

## **Lydd Airport Action Group (LAAG) Update**

### **Runway extension delayed until 2017**

Lydd Airport has announced that the runway extension completion will be delayed until the end of 2017. Preliminary work to secure the planning application will take place this year to ensure the application does not lapse (the runway extension permission lapses after 3 years – the terminal after 10 years)

A more realistic assessment of the time it will take to bed down the conditions imposed on the airport, particularly the environmental conditions, is a reason for the delay. Lack of demand from airlines, the impact of declining oil revenues on the Sheikh's investment priorities and a desire to wait for the government's decision on a new runway in the Southeast are also likely to be contributing factors.

### **Condition changed to allow more helicopter movements at Lydd**

The airport in conjunction with Shepway District Council (SDC) has quietly changed the number of allowable annual helicopter movements at Lydd Airport set out in a condition attached to the April 2013 planning decision. The change was made to ensure Bristow Helicopters Ltd search and rescue (SAR) operation at Lydd Airport will continue once the runway is extended.

Helicopter flights are currently unrestricted, but once the runway is extended helicopter flights will be restricted to 1200 per annum and these flights will run alongside the maximum permissible 40,000 annual fixed wing flights. Note, Bristow has taken over the SAR service from the UK military and was forced to relocate to Lydd in August 2015 following the closure of Manston Airport.

### **The legal position**

A change to a condition associated with an established planning decision is permitted, provided it is deemed non-material. The problem is there is no definition of non-material, and local authorities, such as Shepway District Council (SDC), have total discretion over whether the changes go out to consultation. Predictably in this case SDC chose not to open a "can of worms" and the decision was made quietly between the airport/ its consultants and SDC.

The original condition in the April 2013 decision reads as such:

*The annual number of helicopter movements shall not exceed 1,200 movements per annum in any calendar year, excluding the Air Show.*

This has been changed to:

*The annual number of helicopter movements shall not exceed 1,200 movements per annum in any calendar year, excluding the Air Show and any search and rescue flights (operational and training).*

### **The implication of the new condition – ~ 1800 more helicopter flights**

The above change looks innocuous but is significant. First the SAR flights are in addition to the 1200 flights per annum. Secondly there is no limit to the number of SAR flights, including training flights.

Bristow has provided some background information about likely movements. Based on the ten year average of distress call-outs there is likely to be an additional 304 SAR movements per year, plus two routine training sorties per day (two arrivals and two departures) giving another 1460 training movements annually and a total of 1764 additional helicopter movements associated with the search and rescue operation. (This appears to be broadly the current situation.)

Assuming this figure remains static and the other limit is fulfilled, there could be around 3000 annual helicopter movements per annum at Lydd as opposed to the 1200 limit set in the original condition. This limit was based on the claimed number of helicopter movements at Lydd in 2005<sup>1</sup>.

The consultant Parson Brinkerhoff (BP) was engaged by Lydd Airport to produce a report on the impact of these changes on local residents, the protected habitats and nuclear safety. Predictably all aspects were signed off as acceptable.

But the report by SDC's head of planning shows that neither the nuclear regulator, the Office for Nuclear Regulation (ONR), nor EDF was consulted. This is despite Bristow using helicopter types (AW 139 and the larger AW189) which have the critical mass to cause a serious nuclear accident should one crash into a nuclear facility (MTOW<sup>2</sup> greater than 5.7tonnes). This situation contrasts with the historic position at Lydd Airport in which the majority of helicopters were small and weighed less than 5.7tonnes<sup>3</sup>.

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<sup>1</sup> LAAG's consultant at the 2011 public inquiry examined the tower logs at Lydd and found that there were 1434 helicopter movements in 2005, with the number of flights falling to 736 in 2009.

