

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

**Lydd Airport Action Group (LAAG)**

**Summary Proof of Evidence**

**Changes since the Secretary of State's 1992 decision to  
grant planning permission**

**Applicant:** London Ashford Airport Limited (LAAL)  
**Location:** London Ashford Airport Limited, Lydd, Romney  
Marsh, TN29 9QL  
**Applications:** Y06/1647/SH and Y06/1648/SH  
**Proposals:** 294m runway extension and a 150m starter extension  
plus a new terminal to accommodate up to 500,000ppa  
**Inspectorate** APP/L2250/V/10/2131934  
**References:** APP/L2250/V/10/2131936  
**Document**  
**Reference:** LAAG/6/C

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## **1.0: Introduction**

**1.1:** My name is Louise Barton. I am the principal spokesperson for the Lydd Airport Action Group (LAAG).

**1.2:** I have an Agricultural Science Degree (University of Melbourne). I worked for the Australian government's Commission of Inquiry into Rural Poverty and for the Institute of Applied Economic and Social Research on the Australian Economic Review. After moving to the United Kingdom in 1978 I became an investment analyst and spent over twenty years analysing companies and market sectors for fund managers, stock brokers/investment banks in London. Although retired, I remain a member of the Securities Institute and I am a non-executive director of a small financial software company.

**1.3:** LAAG contends that the Secretary of State's 1992 decision to grant planning permission for a runway extension to cater for up to 600,000ppa, cannot be taken as a material factor in determining the current planning application due to the scale and breadth of change in the circumstances outside the airport's control since 1988-1992.

References to the main proof of evidence are in square brackets

## **2.0: Operational Changes**

**2.1:** On June 14<sup>th</sup> 2001, two weeks after Sheikh Fahad al Athel, acquired Lydd Airport, the height restrictions for aircraft movements above the Lydd and Hythe military ranges were increased from 3,200ft to 4,000ft at Lydd and from 2,000ft to 3,200 feet at Hythe.

As a direct consequence of the increase in the height restrictions above the Hythe military range, Lydd Airport was forced to introduce a 5 degree offset Instrument Landing System (ILS) which requires pilots to make manual adjustments to the runway centre line. In 1988, Lydd Airport's ILS was not offset. Similarly the new RNAV (GNSS) (Area Navigation (Global Navigation Satellite System)) instrument approach procedures to both runway 21 and runway 03, introduced in 2009, are 14 degrees and 5 degrees offset respectively.

These changes to the flight procedures since 1988-1992 reduce the operational efficiency of the airport and increase the risk of aircraft crash damage at Dungeness relative to the position at the previous application. [3.2.1]

**2.2:** Lydd Airport no longer has air traffic control radar. The Instrument approach chart in 1988 clearly shows the existence of radar at the time of the

last application. Radar had an important role in assisting pilots to remain clear of restricted airspace as well as performing its principal role of ensuring separation between aircraft. It is relevant to the safety aspects of this airport. [3.2.2]

**2.3:** New Restrictions around nuclear power stations were introduced in September 2002 as direct consequence of 9/11. At the time of the last public inquiry there was a 2000ft height restriction above the Dungeness nuclear power and an informal agreement to remain 1 nautical mile from the complex. The standard restriction has a 2 nautical mile radius, but Lydd Airport was granted a special dispensation - aircraft taking off and landing from Lydd Airport can fly within 1.5 nautical miles (nm) from the Dungeness nuclear power complex. [3.2.3]

**2.4:** Changes in instructions to pilots about the military ranges. The 1988 ILS chart states the following with regard to the Lydd and Hythe military ranges: "Active 0800-2359 Local and When Notified". However, the official AIP entry for both ranges now gives the activity times as "H24", i.e. active 24 hours a day. This indicates, that although the official hours of the military ranges today are broadly the same, the MOD has made it clear that it wants to have maximum flexibility should it choose to operate at night. [3.2.4]

**2.5:** A new wind farm has been established on Romney Marsh at Little Cheyne Court which was completed in 2009. There are 26 turbines (388ft high) located about 7.5km from the airport. Although the Little Cheyne Walk wind farm public inquiry concluded that the wind farm would not harm any proposed radar at Lydd Airport, it is another obstacle in the vicinity of the airport. [3.2.5]

### **3.0 Introduction of Low Cost Operators**

**3.1:** Job generation at regional airports per unit of throughput will be lower than in 1988 due to the growth of low cost operators and their impact on labour productivity. In 1988, Ryanair, the instigator of low cost air travel in the UK and its most aggressive exponent, was only three years old and barely known outside Ireland. Today low cost operators dominate short haul air travel, operating from most airports in the UK. [3.3]

