

### **APPENDIX 3: STATUTORY AUTHORITIES, GOVERNMENT AND RELATED ORGANISATIONS, UTILITIES**

- South East England Partnership Board.(formerly SEERA)

Our 5 March response made references to the emerging RSS - the draft South East Plan. However, now that the final South East Plan has been published (May 2009) and is now part of the statutory development plan policy references within our 5 March letter should be updated to reflect the final South East Plan. I have updated the draft South East Plan policy (March 2006) references within the 5 March response to reflect the final South East Plan (May 2009), and removed the RPG9 references:

The District Council should only grant planning permission if it is satisfied that the proposed development will not adversely affect the integrity of the Dungeness to Pett Level SPA and Dungeness SAC to comply with Policy NRM5 of the South East Plan.

If the District Council is minded to grant permission, it should secure the following, through appropriately worded conditions and/or legal agreements: An appropriate package of transport infrastructure and other measures to promote alternatives to the car and an agreed travel plan in accordance with Policies T1, T2 and T5 of the South East Plan and to satisfy Policy CC7 of the South East Plan; an appropriate level of car and cycle parking to comply with Policy T4 of the South East Plan; mitigation measures in relation to flood risk, air quality, noise and impacts on groundwater and archaeological remains and measures to protect and enhance the biodiversity assets of the site in accordance with Policies NRM1, NRM4, NRM5, NRM7, NRM9, NRM10 and BE6 of the South East Plan.

Specifically for the terminal building the proposed development also include the incorporation of water and energy efficiency measures and the promotion of renewable energy and sustainable construction in accordance with Policies CC2, CC4, NRM1, NRM11, NRM12, W2 and M1 of the South East Plan;

- South East of England Development Agency (SEEDA)

The Kent and Medway Structure Plan (particularly policy TP24) and the Shepway Local Plan (particularly policy TR15) provide a policy context against which to determine these applications. This is complemented by the Future of Air Transport White Paper (specifically paragraphs 11.94 and 11.99). The Development Plan and the White Paper are supportive of the proposals in these two applications provided a range of criteria are met.

SEEDA also recognises the importance placed on expansion at London Ashford Airport in the local economic development strategy and sustainable community strategy. This is helpfully set out in the supplementary information. SEEDA welcomes the employment opportunities expected to be created by the development (up to 393 additional jobs) in an area where regeneration is a priority.

The Agency also welcomes the statement contained within the Supplementary Information on Socio-economic Impacts which identifies the potential of the development to contribute towards skills and development training. This complements Target 6 of the RES which seeks to maximise the number of people ready for employment at all skill levels and ensure they are continually equipped to progress in the Labour Market.

The supplementary information reminds us that the proposed capacity of the terminal will be small (up to 500,000 passengers per annum). This will serve less than 0.5% of total annual air passenger movements in the Greater South East. As a result, this will have very limited impact on regional patterns of air travel. It is also noted from the applicant's analysis that the proposed passenger profile is very different from current operations at Kent International (Manston). In the light of this, no further information on demand is required and SEEDA are satisfied that the proposals do not raise issues of regional significance in this respect.

Concern is expressed about the limited road and public transport infrastructure serving the site and also the potential environmental impacts resulting from expansion. In SEEDA's view these are important issues which need to be properly considered. However, the Development Plan provides an appropriate framework to address these issues. Given the relatively small scale of the project in regional terms SEEDA is content for Shepway District Council to determine the weight to be given to these issues, as against local economic benefits and other issues, in determining the applications.

- Natural England

Natural England has made detailed comments in response to the initial consultation, and again further detailed comments in response to supplementary consultations. There are also three annexes and a detailed note on disturbance effects of aircraft on birds. Given the extent of Natural England's submission, they were asked to summarise their comments for committee report purposes. This is given as follows:

Natural England objects to the proposals and advises the council to refuse the planning applications. It is Natural England's view that the proposals conflict with national, regional and local planning policy and do not meet the requirements of key legislation. As a matter of law, the council is able to grant permission for the proposals only if it can be concluded that there will be no adverse effect on the integrity of a Special Protection Area (SPA) or Special Area of Conservation (SAC), unless there are no alternative solutions that would have a lesser effect and there are imperative reasons of over-riding public interest for the proposals to go ahead. The Habitats Regulations apply the precautionary principle as a matter of law. If the effects are uncertain but could be significant, the precautionary principle applies and it must be assumed that the proposal will have an adverse effect on the site.

Natural England's reasons for objection are:

i) Dungeness to Pett Level SPA

The applicant has not demonstrated that the proposals will not have an adverse impact on the integrity of Dungeness to Pett Level SPA. It is Natural England's view that the submitted Draft Bird Control Plan (BCP) does not provide sufficient detail to demonstrate that there will not be an adverse impact on the integrity of the SPA. We are concerned about impacts due to reductions in feeding habitat for SPA birds, as a result of the local land use agreements; disturbance to SPA birds as a result of active bird control; and potential impacts on management of land within the SPA as a result of the local safeguarding policy. The proposed increase in the number of flights and changes to the types of aircraft used at Lydd Airport have the potential for significant adverse disturbance impacts on SPA bird populations and the assessment undertaken by the applicant does not demonstrate that these impacts will not occur nor does it provide assurances on mitigation measures.

ii) Dungeness SAC

The applicant has not demonstrated that the proposals will not have an adverse impact on the integrity of Dungeness SAC. Dungeness SAC's vegetated shingle habitat is extremely sensitive to the impacts of air pollution, including nitrogen deposition. Due to a lack of clarity in relation to certain aspects of the applicant's assessment of air quality impacts on the SAC, it is our view that the applicant has not demonstrated that there will not be an adverse impact on the SAC as a result of air pollution. The proposed runway extension will lead to the direct loss of 2.17 hectares of SAC habitat. This may be used as terrestrial habitat by great crested newts, which are a designated SAC feature. Insufficient information is provided by the applicant on likely impacts on great crested newts and mitigation for this loss of habitat. Natural England is concerned about additional SAC habitat loss that might occur as a result of instigating permitted development rights, leading to an extension of the clear and graded area and Runway Extension Safety Area (RESA).

iii) Dungeness, Romney Marsh and Rye Bay SSSI.

The proposals as presented are likely to have an adverse impact on Dungeness, Romney Marsh and Rye Bay SSSI. Many of the impacts highlighted above for the SPA and SAC also apply to the SSSI as the interest features are the same. The SSSI supports additional interest features to the SPA and SAC and encompasses a larger area, and there are additional impacts on the SSSI. The runway extension will result in the loss of 11.21 hectares of terrestrial habitat within the SSSI, as well as more than 1000 metres of ditches. Our view is that the loss of ditches constitutes an adverse impact on the interest features of the SSSI. The applicant has not assessed the further habitat loss as a result of permitted development rights and improvements to road infrastructure. Natural England is concerned about the efficacy of the proposals to minimise the water quality impacts on SSSI and the potential for effects on SSSI interest features. Adverse impacts on the geomorphological interest features of the SSSI are likely to occur as a result of the runway extension proposal. It has not been possible for the applicant to carry out geomorphological surveys of the whole area potentially impacted by the runway extension, due to difficulties in obtaining access. We are currently considering our position in relation to this matter and the potential for conditions to be attached to the grant of planning permission.

iv) Proposed RAMSAR Site and Extension to the SPA

The SSSI area is also proposed to be listed as a Ramsar and the SPA interest features are under review.

Natural England accepts that as part of the Appropriate Assessment only the classified SPA and designated SAC require consideration under Regulation 48. The proposal to extend the SPA has not reached the 'proposed' stage and therefore it is not relevant to the Habitat Regulations Assessment. Similarly although Dungeness is proposed as a Ramsar site, the Habitat Regulations only apply as a matter of government policy once the site has been designated. Although the proposed Ramsar site and additional SPA interests are not subject to the Habitat Regulation tests, they are material considerations in the planning decision. Although there is no requirement for a Habitat Regulations Assessment on the proposed Ramsar site features and the SPA additional features, we consider that there should be a 'shadow' assessment. This would put the applicant and competent authority in a better position in the event that a Ramsar site is designated or an amended SPA is classified prior to any permission being fully implemented. Designations trigger a requirement for review of any unimplemented permissions under Regulation 50.

Shepway District Council should also bear in mind the requirements of regulations 50 - 51 and 55 - 56 of the Habitats Regulations, to review outstanding planning permissions at the time of classification of a SPA, or extension / modification of a SPA, as set out in paragraphs 34 - 41 of Circular 06/2005. It is possible that a grant of planning permission, which did not adequately assess the implications for the possible changes to the SPA, could lead to the need to review any planning permission granted for the London Ashford Airport (Lydd) in the future, with the possibility of the need to modify or revoke the permission which could result in the need for compensation.

v) Protected Species

The applicant has not demonstrated that the proposals will not adversely affect populations of species protected under the 1981 Wildlife and Countryside Act and the 1994 Conservation (Natural Habitats, and c.) Regulations, including great crested newts, bats and reptiles.

vi) Requirements of EIA Regulations

The Environmental Statements do not meet the requirements of the EIA Regulations, both in terms of the assessment of impacts and mitigation measures. The applicant has failed to address many of the additional information requirements flagged up by Natural England's response of 9 March 2007.

vii) Tranquillity, Tourism and Recreation

Natural England is also concerned about the implications of the proposals on tranquil areas, including Kent Downs Area of Outstanding Natural Beauty (AONB), and resultant effects on tourism and recreation.

#### viii) Other Comments

In addition to the Natural England responses to formal consultations, Natural England considers that the London Ashford Airport is a particularly significant proposal. For Natural England, the Dungeness – Romney Marsh area is a highly valued landscape where it administers over £9 million pounds through the Agri-environment schemes as part of the rural economy and to fund farmers and landowners to enhance the environment. These agreements covering more than 32,000ha of the local area are in the form of Environmental Stewardship Schemes, Countryside Stewardship Schemes and Wildlife Enhancement Scheme. Furthermore there are the designations of SACs, SPAs, SSSIs, Local and National Nature Reserves that address the valued nature conservation designations.

