawful for the decision to be taken without a further adjournment to enable members to understand fully the difference of opinion between their own consultant and the applicant's consultants and to decide what action they would properly take in the light of that understanding.

(8) Other reasons for objecting have been covered by LAAG in its five responses to Shepway District Council in response to information provided to the council by the applicant in support of its planning application. LAAG contends, based on the information provided, that the applicant has been unable to demonstrate that the proposals would not adversely affect the integrity of the Dungeness Special Area of Conservation (SAC) and the Dungeness to Pett Level Special Protection Area (SPA). We also contend that both planning proposals would have a negative impact on the important features of the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI) even before allowing for the applicant's failure to assess properly the impact of this development on invertebrates in the vicinity of the airport. LAAG contends that the rate of bird strike has been underestimated and that the applicant failed to assess adequately the impact of the proposal on the road network, the character of the area and residents' quality of life. LAAG contends that the proposed development is contrary to the relevant planning policy framework. LAAG does not intend to submit evidence regarding these matters but supports, Natural England, the Royal Society for the Protection of Birds

(RSPB), Kent Wildlife and CPRE Protect Kent in pursuing these matters, and reserves the right to make submissions of its own in relation to them.

Expertise and Documents

In support of its case LAAG will call witnesses from the following bodies:

Cranfield University: Department of Air Transport (Aviation, Economic)
Large & Associates (Nuclear Safety)
Luther Pendragon (Environmental Impact Assessment)
Spaven Consulting (Aviation)

References may be made to the following documents:

- (a) Scoping Opinion for an Environmental Impact Assessment of Proposals for London Ashford Airport, Lydd, Kent, December 2005, CEAM on behalf of Shepway District Council*
- (b) Lydd Airport's planning application: documents submitted in December 2006 and supplementary information submitted on: October 2007, August 2008, March 2009, December 2009*
- (c) LAAG's responses to the planning application and the supplementary information plus relevant appendices*
- (d) Appropriate Assessments, June 2009, February 2010*
- (e) The Future of Air Transport, Department of Transport, December 2003*
- (f) The Environmental Impact Assessment Directive 85/337EEC, as amended by 97/11/EC and 2003/35/EC*
- (g) European Directive 92/43/EEC (the Habitats Directive)*
- (h) European Directive 79/409/EEC (the Birds Directive)*
- (i) Managing Natura 2000 Sites - the provision of Article 6 of the Habitats Directive 92/43/CEE*
- (j) The Conservation of Habitats and Species Regulations 2010: Statutory Instrument No. 490*
- (k) The Calculation of Aircraft Crash Risk in the UK, J P Byrne, 1997. Paper prepared by E A Technology plc for the Health and Safety Executive - Contract Research Report, 150/1997.*

LAAG reserves the right to add to or amend this list of documents and to call further witnesses as required.