<sup>2</sup> MTOW – Maximum Take Off Weight

<sup>3</sup> The analysis of the tower logs at Lydd Airport for the public inquiry showed that of the 1434 helicopter movements at Lydd in 2005, only 3% had a MTOW greater than 5.7tonnes. Of the 736 helicopter flights in 2009, 8% had a MTOW >5.7 tonnes, including 18 flights by Sea King helicopters, the type used historically by the SAR service.

Further, the helicopter flight path map produced by BP (see attached) clearly shows that the helicopters are using a flight path that is banned by the nuclear regulator ((H6) in the attached map) for aircraft over 5.7 tonnes and was banned outright (both H2 and H6) for all aircraft in the 1992 decision. Even the final flight paths presented by the airport during the planning process show that only light aircraft (MTOW less than 5.7tonnes) would be operating east of the runway close to the nuclear complex (H2, H6).

Of more importance is the overall increased risk profile of the airport since the increase in the probability of an aircraft accident at Dungeness is related to the increase in movements of aircraft with a MTOW exceeding 5.7tonnes i.e. non light aircraft. Currently the vast majority of aircraft activity at Lydd – other than the SAR service – is represented by light aircraft.

In the 1992 decision the nuclear regulator recommended that the safe operation of the airport and the nuclear power complex required restrictions on the annual number of movements of aircraft capable of causing a serious nuclear accident (aircraft weighting more than 5.7tonnes MTOW). The recommended restraints were essentially adopted by the government in the conditions attached to the 1992 decision. No such constraints were recommended by the ONR for the current proposal and thus no constraints are included in the conditions attached to the April 2013 decision.

The net result is that under the current decision, it will be permissible to have up to 40,000 annual movements of fixed winged aircraft and at least 3000 helicopter flights with a MTOW greater than 5.7 tonnes – and possibly more movements should the SAR service be expanded. This is a marked contrast to the regulator’s recommendation associated with the previous planning proposal – one which was essentially adopted as a condition attached to the 1992 decision. Then 56,000 total movements were allowed but of this total, no more than 6000 annual movements were permitted of aircraft with a MTOW > 5.7 tonnes and no more than 600 annual movements by helicopters. Thus despite almost a 30% decline in total permitted movements, between the two proposals, the number of aircraft with the critical mass to cause a nuclear accident could be almost 7X higher that in 1992 and the number of helicopter movements 5X higher.

During the public inquiry the airport’s barristers spun a story that the situation was safer this time round because of the 30% decline in the permitted number of annual flights (40,000 vs 56,000) and asserted that noise constraints would be sufficient to control the frequency of heavier aircraft. This nonsense was accepted by the Inspector.

Equally concerning is the ONR’s total failure to provide an official explanation for the discrepancy in recommendations between the two proposals – despite repeated requests by LAAG and other parties.

So while there is great sympathy and respect for the SAR service which has been forced to move to Lydd through circumstances outside its control, the service uses aircraft which have the critical mass to cause a serious radiological release in the event of an accident at Dungeness. The service has also been granted access to flight paths denied to other aircraft for nuclear safety reasons. Its presence, in combination with the built up in heavier fixed wing activity once the runway is extended, further increases the probability of an aircraft accident at Dungeness capable of causing a serious radiological release.

The basis of the nuclear safety assessment was based on probability. The nuclear regulator acknowledged that aircraft with a MTOW > 5,7 tonnes have the potential to cause a serious nuclear accident (more than 100 deaths) but ruled out such an occurrence on the basis of its exceedingly low probability. But the evidence shows that the ONR used non-conservative and unsubstantiated assumptions in its model, which were not even supported by the airport's consultant, to ensure the probability determined by the model was below its threshold of acceptability.

Even on the basis of the notional fleet mix provided by the airport the nuclear regulator's probability threshold of acceptability is exceeded. It is very substantially exceeded should the airport operate at the peaks described above, without accounting for the SAR service. And this position is before taking into account the probability model's inability to assess the complex operating environment at Lydd which means the model's output only captures a fraction of the risk.

These are the type of facts we will continue to stress.

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