There are well known nature reserves at Dungeness run by the RSPB and the Romney Marsh Countryside Project and nature reserves at Rye run by the Sussex Wildlife Trust and East Sussex County Council where Natural England is a partner and supporter. The expansion of an airport from currently 3000 passengers a year to 300,000 or 500,000 (possibly two million) would entail a highly significant change to the local environment. Romney Marsh by its very nature attracts birds. Natural England accepts the current uses of the area, such as military training and the energy utilities (current power stations and associated infrastructure), the areas of intensive agriculture and Lydd Airport (as it currently operates) working with those landowners to minimise damage and make enhancements where possible. Natural England actively encourages environmentally sensitive land management particularly those that help reverse wildlife loss and enhance areas. The requirements for the new London Ashford Airport (Lydd) would directly conflict with the proactive efforts made in the area of the last two decades through agri-environment schemes and SSSI favourable management to reverse the decline in farmland and wetland birds such as the bittern, lapwing and little tern.

A number of developments have been proposed that relate to the SAC/SPA/SSSI which set the context for Natural England's position for addressing the impacts of the London Ashford Airport proposal and where evidence would be sought should the application go to Public Inquiry (e.g. Rye Harbour to Pett Sea Defence Scheme, Lydd Ranges and Borrow Pit proposal of shingle extraction and beach replenishment, redevelopment at Rye Harbour SSSI, Little Cheyne Court Windfarm, Cliffe Airport proposal. For clarification, a number of the above cases referred to 'imperative reasons of over-riding public interest', this is usually a Secretary of State decision and the decision has considered that there are no alternatives and adequate compensation has to be agreed, with a clear audit trail provided with the decision.

- Environment Agency

Following the last round of supplementary information the Environment Agency removed its objection, provided that the conditions are imposed on any permission granted. This is subject to the following:

i) Foul Drainage

We have a definite preference for foul drainage being directed to mains sewer. However, at the meeting held between the Environment Agency and the agent in November 2008, we voiced our concern over the foul sewage being directed to Lydd sewage treatment works. The treatment works at Lydd discharges to ground during the summer months and it is uncertain how a large additional input to the works (such as from the airport) will impact on the groundwater quality in the area. The Environment Agency will hold discussions with Southern Water Services should this option be utilised.

If cesspools are to be used then these will require a strict maintenance programme to ensure there is no leakage to the environment. Level warning devices will be required on each tank to indicate when it needs emptying. However, as we have previously stated, we would question the long term sustainability of cesspools, given the number of tankers per week required to transport the effluent off site for treatment. Furthermore, cesspools pose a risk of pollution where they are not properly maintained, and at this scale of development the potential for pollution would be great.

ii) Surface Water Drainage – Groundwater Protection

The surface water drainage proposals for the whole site still appear to be unclear, therefore, we require further clarification prior to agreeing to the drainage proposals.

All of the proposed drainage of the runway appears to be directed via pollution prevention methods (including a petrol interceptor) to surface water ditches. The comments are noted in section 6.22 of the report on how the system will deal with incidents and accidents, but there are no details as to what volume of any substance these systems can cope with. For example, should an aircraft fuel tank fail, would the system have adequate capacity to deal with this. This should be clarified.

Section 6.19 states that the aircraft refuelling areas will drain to the existing system. However we have received no details of the existing system and so do not know what it consists of. Furthermore, we are unclear whether or not this system is to be expanded due to the increased amount of aircraft traffic, and potentially fuel on site. We require a plan clearly showing all the existing and proposed locations of fuel, chemical and detergent storage, as well as any other polluting substances, together with the drainage arrangements for each of these locations. Only then can we be satisfied that these substances present no risk to the environment.

The documents submitted in summer 2008 stated that an overview of the surface water drainage system had been carried out. We have not received any such details, and request that they be forwarded to us.

iii) Surface Water Drainage - Hydrology

The large surface area of the proposed runway extension is likely to generate substantial surface water run-off. Therefore, we request the following condition: Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the system shall be maintained and managed after completion. Furthermore, it should consider how site drainage is operated during emergencies. This is to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

We would strongly recommend that both the Environment Agency and the Romney Marshes Internal Drainage Board are consulted on the details of this scheme prior to the discharge of this condition.

Whilst surface water will drain directly to watercourses under the jurisdiction of the Romney Marshes Area Internal Drainage Board, these watercourses ultimately drain into the Dengemarsh Sewer. This watercourse relies on a gravity outfall to sea some kilometres downstream. The Dengemarsh Sewer already experiences bank full conditions during prolonged periods of intense rainfall, so we will need to be satisfied that water levels within the Dengemarsh Sewer will not be increased, as well as ensuring that existing conditions within the watercourse are not exacerbated.

#### iv) Contamination

We would like to reiterate those comments previously made regarding contamination, in our response ref. KT/2007/100946/01 – dated 13 March 2007. Planning Policy Statement 23: Planning and Pollution Control states that: 'In considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The LPA should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the EPA 1990.'

In the mitigation methods documents, it states that site investigations will be agreed. The previous/current uses of the site may have caused, or have the potential to cause contamination of the site. The Agency recommends that a contaminated land assessment should be carried out to ascertain the risk of contamination being present. This should be submitted and agreed prior to any development on site.

The Environment Agency recommends that developers should: Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination; refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health; refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

The following conditions should be imposed on any permission granted.

- Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: A preliminary risk assessment which has identified previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site; a site investigation scheme (to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site); the site investigation results and detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; a verification plan providing details of the data that will be collected in order to demonstrate that the works are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components would require the express consent of the local planning authority. The scheme shall be implemented as approved.

- Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

- If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. This is because the existing use of the site as an airport may have caused or have the potential to cause contamination.

iv) Biodiversity

We have no objection on grounds of biodiversity, but would reiterate our previous comments and planning conditions outlined in our earlier responses. These were as follows:

The Agency still has concerns over the potential impact of the proposed development on the biodiversity of this ecologically sensitive area. Any consent should include a detailed mitigation and compensation strategy for water vole, great crested newt and medicinal leech. This should include enhancement measures and management of habitats for these species.



The current ecological surveys demonstrate that water vole and medicinal leech both occupy ditches that are proposed for infilling. All three species are afforded protection under Schedule 5 of the Wildlife and Countryside Act (as amended by CROW 2000). It is also advised that prior to submission to the LPA, the strategy should be submitted and approved in writing by the Environment Agency (for water vole) and Natural England (for medicinal leech and great crested newt). For water vole, it is an offence to damage or destroy, or obstruct access to any structure or place which water voles use for shelter or protection, or disturb water voles occupying a structure or place which it uses for that purpose. This species is in critical decline in Kent with the remaining population concentrated on the Romney Marsh Coastal Plain. The national water vole handbook should be used as a guide on how to approach mitigation and compensation. Prior to work commencing on site, the affected wetlands (including the ditches) should be resurveyed for water voles, great crested newts and medicinal leech, at an appropriate time of year by a suitably qualified and approved ecologist (preferably Institute of Ecological and Environmental Management affiliated). There should also be a detailed mitigation and compensation strategy addressing the impact of this development on wetland habitats, particularly ditches, including enhancement measures and management of habitats in particular for water vole, great crested newt and medicinal leech, marshmallow and greater willow herb.

The Agency is opposed to the culverting of watercourses as it destroys wildlife habitats, damages natural amenity and interrupts the continuity of this linear habitat. It can also adversely affect flood defence and land drainage. The loss of watercourse associated with the application should be mitigated and compensated. The ecological surveys carried out demonstrate that the ditches to be infilled are of very good quality therefore we would be expecting as good or better as compensation. We do not accept the current proposal for replacement ditches bordering the runway. Replacement ditches should be suitable for water vole and medicinal leech. Any replacement should also feature a substantial natural vegetative buffer of 6m maintained alongside these new ditches to protect from diffuse pollution, grazing etc. This buffer will provide areas suitable for the expansion of greater willow herb and marshmallow. Any greater willow herb and marshmallow plants which are lost to this development should be moved or replaced. All work associated with wetlands/ditches should be carried out in such a way to minimise the spread of invasive aquatic plant species. We understand that the applicant is in discussion with the Romney Marshes Internal Drainage Board with regard to infilling these watercourses. As both the Agency and Romney Marshes Internal Drainage Board have concerns in this area it is advisable to set up a joint meeting to progress this.

v) Further Clarification on Climate Change and Biodiversity

We have previously made comments relating to climate change and greenhouse gas emissions in the context of Lydd Airport's proposed expansion. However, we do not raise an objection on these grounds, nor do we intend to add to these comments. As a champion for the environment, the Agency has a responsibility to bring broader sustainability issues to the attention of planning authorities. However, we are limited in making comments on issues which do not directly fall within the remit of the Agency, and are required to focus on issues for which we have particular expertise and hold relevant information. These comments should be taken as a general informative to the planning authority.

This position is in line with the Agency's national guidance. In the same vein, we do not wish to make further comments in relation to roads/ air quality either. The proximity of the airport to Dungeness Nuclear Power Station is not something that we are in a position to comment on either. There are other organisations better placed to assess any possible associated risks, therefore we are satisfied to leave this up to those bodies.

We have removed the objection on biodiversity grounds. It was originally felt that the plans were unacceptable, but following a subsequent meeting with the consultants it was agreed that our concerns could be dealt with by way of condition. No additional information was received, and to my knowledge the EA is not in possession of any information which the planning authority is not.

vi) Further Clarification on Foul Drainage

We have a clear preference for connection to mains drainage, although we do have concerns about the treatment plant at Lydd, and would suggest that the plant at New Romney may be a better option. This should be decided in consultation with Southern Water. The local authority should come to a decision as to whether or not it is reasonable to require the airport to connect to mains. We would recommend that cost, practicality and environmental considerations should be taken into account. Cost factors would include the scale of development, distance to sewer, gradient of land to the sewer, obstacles such as railway lines etc. The benefits of connecting to mains for this kind of development generally justifies the additional cost. Your own Environmental Health Engineers should be satisfied with the foul drainage arrangements.

vii) Further Clarification on Foul Drainage Surface Water Drainage

The planning authority should proceed as it sees best, whether it be to request this information prior to making a decision, or to deal with it by way of condition. If the latter option is chosen, then we will be able to ensure that the drainage is suitable as the drainage conditions are discharged. However, to avoid delays later on, the applicant would be advised to provide this information at the earliest opportunity. In so doing, we could work to reach agreement in the near future and avoid having to object to the discharge of the condition later on, if the arrangements are unacceptable.

viii) Flood Risk and Fisheries

Regarding flood risk, we did not object because this is an existing land use and is considered less vulnerable.

