

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATIONS BY LONDON ASHFORD AIRPORT LIMITED

SITE AT LYDD AIRPORT, LYDD, ROMNEY MARSH, KENT

ADDENDUM TO STATEMENT OF CASE

1. This is an addendum to Natural England's statement of case in relation to the Applicant's case on the fallback position, prepared pursuant to the Inspector's request of 8 March 2011.¹
2. Natural England's case as stated in opening is as follows:
 13. *The Applicant's case appears now to be that this off-airport bird control and land and habitat management – and safeguarding actions – would have to be done in any event, even if the planning applications were refused. That proposition is not accepted. It does not happen at the moment and would not be required absent a very substantial change in activity at the airport.*
 14. *Nor is it accepted in any event that it is appropriate to judge the impacts of the proposals against the circumstances which the Applicant promotes as the fallback position. The fallback position is only hypothetical. Given the practical constraints, and the legal constraints under the Habitats Regulations, the fallback position does not have a realistic prospect of occurring. The proposals must be judged against the existing baseline.*
3. Natural England will submit that as a result the fallback position is not to be regarded as a relevant material consideration or alternatively not a weighty consideration.
4. Paragraph 16 of Natural England's opening raised points relevant to what statutory controls would apply to a new bird control management regime and a new safeguarding regime, which would apply in both the fallback and the development cases.
5. Natural England also adopts the relevant points made in the RSPB's opening.
6. As to the baseline, Natural England wishes further to clarify the position as necessary with Mr Maskens in relation to the existing:
 - fleet mix and number of flights;
 - flightpaths;
 - cargo operations at the airport;
 - categorisation of the airport;
 - bird control and management operations;

¹ Without prejudice to NE's position that this is not necessary.

- safeguarding regime.
7. In relation to the fallback position, Natural England will, in the light of the evidence before the inquiry, examine the Applicant's case by reference to:
- the existing and previous pattern of aircraft using the airport;
 - the improvements to and marketing of the airport's facilities to date;
 - the airport's current services and facilities;
 - further infrastructure or facilities required in the fallback scenario;
 - the assumptions underlying the fallback scenario including as to the gaps in the market;
 - the constraints on the airport including as to surface access.

Natural England

8 March 2011