### **4.0: Competition**

**4.1:** In 1988 Manston Airport (Kent International Airport) was still a combined RAF and civilian airport. The airport did not become a dedicated civil airport until 1999. [3.4.1]

**4.2:** Since 1994 there has been competition from the Channel Tunnel. By the time of Eurostar's 15<sup>th</sup> birthday anniversary in November 2009, the company had carried over 100m passengers, competing with both short haul airlines and

cross channel ferries. It will continue to provide additional competition as other train operators (for example, Deutsche Bahn) are likely to provide services through the tunnel and expand the destination options. [3.4.2]

## **5.0: Decline in Demand for Lydd Airport's Services**

**5.1:** The competition above has contributed to a steep decline in demand for Lydd Airport's services. In the 10 year period before the 1988 planning application the airport supported over 500,000 passengers, whilst in the decade before the filing of the current planning application there were only 25,000 passengers, a decline of 95% [3.5]

## **6.0: Increased Protection for the Natural Environment**

**6.1.** At the time of the last planning application there was a Site of Special Scientific Interest at Dungeness and the government had confirmed the prospect of a Ramsar site and a Special Protection Area (SPA).

Since 1987-1992 there have been the following additions:

(a) The creation of an entirely new European designation, the Dungeness Special Area of Conservation (SAC) - formally registered in June 2005.

(b) The amalgamation and expansion of the Sites of Special Interest in the Romney Marsh region to create the Dungeness, Romney Marsh and Rye Bay SSSI in August 2006.

(c) Proposed Ramsar site and extension of the above SPA (notified July 2010)

In addition, a new national nature reserve was created in 1998 - The Dungeness National Nature Reserve - and the RSPB's bird reserve has been expanded by 15% to 991.2ha. [3.61-3.63]

## **7.0: Changes in the Nuclear Industry**

**7.1:** A shift in government policy over the last five years has resulted in support for the nuclear industry's revival and sites being earmarked for future new nuclear power plants. Although Dungeness has missed out in the current round, it remains a possible future new build site. [3.7.1]

**7.2:** At the time of the last planning application both power stations, Dungeness A and Dungeness B, were generating power and owned by the government through the Central Electricity Generating Board (CEGB). Since then the industry has been nationalised, Dungeness A has ceased power generation and is being decommissioned while Dungeness B is scheduled to generate power

until 2018, with a strong possibility that there will be a five year extension to its license. [3.7.2]

**7.3:** In 1988 both the CEGB and the Nuclear Installations Inspectorate (NII) raised no formal objections to the planning application on crash damage safety grounds. In response to the current planning application, the new operator of Dungeness B, EDF/British energy has opposed the planning application on crash damage safety grounds and concerns over the development jeopardising a planning application for Dungeness C. As a result we have an unusual, and possibly unprecedented, situation where the regulator is sanctioning higher levels of risk than the operator.

It is also a material change in the perception of crash damage risk particularly when it is set against the background of one, rather than two active reactors. [3.7.3]

**7.4:** The terrorist attack of September 11<sup>th</sup>, 2001 transformed governments and the public's awareness of terrorism and made it believable that a deliberate terrorist attack on installations such as Dungeness could occur. [3.8]

## **8.0: Other**

**7.1:** There is now tougher implementation of European Directives as sufficient time has passed for a number of loopholes in the implementation of European directives to be rectified as a result of a body of case work.

**7.2:** Climate change is now taken seriously by most governments around the world.

**7.3:** In April 2007 Shepway District Council held a referendum which showed that 66% of the local population was opposed to Lydd Airport's expansion. The referendum was the only valid measure of public opinion throughout the 2006-2010 period. No referendum was held in 1988-1992. [3.11]

## **9.0: Conclusion:**

The Minister of State's previous decision cannot be regarded as a material factor in determining this planning application because of the scale of change in factors outside the airport's control which have implications for:

- (1) The airports operational efficiency and ability to compete and therefore its capacity to create the economic benefits it purports its development will produce;
- (2) The protection of the environment and the legal redress that is now possible under European law.

(3) Nuclear safety and the welfare of residents and the environment.

The operator of Dungeness B has opposed the current planning application, whereas at the time of the previous application, the operator chose not to oppose the application. This is a material change in the perception of risk particularly as it is set against the background of one, rather than two active reactors.