- Highways Agency

The Highways Agency (HA) interest relates to the motorway and all-purpose trunk road network that it manages on the Secretary of State's behalf. In this case, this relates to the M20 junction 10 and the A2070/A259 trunk road and its junctions. In spatial planning and development control terms, the HA have a duty to safeguard the operation of the motorway and trunk road network as laid down in DfT Circular 02/2007. The transport impact assessment should be conducted with due regard to DfT circular 02/2007 and Guidance on Transport Assessment (March 2007).

Some earlier comments from the Highways Agency are summarised as follows:

- The runway and terminal applications amount to an increase of about 165% and 65% of the existing and permitted throughput respectively. It also includes 510 square metres of retail space: 118sqm landside and 392sqm airside with plans to expand the existing car park and to provide a taxi rank. It is understood that the proposed terminal development will only proceed if planning permission is granted for the runway extension.

- Both these applications are supported by two separate transport assessments (TA) and Travel Plan (TP) prepared by Steer Davies Gleave (SDG).

- Ashford is a growth area and there are a number of large committed developments as well as planned developments, which affect the M20 junction 10 and the A2070 trunk road and its junctions. The HA are actively considering a number of developments in the South of Ashford – all affecting the A2070 and its junctions, including the M20 Junction 10. The applicant should be mindful of the South Ashford Transportation Study (SATS) and their subsequent Supplementary Planning Guidance 6 (SPG6) and the emerging LDF for Ashford. It is understood that development of Lydd Airport was not included in the SATS/SPG6 or subsequent further studies for the emerging Ashford LDF.

- It is recognised that there is support in principle for the expansion of Lydd Airport in the Kent and Medway Structure Plan (policy T25). The Regional Transport Strategy (July 2004) is broadly similar to national policy in relation to the provision of air capacity in the southeast. However, it recognises that surface access to airports should be sustainable, both for new developments and expansions and for expansion within existing permitted capacity. The airport is accessed via a private road off the B2075 Romney road north of Lydd. The B2075 connects with the A259 between Brenzett and Folkestone. The trunk road network is accessed via the A259 to Brenzett where the A259 (T) continues to Hastings and the Sussex Coast and the A2070 (T) heads North to Ashford.

- It is important that the airport should provide a viable and sustainable strategy to remove the need for passengers to travel there by car. This needs to justify proposed growth in on-site car parking spaces over the existing and should also identify parking management arrangements.

- Regarding the travel plan, the site is remote from the main public transport hub, hence significant measures will be required to promote surface access to the airport by sustainable modes. Some 30% of the passengers will have no access to the airport by public transport although a shuttle bus is proposed to be provided between the Airport and Ashford because there are no trains from Ashford to Medway, Eastbourne and Brighton and Hove.

After receiving supplementary information from the applicant, we are now satisfied that our previous issues with the Transport Assessment have been addressed. We consider that the development can be satisfactorily accommodated on the A2070 and at M20 Junction 11. Consequently, the 'holding' direction currently in place can be removed and be replaced with the attached TR110.

This TR110 is issued on the understanding that a Travel Plan is required, is being negotiated and will be the subject of a Section 106 Agreement. The Travel Plan currently proposed by the applicant is deficient in a number of areas and a robust Plan that is enforceable by your council should be developed in consultation with Kent Highway Services and ourselves. This Travel Plan should aim to provide real incentives to reduce the proportion of car trips together with realistic targets, remedial and enforcement measures in the event targets are not met.

This TR110 is also issued on the understanding that a Car Park Management Strategy is required, is being negotiated and will also be the subject of a Section 106 Agreement that would only allow parking provision in accordance with demand. We recommend that the peak hour demand is managed in accordance with the assessment assumptions and trip generation in Steer Davies Gleave's Transport Assessment Additional Analysis note dated 25 June 2008.

We recommend that the construction impacts of the development proposals on the Strategic Road Network are considered and mitigated as appropriate. We recommend that you consult Kent Highway Services and ourselves on the impact on the environment and highway network due to the construction of the expansion.

- Health and Safety Executive (Nuclear Safety Installations Inspectorate)

During 2007 and early 2008 HSE's comments are summarised as follows:

i) We have been undertaking a review of the impact of the proposed changes in commercial operations at Lydd airport on the risk profile for the Dungeness A and B Nuclear Installations. This has involved reviewing the safety justifications provided by the two Licensees, Magnox Electric at Dungeness A and British Energy at Dungeness B. In addition, we have commissioned independent work to review the risk of accidental aircraft impact. We have judged the levels of risk against our Safety Assessment Principles (SAPs). Dungeness A permanently ceased power operations in December 2006 and is preparing to defuel. British Energy currently anticipates Dungeness B will operate until 2018, subject to the required regulatory approvals. The Inspectorate is satisfied that the risk to the Nuclear Installations at Dungeness in their current plant states is sufficiently remote that we have no grounds for objection to the proposed development on the grounds of Nuclear Safety. However, this is subject to clarification about flight paths and appropriate restrictions.

ii) The issue of security concerns to the Nuclear Installations is dealt with by the Office of Civil and Nuclear Security (OCNS), which as of 2 April is part of the Nuclear Directorate of HSE. It confirmed that there are no objections to the proposed development on security grounds. The regulation of Fuel Flask Movements from the Dungeness Sites is undertaken by the Radioactive Materials Transport Division of the Department for Transport. We have confirmed they have no comments on the proposed changes to Operations at Lydd Airport.

iii) British Energy has confirmed that consultations with the Local Authority responsible under the Radiation (Emergency Preparedness and Public Information) Regulations (REPPiR) have been undertaken. They are satisfied that the proposed changes at Lydd airport can be accommodated within their emergency arrangements.

iv) In the absence of any specific proposals for new build at Dungeness, and in advance of the expansion plans for the airport being finally decided, this is only a broad regulatory overview on this issue. The Dungeness site has been used for Nuclear Power Generation since the 1960s, and has been identified by British Energy as a potential site for a 'C' station should the Government decide that new Nuclear Build is appropriate. Dungeness A permanently ceased power operations in December 2006 and is preparing to defuel. British Energy currently anticipates Dungeness B will operate until 2018, subject to the required regulatory approvals.

v) With regard to a potential Dungeness C, before construction could begin on any new power station at the Dungeness site, there would need to be an extensive review through both the planning and regulatory processes prevailing at the time of a development application. HSE's Nuclear Installations Inspectorate (NII) enforces the nuclear licensing and security regimes in relation to such an application. Other regulatory permissions, for instance from the Environment Agency, would also be needed. In addressing the suitability of Dungeness as a site for a new nuclear power station, NII would consider a wide range of external hazards to the plant, included in which would be aircraft impact. As part of that consideration, the degree of structural resilience designed into the structure(s) would be a consideration. Para 121 in the NII Safety Assessment Principles (SAPs) provides a neat synopsis of our position: *"If the external hazards over which the duty holder has no control are judged to be too great to be accommodated through the design of the plant, the use of the site may be precluded for its proposed purpose."* Of additional relevance in the statement in para 30 is that *'NII would expect modern facilities to have no difficulty in satisfying their overall intent.'* The remainder of the SAPs provide a more detailed exposition of the regulatory expectations for protection against external hazards. What this means in practice is that if the developer of a proposed new nuclear development were unable to demonstrate that the risks of aircraft impact were sufficiently low, a revision to the design would be required, or the development could not proceed. Given that there is no indication of the type of development that might be proposed at Dungeness C, it is difficult to comment further other than in this general manner.

vi) Any proposed power station design would also be expected to include for any reasonably foreseeable changes to the external threats it may be subject to. This must be considered in the context of the lifetime of any new plant, which is currently expected to be in the order of 60 years' operation, followed by a period of (say) 40 years during which all significant hazardous material would be removed.

vii) It should also be noted that the DBERR Strategic Siting Assessment (SSA) consultation document makes passing mention of the need to consider aircraft impact in relation to siting for new nuclear power stations. If the Government decides in favour of allowing the private sector to invest in new build in the UK, it is likely that DBERR will consult on some exclusionary principles for new nuclear power station siting in 2008. It is unclear how broad these principles might be, however it is possible that proximity to airports will be included in some form.

On 13 October 2008 the HSE commented further that they have checked the contents of the revised submission, particularly the section on Noise impacts from the runway. The primary reference is a report by Parsons Brinkerhoff, dated August 2008. This contains a number of charts and noise contours etc. There is still a mismatch with the operational procedures which have been outlined by Lydd Airport previously. In an email from the Manager of Air Traffic Control at Lydd Airport he confirms the following: All Aircraft above 5700kg MTOW (maximum take-off weight) turn right on departure runway 21 if D044 is active. If latter not active may climb straight-ahead and establish on track, subject to remaining clear of Dungeness Power Station by at least 1.5 nautical miles and/or 2000ft (the dimensions of R063 to Lydd arrivals or departures – SI 1929/2007 para. 6); aircraft below 5700kg may turn left after departure runway 21 but must remain at least 1.5nm from the power station. This was repeated in the draft heads of terms agreement which stated that ‘all departing aeroplanes having a take off weight of 5700kg or over not to turn left on departure from runway 21’.

