

Lydd Airport Action Group

Opening Statement

Applicant: London Ashford Airport Limited

Location: London Ashford Airport Limited, Lydd,
Romney Marsh, TN29 9QL

Applications: Y06/1647/SH and Y06/1648/SH

**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

**Document
Reference:** LAAG/2

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1.0 Background

- 1.1 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 primarily located in East Sussex and Kent.
- 1.2 LAAG's campaign from the outset has been evidenced based. Over the last six years we have engaged leading experts to comment on aspects of Lydd Airport's planning application. Although LAAG has campaigned on a broad range of issues, we are particularly concerned about the lack of attention given to the nuclear safety issue and the Nuclear Installations Inspectorate's ("NII") failure to oppose the planning application. We believe the increase in crash damage risk at Dungeness is reason alone to reject this planning application.
- 1.3 We have engaged three leading consultants to give their opinion on different aspects of nuclear safety: John Large (Large & Associates), Malcolm Spaven, (Spaven Consulting) and Dr David Pitfield (Loughborough University's Transport Studies Unit).
- 1.4 Although LAAG supports all the grounds of objection which it understands will be raised at the inquiry by other objectors, to prevent duplication LAAG will concentrate on pursuing the points outlined below.

2.0 Lydd Airport Action Group (LAAG) contends:

A simple common sense approach would dictate that Lydd Airport is an inappropriate site for a regional airport and direction to this effect should have been given much earlier in the planning/regulatory process.

LAAG would like this simple message to be conveyed to the Secretary of State.

The White Paper

- 2.1 The proposed development of Lydd Airport does not conform with 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 (LAAG/9/A & LAAG/9/B).

Need for Development

- 2.2 The development is speculative. At present the airport operates at a fraction of its terminal capacity of 300,000 passengers per annum, as does Manston, Kent's established regional airport. Both airports are heavily loss making. Since 1994 Kent has benefited from the Eurostar train service, with additional train operators in prospect, further reducing the need for a second regional airport in Kent. Lydd Airport claims it needs the runway extension because its poor performance is due to its inability to cater commercially for B737s/A319s

aircraft types on its current runway. LAAG will demonstrate that this claim is invalid (LAAG/7/A & LAAG/7/B).

Aviation Issues

- 2.3 Key aviation information remains inaccurate and incomplete which raises questions about the accuracy of dependant environmental studies and means that the constraints faced by the airport, which will affect its commercial viability and ability to generate employment, have not been identified correctly.

LAAG will demonstrate that either errors, inconsistencies or omissions relate to the depiction of flight paths, the depiction of aircraft allocated to flight paths, the relative proportion of traffic using the two runway directions (the “modal” split), the use of the airspace above the Lydd Military Range, the depiction of the boundaries of major airspace constraints and the selection of aircraft types to represent noise and visual disturbance to birds.

There are also questions about the feasibility of some of the flight paths proposed in terms of the practical ability of aircraft of a given type to fly them, which together with other material constraints on the use of Lydd Airport by commercial airliners, will result in more diversions, flight cancellations and aircraft payload restrictions than at other airports. None of the evidence produced by Lydd Airport in its rebuttal of LAAG’s evidence has demonstrated that any one of the elements of our aviation case is invalid (LAAG/10/A, LAAG/10/B, LAAG/10/D, LAAG/10/E, LAAG/10/F, LAAG/13/A).

Nuclear Safety

- 2.4 LAAG believes that airport expansion results in an unnecessary and unacceptable risk to the general public by introducing large commercial aircraft taking off and landing close to the existing nuclear power complex at Dungeness.

LAAG will demonstrate:

- 2.4.1 The increased vulnerability of the existing nuclear power plants to an accidental aircraft crash, and the associated increased consequences, both during the continued operation of the twin nuclear reactors at Dungeness B until at least 2018 or up to 2028 with life extensions, and post operation whilst the Dungeness A and B plants are decommissioning, a process that is likely to last for at least one hundred years (LAAG/4/A, LAAG/4/B, LAAG/4/C).
- 2.4.2 The increased levels of commercial air traffic movements could mask the opportunity for terrorist attack either by the use of an anti-aircraft missile launched from a ground position near the airport or by hijacking. Hijacking would enable the most vulnerable parts of the plant to be targeted thereby ensuring radiological consequences, which might or might not result from

an accidental crash, since such a crash might not damage the most vulnerable part of the plant (LAAG/4/A, LAAG/4/B, LAAG/4/C).

- 2.4.3 A number of changes have been made to the aviation environment and facilities around Lydd Airport since the last planning application in 1988 which have either increased the operating constraints on the airport and/or reduced the margins of safety in relation to the risk of an aircraft crashing on the Dungeness power station. For example, under the current proposals there are four scenarios in which an aircraft might follow a flight path which points at the power station - a situation which the NII deemed unacceptable at the time of the last planning application in 1988, but now, without explanation or justification, the NII tacitly accepts (LAAG/10/A, LAAG/10/C, LAAG/10/D, LAAG/10/E, LAAG/10/F).
- 2.4.4 The aircraft crash risk methodology used by the Nuclear Installations Inspectorate to assess accidental crash risk is flawed and is incapable of accounting for the complex set of operational and environmental circumstances that apply at Lydd. Therefore on a crucial nuclear safety issue, the NII has relied upon an unreliable means of assessment (LAAG/3/A, LAAG/3/B, LAAG/5/A, LAAG/5/B).
- 2.4.5 The CAA has confirmed that birdstrike cannot be mathematically modelled which means that the methodology used by the Nuclear Installations Inspectorate to assess crash risk has failed to account properly for the risk of bird strike - an important factor at Lydd given that the airport is located beside a major bird reserve and under a major migratory bird route (LAAG/3A, LAAG/3/B).
- 2.4.6 The release of the heavily redacted report by the external consultant ESR Technology, engaged by the Nuclear Installations Inspectorate to assess crash damage risk at Dungeness associated with the proposed development at Lydd, reveals an acceptance that this methodology has limitations and warns that care must be taken in interpreting results, yet, the NII argues that these same studies demonstrate the robustness of the methodology used. LAAG contends that such a dichotomy should be examined by this inquiry, given the importance of this issue (LAAG/4/G).
- 2.4.7 There has been a failure to re-evaluate the population increase brought about by the development of Lydd Airport as required by the Demographic Siting Policy for Dungeness A and B. This policy, which requires that the demographic characteristic of the site are broadly maintained as they were at the time of licensing, for the entire life cycle of the plant, should have been applied as part of the planning process (LAAG/4/D, LAAG/4/E, LAAG/4/F).
- 2.4.8 The Nuclear Installations Inspectorate opposed the construction of a small housing estate close to the nuclear licensed site at Aldermaston in Berkshire