However, on consulting the Parson Brinkerhoff Report it is apparently suggested in a number of figures in Appendix 2 "flight path information" that the following planes will execute a right turn on take off from runway 21 (Dash 8, ATR42-500, Saab 340/SF340B, Learjet35A, Citation II, CNA750 Citation X). These have maximum take off weights of between 8 and 29 tons. Clearly, there is some mismatch between operational expectations and the noise estimation exercise. This reinforces our view that the Schedule 106 agreement requires careful construction to ensure that the flight paths and numbers of aircraft are clearly understood by all, and that this type of confusion is avoided.

In summary, we have no objection to the development, however we are concerned that the flight path details are clear and are restricted to the arrangements laid down by the airport Air Traffic Control Manager, which are in turn consistent with our assumptions in the risk analysis for the Dungeness Reactors.

HSE reconfirmed no objections in June 2009 in response to the March 2009 supplementary information, which included further information about aircraft crash risk to Dungeness Nuclear Power Station.

- English Heritage

English Heritage has no objections, but are concerned the effects on the Listening Devices (a Scheduled Ancient Monument) have not been assessed at this stage. Notwithstanding this, the applications should be determined in accordance with national and local policy guidance, and on the basis of SDC's specialist conservation advice.

- Commission for Architecture and Built Environment (CABE)

Please note that in this case CABE confines itself to reviewing the proposal itself and not the desirability or otherwise of the expansion of this airport in principle.

## Summary

We welcome the opportunity to comment on the expansion of Lydd airport and recognise the national significance of its location. We are also pleased that consideration has been given to our previous concerns about the proposal. We regret to say, however, that we continue to have some fundamental concerns about the development which means that we are unable to support the planning application. We continue to believe that the sensitivity of the site and the complex issues arising from airport use require a more integrated approach.

## Sustainability

The expansion of the airport raises many concerns about sustainability and, therefore, we feel that the project should limit as much as possible any damage in terms of environmental impact. Given the considerable increase in intensity of use that is envisaged in terms of passenger throughput, we think it is unacceptable to consider the planning application any further without a more strategic and ambitious sustainability strategy. The greatest energy consumption will of course, be from the aircraft upon which the airport developer has no control (other than attracting them there). It is, therefore, essential that the buildings and transport strategy, which are aspects of the project that the developer has direct control over, should demonstrate an exemplary and responsible approach for the development. In this case, we consider it essential that the strategy surpasses the legislative minimum and does not rely solely on achieving performance standards in later design stages.

## Landscape

Clearly the airport sits within an extraordinary landscape of national importance due to the proximity of five SSSIs, a RSPB nature reserve and being a unique part of Kent's coast. We recognise the attempts made to integrate the buildings with the landscape, character and design strategy. Nevertheless, we do not think this work is sufficient to ensure that the airport and the landscape come together as one. The measures proposed in the landscape, character and design strategy seek to mitigate the impact of the airport on the landscape (through decoration and screening), rather than using the findings of the landscape assessment to inform the organisation and architecture of the buildings. We think a more sophisticated approach to the design of the airport is needed for the development to respond more successfully to its surroundings. It may be helpful to think about what the sense of place is of this area and how the buildings and the landscape proposals can reinforce this.

## Masterplan

Since the expansion of the airport will have an impact in numerous highly significant ways (sustainability, transport, employment, landscape, built form etc) it seems to us a fundamental requirement that a masterplan is produced that also integrates with the landscape strategy. All the elements that affect the functioning of the airport can be assessed, therefore, and a set of rules for the future development and expansion of the airport can be established that will give some certainty that good quality can be assured. It is very disappointing that a masterplan has not been produced. Incremental development could be damaging to the local environment if it is not in a properly planned form.

## Built Form

We recognise revisions made to the scheme to help address the need for the development to respond to its context. We regret to say, however, that we do not think these changes are sufficient to achieve an appropriate standard of design. While we think changes to the roof have meant that the two buildings relate to each other better, this does not satisfy our concern that there is no convincing logic for the disposition of the forms on the site; the alignment of the departure building is particularly puzzling. A simpler linear arrangement that can provide ease of movement and separation of functions might be an option to consider.

We are also concerned that the scheme has been designed from the inside out and, therefore, the buildings have an appearance that seems more akin to a business park or industrial estate, rather than reflecting their more distinctive context. The proposals for the Phase 1 buildings do not assure us that the travelling public will be delighted by the experience of passing through the airport. We think that the final design should grasp the opportunity to develop a strong contemporary design for the airport buildings, inspired by the extraordinary landscape that surrounds the airport and aspire to provide a sense of arrival that makes this airport different. We do not think that the design team has achieved this.

- Kent County Council (KCC) Strategic Planning

- i) Background

- In March 2007 the KCC responded to the initial consultation on the two applications with a holding objection. The response explained that the Kent and Medway Structure Plan (KMSP) policy supports expansion of aviation at both Manston and Lydd Airports but requires proposals for Lydd to be assessed against the range of criteria and considerations set out in Policy TP25 (Lydd Airport).

- The reason for the objection was that there was a number of concerns about the supporting information provided in the Environmental Statements: It could not be concluded from the information provided that there would not be a negative impact upon the integrity of the European designated sites (SPA and SAC) and SSSI that lie immediately to the east and south of the airport taking account of the rigorous tests that apply in such circumstances. There was insufficient survey evidence and too much uncertainty about the nature and effectiveness of mitigation measures in respect of the protected habitats and species. Consequently it was not clear whether the proposals could accord with Government policy advice (PPS9) and KMSP policies EN6 and EN8; unresolved questions and clarification required about assumptions underpinning the Transport Assessment, the nature of, and commitment by the applicant to, off site highway and public transport improvements and the submission of a Travel Plan (KMSP policies TP2 and TP3 apply).

- Other grounds for objection included the lack of sufficient assessment of air pollution (Policy NR5) and impacts on certain aspects of the landscape and visual impact (Policy EN3). All of these grounds are covered by specific clauses of Policy TP25.



This recommendation has been reviewed in the light of (a) the supplementary information received in October 2007, August 2008 and March 2009 and the proposals for mitigation; and (b) the publication of the final version of the South East Plan (Regional Spatial Strategy) on 6 May 2009:

ii) Supplementary Information Submitted by LAA.

The supplementary information provided by the applicant in October 2007, August 2008 and March 2009 has provided a better understanding of the issues and has enabled several parts of the holding objection, including the landscape and visual aspects, community noise impact and the surface transport issues, to be resolved. However, in the County Council's view, these submissions have not dealt satisfactorily with many of the points it has raised on the ecological impact and consequently they have not substantially altered its appraisal of the proposals.

iii) The South East Plan and Summary of Updated Representations

The new Regional Spatial Strategy (RSS) - The South East Plan - replaces Regional Planning Guidance for the South East (RPG9) and the Kent and Medway Structure Plan which have provided the strategic planning policy arm of the Development Plan. The Secretary of State has decided that following the publication of the South East Plan none of the Kent and Medway Structure Plan (KMSP) policies should be extended so these will cease to have development plan status when their three-year period expires on 6 July 2009. As the representations of the County Council have relied upon the Structure Plan to a large extent it has been necessary to assess whether, in the case of each policy quoted, there is (a) a direct equivalent in the SE Plan; (b) some (e.g. indirect) reference; or (c) no equivalent/reference. The following table sets out the 8 principal policies of the Structure Plan which have underpinned the County Council's case, their current relevance and their relationship to the SE Plan:

KMSPP Policy		Date of KCC letter where referred to			Current relevance of policy to KCC's case	SE Plan policy equivalent (if any) where relevant
		29/03/07	30/11/07	09/10/08		
<b>NO EQUIVALENT</b>						
SH1	Shepway District Area Policy	√			Yes, confirms support for proposals which retain and strengthen current uses at Lydd Airport	EKA policies but none made specific reference to Lydd Airport
TP25	Lydd Airport	√	√		Yes, affirms support for expansion of Lydd Airport but subject to 7 criteria including "no harm on internationally or nationally designated environmental areas" i.e. contrary to KMSPP Policy EN6 /SE Plan Policy NRM5	SE Plan contains no policy support for expansion of Lydd Airport
<b>SOME REFERENCE/EQUIVALENCE</b>						
EN3	Protecting and enhancing countryside character	√			Landscape objection withdrawn	C4
TP2	Assessment criteria for transport proposals	√	√		Transport assessment work completed satisfactorily	T1, T2,T8,T14
TP3	Transport and the location of development	√	√		Transport assessment work completed satisfactorily. Travel Plan still to be agreed but this can be covered by section 106 agreement.	SP2, T1, T2, T5
<b>DIRECT EQUIVALENCE</b>						
EN6	International and national wildlife designations	√	√	√	Key policy in current objection	NRM5 (particularly (i) , (ii) and (iv))
EN8	Protecting, conserving and enhancing biodiversity	√	√		Major policy in current objection	NRM5 (particularly (i), (ii) and (iv))
NR5	Pollution Impacts	√	√		Major policy in current objection on impact of air pollution on protected habitats and species	NRM9 (ii) and (v)

The County Council's outstanding objection is therefore now based on the approved final RSS (South East Plan) policies NRM5 (particularly (i), (ii) and (iv) and NRM9 (ii) and (v).

The County Council's full representations are contained with its letters of 29 March 2007, 30 November 2007 plus appendix and 9 October 2008 and are summarised and updated as follows.

#### iv) Ecological Impacts

The information supplied in the August 2008 and March 2009 submissions have only addressed some of the questions remaining after the previous submissions. It continues to lack the evidence, detail and clarity required to determine the likely impact of the construction of the development proposed and operation of the expanded airport upon the biodiversity interests which is necessary to be sufficiently confident that no significant impact on the designated sites will occur. For example LAA acknowledge that there will be increased noise levels at protected bird habitats east of the airport however the information provided lacks specificity and certainty and coupled with the continuing lack of definitive mitigation measures, the absence of significant adverse effect on the conservation objectives of the designated sites cannot be confirmed.

Survey work for protected species including great crested newt, reptiles, water voles and bats have been requested but not provided. Also impacts on Species of Principal Importance (Section 72 Countryside and Rights of Way Act 2000) and Biodiversity Action Plan (BAP) species and the mitigation, compensation, management and monitoring of impacts on birds, habitats and protected and important species have not been addressed. National guidance is clear that the impact on the populations and the appropriateness of any mitigation suggested cannot be judged without this further information. Questions regarding survey scope and appropriate timings, specific mitigation plans and habitat compensation have not yet been answered. This information is needed before the impacts on these species can be fully assessed.

#### Ecological Impacts Within Designated Areas:

- Impacts of the runway extension on species and habitats within the SSSI and SAC. There is a potential loss of habitat to both the area to be paved and the grassed runway strip. No recent surveys of Great Crested Newt (GCNs) have been carried out on the ditches including those proposed to be filled or replaced by new drains as part of the associated airport improvement works. No surveys for water voles, otters and reptile species appear to have been carried out as previously requested. The Extended Phase 2 Habitat Survey requested by KCC has not been carried out. The applicant must compensate for the loss or damage of parts of the designated areas resulting from the airport expansion. The impacts of the clearing and re-grading of other areas around the runway need to be addressed.

- Impacts of the proposals on invertebrate species in the SSSI. There is a potential impact of disturbance and pollution on terrestrial invertebrates and this point which was raised in the last consultation has not been fully addressed. The survey data for aquatic species requested is still not complete and the methodology of the previous survey not confirmed by Natural England as appropriate. The probability of success of the proposals to translocate ditch material for invertebrates has not been estimated. The fact that the impact on the ditches, and potentially the terrestrial habitat, may cause a decline in already rare invertebrate species suffering from habitat loss and whether this is acceptable, has also not been addressed.

- Impacts of air pollution on the SAC habitats and species of interest. Rather than using projected trends of local data the reports on nitrogen deposition the applicant continues to rely on a reduction of pollution and deposition overall in the country to reduce the deposition levels on the vegetated shingle at Lydd. The evidence is not clear that this will be the case and it is not an acceptable approach to rely on circumstances the applicants have no control over to mitigate the deposition they will create. Furthermore, decisions involving an increase in pollution in one area should not be made on the basis that pollution is decreasing elsewhere. The aim should be to reduce emissions generally, not to allow more in some circumstances because the background rate has decreased. The data does not seem to be robust enough to say that no damage will occur to the designated sites and the habitats they support. In fact the information provided suggests an area of the vegetated shingle will experience adverse effects although the location of this impact is not clear. The issue of nitrogen deposition becoming heavier during rain and the prediction for climate change in the future that rainfall may increase at certain times of year has not been addressed. Loss of vegetated shingle habitat within the airfield has been suggested without any proposal for compensation.

- Impacts on species and habitats of interest in the designated areas general. The disturbance to wintering birds from bird control methods has not been assessed and no data from other airports has been presented to support claims that birds in the designated sites will not be disturbed. The claims of bird habituation to noise have not been substantiated. A ground noise management plan has not been submitted and the mitigation for noise disturbance is not clear or entirely controllable. The noise impact monitoring plan has not been detailed. As a result the potential for disturbance to birds from the aircraft noise and bird scaring techniques and the impact this will have on the designated sites have not been satisfactorily concluded.

#### Ecological Impacts Within and Outside Designated Areas:

- Impacts on ornithology. Noise impact on birds of conservation importance (there is still no conclusive evidence on the potential for disturbance to birds from the aircraft noise and bird scaring techniques and the impact this will have on the designated sites. The disturbance to wintering birds from bird control methods has not been assessed. No further data from other airports has been presented to support claims that birds will not be disturbed. The claims of bird habituation to noise have not been substantiated. A ground noise management plan has not been submitted. The mitigation for noise disturbance is not clear nor does it appear entirely controllable. The noise impact monitoring plan has not been detailed). Bird hazard control (the extent of influence of bird control and safeguarding measures on land outside the airfield and inside the designated areas) is still not clear and the potential to adversely impact upon nature conservation activities remains a concern for the designated areas. The impact of habitat loss on the birds in the area has not been fully addressed. The further vantage points or radar surveys which were requested by both the RSPB and Natural England to assess flight lines have not been carried out. The flight line data is not sufficiently comprehensive or clearly enough presented to draw any useful conclusions and further work should be carried out for species to broaden the range of bird species captured by the data. Further monitoring work has been suggested but this should be carried out prior to determination of the planning applications given the importance of the designated areas.

No consideration has been given of cumulative impacts on bird movements and bird strike risk, for example Little Cheyne Court Wind farm. The disturbance to wintering birds from bird control methods has not been assessed. No data from other airports has been presented to support claims that birds will not be disturbed.

- Impacts on non-bird protected species and habitats. Ecological studies (there is a potential loss of habitat to both the area to be paved area and the grassed runway strip). No recent surveys of Great Crested Newt (GCNs) have been carried out on the ditches to be removed. A GCN survey was carried out in 2006 at an inappropriate survey time for this species and the results are therefore unacceptable. In an area designated for its high populations of this species these surveys, and assessments of impacts on terrestrial and aquatic habitats and design of comprehensive mitigation and compensation measures, need to be carried out prior to determination. No surveys for water voles, otters, bats and reptile species also appear to have been carried out as previously requested. The potential impact of disturbance and pollution on terrestrial invertebrates that KCC raised in response to the September 2007 supplementary information consultation has not been addressed. The survey data for aquatic species requested is still not complete and the methodology of the previous survey not confirmed by Natural England as appropriate. The probability of success of the proposals to translocate ditch material for invertebrates has not been estimated. The Extended Phase 2 Habitat Survey requested by KCC has not been carried out and no compensation appears to be offered for the loss of parts of the designated areas. The impacts of the clearing and re-grading of other areas around the runway and the impacts of filling in the pond on invertebrates and other species also need to be addressed. A Phase 1 Ecological Survey has been carried out at Hammonds Corner but specific surveys of protected species – Bats, Water Vole, Badger and Great Crested Newt – should also be carried out requiring a report from the Kent and Medway Biological Records Centre to support the desk study. Clarification of the impact on Lydd Common and Pastures Local Wildlife Site is also required. It is important that these are carried out prior to determination of the applications. On air pollution (and consequent impacts for the conservation objectives for the protected habitats and species this is dealt with earlier).

- The construction phase of the development. There are still queries regarding the Construction Environmental Management Plan. These include the location of the compound and the area for disposal of soil, the surveys and mitigation measures for protected species mentioned in this document and queries regarding dust suppression run off measures.

- The submitted Biodiversity Action Plan (BAP). The BAP is welcomed however the submitted document is short on detail and the BAP Partnership has not been consulted on its production. The measures are not far reaching or inclusive enough.

v) Other environmental issues

- Air Quality and Human Health. We have some concerns with the methodology used but generally agree with the overall conclusions (in Para 2.4.5 of their report) that the predicted impacts on air quality of the proposed expansion are not considered to have a significant effect particularly as the available pollution headroom is high.

- Carbon dioxide (CO<sub>2</sub>) emissions. In our view, the report and management plan are commendable and they recognise the importance of monitoring and feedback on progress towards achieving targets. However, they do not explain what the greatest sources of carbon emissions are expected to be and hence the priorities and where the greatest savings could be made.

- Community noise impact. In our view the re-calculations result in very little change to the numbers of properties affected. As indicated in our response it is important that your council ensures that the proposed noise management plan is prepared, approved and implemented and monitored. In the event of planning permissions being granted you will need to attach suitable conditions to restrict night time flying and helicopter movements to acceptable levels.

- Lighting Impact Assessment. It seems from the landscaping strategy that with the large area of glass windows proposed the views out from the building will be maximised. This suggests a conflict to be addressed with the objective of minimising light pollution because of the large amount of light that will escape to the surrounding area.

vi) Landscape Strategy

The submitted study report complements the visual impact analysis which was successfully carried out at the first stage and although KCC made a number of comments and suggestions which have not all been taken on board, there were not grounds for objection. The landscape characterisation study meets the request by KCC for more information on the impact on landscape character. The landscaping strategy is supported. It contains essential proposals for planting in the 'landside' areas and at their boundaries with the airside parts of the airport. We would suggest that 'providing habitats for local wildlife' should be a proactive element of the design and more use of native species should be made in the planting schedule to enhance the natural elements of the landscape in the area and biodiversity. The landscaping must be designed to minimise impact on protected species of flora and fauna and designated sites. It would be appropriate for your council to attach suitable conditions, reflecting these requirements, to any permission granted.

vi) Surface Transport Matters

Kent Highways Services has provided separate representations.

vi) Socio-economic Impact

Socio-economic impact representations on the original submission noted the following points: Shepway District has a relatively weak economy, with few large employers and high level of deprivation relative to the rest of Kent and the South East; the forecast of employment growth associated with the airport expansion is very uncertain and subject to a range of possible outcomes; drawing on evidence from existing airports the estimates of employment growth are nevertheless reasonable; little attention was given in the Environmental Statements to any impact of the airport's growth on business investment in the area including at the nearby Ashford growth area.

The assessment of tourism impacts was also weak because it did not look beyond Shepway (e.g. to Ashford and Rother); it was agreed there would be a positive effect on job opportunities on Romney Marsh including tourism but there was no consideration given to any prospective negative impacts on tourism arising from increased disturbance and erosion of the area's tranquillity. In summary, the economic and employment benefits of the airport's growth would be positive but modest in relation to the existing employment base of the area.

Although the supplementary submission on socio-economic impacts has improved understanding and is helpful e.g. in LAA's offer to work with others in the development of local skills, the above conclusions are largely unchanged. The new information confirms our view that the proposals would help to bring some economic benefits to Shepway and a wider area and that these would, to some extent, help to outweigh the loss of visitors staying in the area as a result of the negative impact of the airport expansion on the local environment. However there is a considerable overlap in the two hour travel time catchments for Lydd and Manston airports and it is important to stress that any aviation business/employment generated or visitor traffic attracted away from other Kent airports (e.g. Manston) to Lydd would not be a net benefit to Kent or its constituent regeneration priority areas.