on the grounds that an increase of 268 additional residents to an existing population of 15,000 was unacceptable. Yet it chose not to oppose Lydd Airport's planning application. This is despite the fact that the applicant's predicted increase in employment and passenger numbers will result in a considerably higher increase in population relative to the established population than at Aldermaston, and the greater severity of the event, should an accident occur (LAAG/4/D, LAAG/4/E, LAAG/4/F).

2.4.9 Inconsistent advice on safety issues has occurred and will continue to occur, because of the lack of communication between relevant government departments, particularly the Nuclear Installations Inspectorate and the Civil Aviation Authority. These anomalies arise because no body or individual is taking an over view (LAAG/3/A, LAAG/3/B).

2.4.10 There is a tendency for the planning process to assume that the Nuclear Installations Inspectorate's decisions are final and unable to be rivalled: yet the NII states that its views do not take priority and must be weighed against the input from other statutory consultees (LAAG/3/A, LAAG/3/B).

2.4.11 There are too many flaws, deficiencies and conflicts in the risk assessments made to allow this development to proceed, plus a failure to stand back from the quantitative methodologies to take a common sense overview of the situation. The nuclear industry has a clear mandate to err on the side of caution where there is uncertainty and where the safety of the general public is concerned. On this basis alone the planning application should be rejected (LAAG/3/A, LAAG/3/B).

Socio Economic

2.5 LAAG will demonstrate that the economic benefits accruing from Lydd Airport's development have been substantially overstated and that the socio-economic baseline assessment is flawed. The gross employment generated by the development will be tempered by Lydd Airport's questionable commercial viability caused by major operational constraints, competition from other airports and the Channel Tunnel and the downward pressure on numbers employed at airports resulting from the increasing impact of low cost operators.

We will demonstrate that there has been a failure to assess the net employment situation due to job losses caused by: the adverse impact the airport will have on the established leisure and green tourist industries on Romney Marsh, by the tourist deficit; and by the failure to appreciate that the creation of a busy regional airport, or the prospect of one, would be likely to be fatal to any proposal to construct a new nuclear power station at Dungeness. Indeed, we can demonstrate that Lydd Airport's development would lead to a decline in employment on Romney Marsh (LAAG/8/A, LAAG/8/B, LAAG/8/C, LAAG/8/D, LAAG/8/E, LAAG/8/F, LAAG/8/G).

Failure to Conform to EIA and Habitats Regulations

- 2.6 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. The current Environmental Impact Assessment is not compliant with the Environmental Impact Assessment Regulations and Directive which requires an assessment at 2 million ppa since the current application is an integral part of this more substantial development. In the opinion of Matthew Horton QC, the Habitats Directive and the Regulations thereunder require that the current planning applications be assessed in combination with the Master Plan, and therefore on the basis of 2mppa. Non compliance with these important aspects of EU environmental law requires you (Inspector) to demand the missing information and assessments before a decision is taken, or failing that recommend the application is rejected (LAAG/11/A, LAAG/11/B, LAAG/11/C).

Immateriality of Shepway District Council's decision

- 2.7 No weight should be attached to the resolution to grant permission made by Shepway District Council ("SDC") on March 3rd, 2010. The decision appears to LAAG to have been taken in a manner which not only did not strike a fair balance between the applicant and the objectors, but also rejected the advice of SDC's own experts without any proper consideration of whether to do so was justified having regard to the substantive merits. LAAG's understanding is that a decision taken in such a manner is unlawful. LAAG believes, therefore that, in considering the decision to take pursuant to this Inquiry, it would not be safe to attach any weight to SDC's resolution to grant permission (LAAG/12/A, LAAG/12/B, LAAG/12/C).

Immateriality of the 1988 Decision

- 2.8 No weight should be given to the Secretary of State's decision in 1992 to grant planning permission given the scale of change in factors outside the airport's control which have implications for:
- 2.8.1 The airports operational efficiency and ability to compete and therefore its capacity to create the economic benefits it purports its development will produce;
 - 2.8.2 The protection of the environment and the legal redress that is now possible under European law;
 - 2.8.3 Nuclear safety and the welfare of residents and the environment.
(LAAG/6/A, LAAG/6/B, LAAG/6/C)

Conclusion

- 3.0** LAAG believes this body of evidence, prepared by experts respected in their individual fields, introduces new material considerations and demonstrates that the planning application for Lydd Airport's runway extension and new terminal should be rejected in the interests of public safety, to protect the environment and to ensure the maintenance of existing employment on Romney Marsh.