#### vii) Revised Mitigation Schedule

The additions and changes that have been made to the mitigation schedule on many aspects can be supported (e.g. traffic and transport, noise management, carbon management, lighting etc) subject to any conditions outlined in this report. However, the ecology mitigation measures remain inadequate to address all the impacts from this development. In summary further information on the mitigation for protected species impacts, the ditch mitigation, the impacts of noise from aircraft and bird control measures on surrounding bird populations, the deposition of nitrogen on shingle habitat and expansion of the detail in the site BAP is required. This information is required before planning permission is granted in order to be able to make a proper assessment. Government guidance is clear that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, must be established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.

#### viii) Conclusion

Many of the original outstanding issues have been resolved including the landscape and visual aspects, community noise impact and the surface transport issues. However, on the basis of LAA's latest submission (March 2009), it is still not possible to conclude that the internationally designated sites will not be adversely impacted. Under the Habitat Regulations the precautionary principle therefore applies unless the Appropriate Assessment carried out by your council in consultation with Natural England concludes that there would be no adverse effects (i.e. identified or uncertain) in which case planning permission could be granted.

There is a positive but modest economic case to support the expansion of Lydd Airport if the current proposals could be demonstrably compatible with high level nature conservation policies and legislation (the South East Plan, KMSP, Government Planning Policy Guidance [PPS9] and Habitat Regulations 1994).

The applicant should therefore be encouraged to seek and provide the further information that is still required to remove the obstacles. In the meantime, so long as the details of the environmental impacts and the proposed mitigation and compensation measures remain unclear, it is KCC's view that your council should not approve the applications.

In summary, whilst KCC is otherwise minded to support the principle of the proposals in SH/06/1647 and SH/06/1648, there remain serious concerns principally over the residual uncertainty regarding the extent and significance of any adverse impact on the adjacent internationally designated sites (Dungeness to Pett Level Special Protection Area and Dungeness Special Area of Conservation) and the clarity, specificity and deliverability of measures that might satisfactorily mitigate any such impacts.

In the light of this, the requirements of the Conservation (Natural Habitats etc) Regulations, and the duties placed upon public bodies in this regard, and policies NRM5 and NRM9 of the South East Plan, KCC does not consider that planning permission should be granted to these applications unless and until the concerns regarding potential adverse impact on the internationally designated areas are removed, taking into account the advice of Natural England in this matter as well as the outcome of the Appropriate Assessment of the applications currently being undertaken by yourselves. If subsequent advice from Natural England were to depart from that which we have received to date then KCC would wish to revisit the issue.

- KCC Highways

Kent Highway Services have considered the information previously submitted and summarised in a Position Statement dated 21 December 2007. Since that time further negotiation has taken place to address those issues.

i) Transport Assessment and Related Issues – Runway Extension

Whilst some discrepancies have occurred over the consultation period Kent Highways are now satisfied that calculations under the following headings have now all been appropriately amended/ addressed:

Fig. 5.3	Existing Traffic Flows at Hammonds Corner
Fig 9.1	Trip Distribution Profile
Fig 9.3	2009 Traffic Flows – ‘Do Nothing’ 300,000 Passenger Movements
Fig 9.4	2009 Traffic Flows – ‘With Development’ 300,000 Passenger Movements with Runway Extension
Fig.11.1	Access Road Junction – Preliminary Junction Layout
Fig 11.2	Hammonds Corner – Preliminary Junction Layout
Table 5.1	A259/B2075 Junction Assessment – 2005 Data
Table 7.1	Annual Flight Profile
Table 7.2	Weekly Flight Profile
Table 7.3	Flight Timetable Assumptions
Table 7.4	Airport Travel Patterns
Table 7.5	Passenger Mode Split
Table 7.6	General Employee Mode Split
Table 7.7	Shift Employee Mode Split



Table 7.8	Waste Management
Table 7.9	Air Passenger Car Trips – ‘Do Nothing’ 300,000 Passengers Without Runway Extension
Table 7.10	Air Passenger Car Trips – ‘With Development’ 300,000 Passengers With Runway Extension
Table 7.11	Daily Staff Trips
Table 7.12	Service and Delivery Vehicles – Total Trips
Table 7.13	Bus Passenger Trips
Table 7.14	Taxi Vehicle Trips
Table 8.1	Trip Duration Profile
Table 8.2	Car Parking Requirements
Table 9.1	Existing Traffic Flows on Local Road Network
Table 9.2	Traffic Flows in 2009 (18 Hour AADT) – ‘With Development’ 300,000 Passengers With Runway Extension
Table 9.3	A259/B2075 Junction Assessment – ‘Do Nothing’ 300,000 Passengers No Extension 2009
Table 9.4	A259/B2075 Junction Assessment – ‘With Development’ 300,000 Passengers With Runway Extension 2009
Table 10.1	Construction Traffic Impact
Table 11.1	A259/B2075 Roundabout Option Assessment – 300,000 Passenger Movements Without Extension
Table 11.2	A259/B2075 Roundabout Option Assessment – 300,000 Passenger Movements With Runway Extension 2009

- Hammonds Corner. The development will fund the full works required to implement a roundabout to provide improved capacity and safety at this junction, since it is demonstrated that the existing junction layout would be operating over capacity with the proposed runway extension. The principle of the roundabout is agreed. The design of the roundabout has not yet been agreed but it is established that third party land will be required to achieve an acceptable design. Whilst 300,000 passengers per annum may be an appropriate trigger for the works to be implemented, Kent Highways are concerned that the airport may stay just below this threshold for a long period of time. The submitted data indicates that the junction is operating close to capacity now and there is concern that unless we can secure a time scaled build out the Highway Authority will be left with the problem of a junction performing very poorly, resulting in delays on the network which will be exacerbated by the airport's increased capacity. The roundabout must be completed from the commencement of the use of the extended runway or at a throughput of 300,000 passengers per annum.

- B2075 Romney Road/ site access junction. It has been agreed that regular monitoring of the operation of this junction will be carried out. This monitoring will be incorporated into the Section 106 Agreement, the details of which still need to be agreed. The extent of mitigation measures will still need to be discussed should the monitoring indicate that improvements are required. A roundabout similar to that shown in Fig.11.1 (dated 28/11/2006) of the Runway Extension Transport Assessment Report dated December 2006 may need to be considered as an appropriate solution to address this issue.

- Internal site layout. The runway extension application does not include any changes to the existing terminal and car park layout. Therefore the drop-off and pick-up area in front the existing terminal entrance remains the same as is currently provided. This is considered to provide sufficient capacity. A condition requiring a maximum of 510 spaces including mobility impaired parking bays and motorcycle parking in accordance with Kent Vehicle Parking Standards 2006 should be provided for the runway extension. A condition for a Car Park Management Plan is required.

- Signing. The development will fund the full work required to prepare and implement a signage strategy to direct passengers along the most appropriate routes to the airport. Kent Highways are in agreement with this approach

- Sustainable transport Issues. A Travel Plan has been proposed to be included in the Heads of Terms for the Section 106 Agreement. An agreed Travel Plan will need to be implemented prior to the use of the extended runway commencing. It is essential that the Travel Plan provides a comprehensive strategy to remove the need for some passengers and staff to arrive by car. This should include targets for reduction of car trips, monitoring of the same, measures to ensure targets are met, and sanctions/proposals if targets are not met. The provision of a passenger shuttle bus service between Ashford Rail Station and the airport will be a key element of the plan. The Travel Plan is not yet agreed but should include a Car Park Management Plan and Construction Traffic Management Plan. The final wording of the Heads of Terms has not yet been agreed. Kent Highway Services would wish to discuss this obligation with the Highway Agency and Shepway District Council.

ii) Transport Assessment and Related Issues – Terminal

Whilst some discrepancies have occurred over the consultation period Kent Highways are satisfied that the calculations under the following headings have now all been appropriately amended/addressed:

Fig. 5.1	Existing Traffic Flows at Hammonds Corner
Fig 5.2	Existing Traffic Flows at Brenzett Junction – A259/A2070
Fig 9.1	Trip Distribution Profile
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- Comments related to Hammonds Corner are the same as per the runway extension, except that the same applies to the terminal development. Likewise the same applies to the B2075 Romney Road/ site access junction, signing and sustainable transport, including a car park management plan.

- Internal site layout. Vehicle swept path analysis has demonstrated the workability of the internal layout with minor adjustments being required to the drop off/ pick up area. A total of 30 short stay parking spaces will be provided at 300,000 ppa. and 35 spaces at 500,000 ppa. The large drop off and pick up area fronting the Terminal building has capacity for 14 coaches. The submitted calculations support this level of parking proposed for the Terminal Development. A condition requiring a maximum of 860 parking spaces, including mobility impaired parking bays and motorcycle parking, in accordance with Kent Vehicle Parking Standards 2006 for the Terminal Building should be provided. A condition also for a Car Park Management Plan is required. An element of cycle parking should be provided.

- KCC Archaeology

No additional assessment work seems to have been done with regard to the Historic Environment and therefore there is no change to previous comments. The assessment of the historic landscape is not comprehensive. There should be additional assessment of the impact of this scheme on the Scheduled Listening Devices at Greatstone but as these are a Scheduled Ancient Monument, English Heritage should take the lead on further comments.

For other archaeological issues, the removal of the proposal just for a watching brief is welcome. A programme of archaeological work is accepted and this should be covered by conditions. The second condition referring to foundation details should ensure that the agreed programme of archaeological work is appropriate for the location, timing and scale of ground works proposed for the entire scheme, including biodiversity mitigation works on ditches, etc.

The second main issue is the need for palaeoenvironmental assessment as part of the archaeological record. The geomorphological study clearly indicates that there is potential for a buried land surface or palaeoenvironment within the area of proposed development which may still have remains associated with human activity and utilisation of the marshland environment. Romney Marsh is particularly complex with coastal and river processes having major impacts on the deposits over thousands of years. On this already diverse, active and rich landscape is the progressive influence of human activity in the form of prehistoric utilisation of marshland environment and coastal activity through to Roman and medieval reclamation, and major drainage channels to facilitate settlement and land use. The recording and assessment of the palaeoenvironment is very much part of archaeological studies and not just part of geomorphological studies. The geomorphological study does not provide detailed information on palaeoenvironmental archaeological interest. There are hints of potentially relevant data, such as a buried land surface, but because there is no detailed assessment of the palaeoenvironment by archaeologists we do not still have a clear indication of the presence, location, extent and significance of deposits of palaeoenvironmental archaeological interest across the development site. We also have no indication of the potential for substantial archaeological remains to survive here, such as wooden structures associated with utilisation of marshland (tracks, boats, platforms etc).

There are still outstanding palaeoenvironmental issues which could be addressed in a more comprehensive manner, but as this is a fundamental part of archaeology, the identifying and recording of any palaeoenvironmental elements would form part of a programme of archaeological work, which is being covered by condition.

In summary, there are some issues which it would be preferable to address prior to consent, particularly the issue relating to the Listening Devices at Greatstone, but for the other archaeological requirements, including the palaeoenvironmental one, this can be accommodated within the conditions.

- KCC Emergency Planning Group

Kent County Council Emergency Planning Group raise no in principal objection, however, if the application is permitted relevant contingencies within site-specific emergency plans for the Dungeness nuclear plants and Lydd Airport will need to be reviewed, and where necessary, modified to accommodate impacts arising from an expansion of the airport facility.

- East Sussex County Council

Proposals to increase passenger capacity may bring social and economic benefits to an area characterised as having a poor performing economy in need of regeneration, and as such can be supported in principle. However, neither application should be permitted until the applicant has demonstrated that these proposals, either in combination or individually, will not give rise to surface access requirements which would have an adverse impact on the highway network in East Sussex. If Shepway District Council is minded to approve these applications it should secure the following: A legal agreement to restrict flight paths to those that form the basis of the Environmental Statement accompanying the applications (to avoid overflying East Sussex and consequent adverse impacts on its communities and environment); ensure that adverse cross border transport impacts are minimised and that access by alternative modes is enhanced by securing a transport interchange at Appledore Station, including regular public transport services connecting the station with the airport.

The applicant has not responded to the point which identifies the potential for a transport interchange at Appledore station as a means of enhancing access by alternative modes to this remote site. On the issue of cross border surface transport impacts, the additional information provided fails to reassure me that the full range of transport impacts on the highway network and communities of East Sussex have been identified and assessed. The applicant explains that the *“...passenger catchment of the airport has been adjusted to reflect the proximity of much of East Sussex to Gatwick airport. Therefore, the proportion of passengers forecast to be travelling from the west and via the network of East Sussex is relatively low at 25%”* (Supplementary Environmental Information vol. 8, para 4.24).

Whilst the influence of other airports in the region will be a factor in determining surface trip distributions, no evidence has been provided to indicate the extent of the catchment’s area or the assumptions upon which it is based. This omission is of concern given its central role in determining impacts on the highway network in East Sussex.

Despite the County Council’s request, no assessment has been made of the impacts on routes towards Rye via Camber. Moreover, the analysis of the junction of the airport access road onto the B2075 does not give details of the volume of vehicles likely to turn left out of the access towards the minor East Sussex County Council roads. It is only stated that the increase in traffic along the west bound A259 will be less than 10%.

The applicant reiterates the proposal to implement a signage strategy to deter drivers using the Camber road. However, given the County Council’s concerns over the robustness of transport assessment, the lack of analysis of impacts on the Camber road and the absence of any detail on the proposed signage strategy, officers are unable to conclude that this is an appropriate and adequate response to the County Council’s objection.

- Ashford Borough Council

In the light of insufficient supplementary information to address the council's previous concerns, it would be inappropriate to support the proposals for the following reasons:

i) Insufficient information has been forthcoming to clearly illustrate that noise and vibration from larger and potentially more frequent aircraft over Ashford Borough will not detrimentally impact upon the amenity of residents and detract from the ability to enjoy their homes, and that alternative holding areas cannot be arranged;

ii) Insufficient information relating to traffic generation and the potential detrimental impact upon the highway network within Ashford Borough resulting from the expected increase in passengers and staff travelling to LAA (London Ashford Airport) has been provided. Some assumptions made in the Transport Assessment are not accepted and clarification has not been forthcoming;

iii) Insufficient information has been provided to accurately quantify potential tourist generation and/or loss due to the expanded operations to LAA to evaluate the possible economic impact to Ashford Borough. At present the view is taken that positive tourist generation in the Borough will not result from the proposed development at LAA;

iv) Key information has not been forthcoming to provide evidence to collaborate the findings of the Parsons Brinkerhoff reports relating to the assessment of the safety implications for the existing power stations at Dungeness and the forthcoming wind farm at Romney Marsh pursuant to the proposed expansion operation at LAA. The assessment carried out by British Energy as the Nuclear Licensee, however, suggests that an increased risk to the safety of the power station would arise from the proposed development.

- Rother District Council

Would support the proposals to extend London Ashford Airport on the basis of the economic and regeneration benefits of the proposals to this area of East Sussex and Kent. However, any such expansion should only take place on the basis that the surrounding transport infrastructure be improved as necessary and that Shepway District Council is satisfied that an increase in air traffic can be accommodated without adverse environmental impact on the adjoining area and that appropriate controls on night flights and flight paths are imposed.

- Dover District Council

Wrote confirming no comments.

- Canterbury City Council

Wrote confirming no comments.

- Civil Aviation Authority (CAA)

The Civil Aviation Authority has no comment other than to confirm that, under licence conditions, changes in the physical characteristics of the aerodrome including the erection of new buildings and alterations to existing buildings on to visual aids shall not be made without prior approval of the CAA. This is a matter for discussion between the licence holder and the CAA and is a quite different process from the Town and Country Planning Act procedures. The application for planning permission and the request for CAA approval are not interdependent and are made separately at the times chosen by the applicant. For projects which bypass the normal process of application for planning permission, especially those involving trenching or tunnelling, or substantial new structures, consultation with NATS is a matter of routine.

- National Air Traffic Services (NATS)

The proposals have been examined from a technical safeguarding aspect and do not conflict with our safeguarding criteria. There are no safeguarding objections.

- British Energy (part of EDF)

We are opposed to any increased risk from external hazards on our plant and would not wish to see such large scale development of air traffic in close proximity to the Dungeness Site if this can be avoided.

We have been assessing the potential risk of an expanded Lydd Airport on Dungeness B power station. This assessment has been carried out in accordance with our legal responsibilities as a Nuclear Licensee, under the Nuclear Installations Act 1965. The results of this assessment indicate that the incremental risk is low. However, our fundamental position on this matter is that any increased risk to the safety of the power station should be avoided.

Regarding the potential for New Nuclear Build at Dungeness, The Government's Energy Review entitled "The Energy Challenge" was published on July 11 2006. In Chapter 5, paragraph 5.93 the Government states it: 'believes that nuclear has a role to play in the future UK generating mix alongside other low carbon generating options.' The Government has also highlighted in the Review that industry has indicated that the most viable sites for nuclear new build are likely to be adjacent to existing nuclear power plants. See paragraph 5.126. In February 2006, the then Department of Trade and Industry established a nuclear siting expert group to consider the potential availability of UK sites for new nuclear power stations, should they be required, and for developing options for government action against possible nuclear energy policy scenarios.

The April 2006 final report of this expert group summarises the major business, economic, safety, environmental and technical factors that could influence the selection of a site for construction of one or more new nuclear power stations in the UK and concludes that: 'Several existing nuclear sites in the South of England appear to be strong candidates as potential locations for new nuclear build funded by the private sector.'

The final report also produced a preliminary assessment by the DTI expert group of the development potential of existing nuclear power station sites for new nuclear build. Dungeness is highlighted in the report as a strong candidate for potential further nuclear development.

Regarding the potential additional aircraft accident hazard on the safe operation of potential new build at Dungeness should the Government decide that there is a role for new nuclear power station development in the UK, there are likely to be a limited number of suitable sites available. As indicated by the Government's early assessment work, Dungeness is likely to be a strong candidate for development. The planning determination of the proposed airport expansion must, we believe, take full account of the impact the development could have on the viability of the Dungeness site for further nuclear build. Any development near to the site with the potential to foreclose new nuclear build is likely to be against the national interest.

We need to guard against any issue, real or perceived, that might compromise the value of the site to the country. An expanded Lydd airport will increase the risk of aircraft crash hazard on any new plant. The degree of risk will be over and above that calculated for Dungeness B. We believe the strategic importance of the Dungeness site for future nuclear development should not be compromised in any way by increasing the risks from external hazards. The large scale increase in air traffic around the site is a risk that should be sensibly avoided in the local and wider public interest and we maintain our strong objection to the proposed development.

In response to the supplementary information submitted in March 2009 it should be noted British Energy have stated they have no further comments.

- Defence Estates

The MOD has live firing ranges at Hythe and Lydd with air danger area heights of 3200 feet and 4000 feet respectively. When live firing is being conducted these are exclusion zones for any aircraft, which is acknowledged in the planning applications. The MOD's Defence Training Estate South East (DTE SE) and London Ashford Airport (LAA) have a local Memorandum of Understanding (MOU) dated 6 June 2006 regarding the Danger Areas, which includes over flying of these during periods of range closure and the parameters relating to instrument approach procedures (IAP) to LAA.

The ranges are permitted to fire live between 8.30hrs and 23.00hrs. Hythe Ranges are live on average 305 days a year, which includes 72 days at weekends and 67 nights. Lydd Ranges were live 286 days in 2006, which included 56 days at weekends and 138 nights. This intensive use of the ranges obviously does not allow LAA many days for approaching and departing aircraft to fly through the danger areas. Departing flights will also have to avoid the restricted air space around Dungeness Power Station. Therefore, the majority of the departing flights will have to fly over Lydd Town. The majority of flights approaching LAA will have to adhere to the Civil Aviation rules for IAP avoiding Hythe Ranges' danger area within the parameters laid down in the MOU.



Although the pilots are aware of the air danger areas published in the United Kingdom Air Pilot (UK AIP) over the last three years there were seven infringements into these areas in 2004, eight in 2005, 13 in 2006 and six in January this year alone. This shows a continuing increase in infringements as the airport has become busier. When an aircraft flies into an air danger area the range complex has to stop all live firing. This is done by the Range Control Supervisor/s ordering an immediate cease fire. Each infringement causes a loss of training and if a unit is part way through an exercise, that particular exercise has to be aborted, or restarted which leads to further loss of training. Hythe and Lydd Ranges are used for pre-deployment training and every soldier who is deployed to a war zone undertakes this training. Time allocated to the training and each particular range is limited and any loss of a training exercise or firing time cannot easily be recovered.

We are concerned that as the airport becomes even busier, there will be even more air infringements and greater loss of range, live firing and training time. It would be unacceptable for these to continue to increase at the current rate. We would recommend LAA install radar capacity to give them greater control of all air users in the area, which should reduce the number of air infringements. DTE SE and LAA are in discussion over this issue and the supporting planning documents confirm that the MOD has been consulted over the planning applications.

The Local Plan adopted 16 March 2006 confirms under policy TR15 that the District Planning Authority will permit proposals for the expansion of facilities at Lydd Airport and that regard will also be given to the likely effect of the proposals on other special features in the area, particularly the power station. Hythe and Lydd Ranges should be treated as special features and the continuing expansion of Lydd Airport is leading to increases in air danger infringements which are having an adverse impact on military training.

The MOD are not objecting to the developments, but we would be grateful if, as part of the planning process, you would consider requesting LAA to install radar capacity and seek confirmation of what procedures LAA will operate to prevent future air danger area infringements.

- Channel Corridor Partnership (now disbanded)

The former strategic economic development partnership for the Local Authority areas of Shepway, Ashford and Maidstone, thought it important to contribute to the public consultation regarding the above applications and made the following comments.

There is there is a substantial amount of evidence that regional airports do fulfil a serious economic development function – not only through direct employment, but also through indirect employment opportunities such as service companies, sub-contracting and off-airport activity. There is also the potential for additional benefit from visitor opportunity and overnight stays in the local area.

Whilst the applicant has noted that should the expansion plans be approved, Lydd Airport are planning to provide 400 direct new jobs to the local area – an area which is seeing a contraction in the local job market due to the decommissioning of Dungeness, it seems from the application that there has been little real analysis of the potential economic benefits that the Airport may provide in the long-term. This should certainly be explored in much greater detail and is a weakness in the application.

It is also hard to establish the numbers of indirect jobs which will be created. There is a growing awareness of, and plans to extend the Aviation and Maritime technology sectors in the Kent Coastal area. Thus, it can be argued that these proposals are also critical to the fulfilment of many of the public sector's own strategies. Again this does not come through in the planning application in any significant way.

In economic terms there is a substantial catchment area around the airport including major urban centres such as Eastbourne, Canterbury and Hastings. Fast connections to London on High Speed 1 (the Channel Tunnel Rail Link) from Ashford will maximise its marketing potential and enhance its business case. Recently the Civil Aviation Authority has reported (1 March 2007) a 4% rise in journeys from regional airports against 2% from London. It appears that people prefer to minimise their road travel by using a local airport, where the routes are appropriate.

We do not view London Ashford Airport as a competitor to Kent International Airport. The runway extension only provides for short haul aircraft, Boeing 737 for example, while Kent International with one of the longest runways in the UK, lands cargo filled jumbo jets on a regular basis. At the moment attempts to develop scheduled passenger services at Kent International have been set aside in favour of charter holiday routes. But this approach does mean that there is a potential market gap for Lydd to fulfil in providing the short haul routes that they are suggesting.

Whilst much will be discussed about the environmental impact of the Airport's potential expansion, we feel unable to comment more thoroughly on this – there are many more organisations better qualified to respond to those concerns in that regard. But we would like to note that Lydd Airport's proposed expansion up to two million passengers is supported in local planning documents and has already been discussed in a democratic environment and adopted by Councillors as a part of their long-term aims and objectives for the area.

Having made the points above, our position as the Strategic Economic Partnership for the area does mean it would be difficult to support the expansion of the airport at this stage. We consider a much more detailed analysis of the airport's proposed development needs to be carried out to identify whether the economic impacts of the application are proved.

- Kent Downs Area of Outstanding Natural Beauty (AONB) Executive

The Kent Downs AONB Executive made detailed comments in response to the initial consultation, and again further detailed comments in response to the supplementary consultation.

This contains six pages following the supplementary consultation, plus another 20 pages associated with the initial consultation. Given the extent of the Kent Downs AONB submission, they were asked to summarise their comments for committee report purposes. This is given as follows:

- The Kent Downs AONB Executive strongly recommends that the applications for a runway extension and a new passenger terminal at Lydd airport be refused. The Executive's key concerns are that aircraft will significantly damage the tranquillity of the Kent Downs AONB and cause unacceptable noise impacts there. The large aircraft to be accommodated will fly over the most tranquil tracts of the AONB, and pass over the Lympne escarpment at between 2000 and 3000ft. National, regional and county planning policies emphasise the weight which should be given to protecting the quality of tranquillity, with PPG24 stating the "special consideration should be given to development which would affect the quiet enjoyment of... AONBs". Given that the Secretary of State has previously refused airport-related developments on tranquillity grounds, this is clearly a matter to be taken seriously. In particular, the national interest in the AONB, including its tranquillity, should be weighed against any purely local benefits there may be in the proposals. This relative weight has been confirmed recently by the Panel for the South East Plan upholding the Plan's proposal not to recognise Lydd airport as of strategic importance.

- Noise information derived from the applicant's data show that the large aircraft to be accommodated would individually cause noise levels in parts of the Kent Downs AONB to exceed the significant threshold of 57dB at ground level on approach to Lydd airport. (If this were a persistent noise level on the  $L_{eq}$  scale, the Government accepts that there would be an onset of 'significant community annoyance'.) Insufficient information has been provided with the application, despite our suggestion, to establish noise levels caused by over flying aircraft in the rest of the AONB. The applicant's response to submissions confuses statutory noise nuisance with damage to the quality of tranquillity (which arises at much lower noise levels).

- Major omissions persist in the applications. The Environmental Statements accompanying the applications, and subsequent submissions, have failed to address alternatives or mitigation in any way relevant to the Kent Downs AONB. Manston airport, for instance, is a real alternative to Lydd, yet there has been no assessment of the relative impacts of their actual or possible operating practices on noise and tranquillity in the AONB. The applications do not appear to satisfy the requirements of the Environmental Impact Regulations 1999 in this respect. Nor has any assessment been provided to establish the impact on the air quality of the AONB caused by over flying aircraft using Lydd airport: like the additional noise information, this applies only to the immediate vicinity of the airport. The EIAs also fail to provide indicative impacts of operating Lydd airport at two million passengers annually, even though this is the long term business plan. An assessment would indicate the likely effects of embarking now on incremental growth in passenger numbers at Lydd.

In response to the supplementary information the following additional comments are made:

- National and local planning policies are very clear that highest priority should be given to the conservation and enhancement of Areas of Outstanding Natural Beauty.

Government has stated that AONBs are equivalent to National Parks in terms of their landscape quality, scenic beauty and their planning status. Planning Policy Statement 7 (PPS7) confirms this.

- The status of AONBs has been enhanced through measures introduced in the Countryside and Rights of Way (CROW) Act 2000, which gave greater support to their planning and management. These measures include a “duty of regard” on public bodies to take account of the need to conserve and enhance the natural beauty of AONB landscapes when carrying out their statutory functions. The Act requires a management plan to be produced and accordingly the Kent Downs AONB Management Plan was published in April 2004. This Management Plan was formally adopted in February 2004 by all the local authorities of the Kent Downs.

- It is a matter of both regret and concern that the opportunity of supplementary submissions has not addressed the issues which the AONB Executive has previously raised as matters of great concern. The developers have still not responded to the points we have previously raised on noise impacts, which have added weight against so tranquil a background in the AONB, or air quality. Remarkably, the Landscape Strategy also continues to ignore the Kent Downs AONB. Nonetheless, we welcome the additional information on certain local impacts of the airport operating with the runway extension and serving 500,000 passengers annually, which we had previously recommended. It is a pity that this did not extend to an evaluation of those impacts on the Kent Downs AONB.

- Since our last letter in November 2007, the Secretary of State has issued Proposed Changes (17.7.08) to the South East Plan. These are more accommodating in principle of the expansion of smaller airports in the South East region, though Kent International Airport (Manston) remains the primary named candidate. The Secretary of State has added in new text to the paragraph supporting Policy T9, which qualifies the additional role foreseen for smaller airports as ‘subject to environmental considerations’. It is clear from our review of progress by last November that environmental considerations have been wholly inadequately considered so far as the Kent Downs AONB is concerned. That remains the position in the light of the recent additional information. Given the pre-eminence of Manston, and the struggles which that airport continues to experience to provide profitable services, we consider that a comparative review of the economic and environmental impacts of the two airports, separately and in combination, and the scope for avoiding or minimising over-flying of the AONB, is vital before any decision is taken on the Lydd expansion proposals. That would be within the spirit of the proposed changes to the South East Plan.

- Southern Water

For connection to the public sewerage system, significant off site sewerage will be required, which should be requisitioned under the terms of the Water Industry Act. Due to the size and complexity of the proposed discharge, a significant time will be required to provide the necessary sewerage, if this is the developer’s chosen option.

We request that should this application receive planning approval, the following condition is attached to the consent: 'Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing, by the Local Planning Authority'.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

- Romney Marshes Internal Area Drainage Board

The Board would be in a position to remove its objection to the proposed runway extension at London Ashford Airport providing the following is made a condition of any planning approval: *Details of the surface water drainage system and associated watercourses serving the runway extension shall be submitted to and approved by the local planning authority prior to any commencement of any development and upon which the Board must be consulted.* Reason: To prevent any increased risk of flooding in the surrounding area and to ensure the Board's consent is obtained under Section 23 of the Land Drainage Act 1991.

