

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77 AND TOWN
AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND)
RULES 2000**

APPLICATIONS BY LONDON ASHFORD AIRPORT LTD

**SITE AT LONDON ASHFORD AIRPORT LIMITED, LYDD, ROMNEY
MARSH, TN29 9QL**

**SUMMARY OF
REBUTTAL AND SUPPLEMENTARY
PROOF OF EVIDENCE OF
MALCOLM SPAVEN MA (Hons) MSc
on behalf of Lydd Airport Action Group
on
AVIATION OPERATIONAL ISSUES**

PLANNING INSPECTORATE REFERENCE: APP/L2250/V/10/2131934

LPA REFERENCES: Y06/1647/SH and Y06/1648/SH

INQUIRY DOCUMENT REFERENCE: LAAG/10/F

1. Scope of evidence

1.1 This is a summary of my rebuttal and supplementary proof of evidence (LAA/10/E), addressing issues relating to aircraft operations and flight paths arising from the proofs of evidence submitted by London Ashford Airport (LAA), and supplementary evidence relating to the flight path assumptions in the NII's assessment of the risk of aircraft collision with the Dungeness power stations.

1.2 The relevant paragraphs of my rebuttal and supplementary proof [LAAG/10/E] are contained in square brackets at the end of each paragraph of this summary proof.

2. Evidence of Mr Maskens

2.1 In this section I address matters referred to in the evidence of Mr Maskens [LAA/3/A, LAA/3/B and LAA/3/C].

2.2 It is not clear that the airport has considered the requirements for a longer Runway End Safety Area at the southern end of the runway. The operational implications of the length of the Runway End Safety Areas are potentially significant. The omission of detailed discussion of the RESAs at LAA is therefore a significant lacuna in the airport's evidence.[2.2 to 2.10]

2.3 The depiction of flight paths in the airport's evidence remains inaccurate and unreliable.[2.11 to 2.25]

2.4 The assumption of a 70%/30% split in the use of the runways remains problematic.[2.26 to 2.29]

2.5 There is considerable evidence that Lydd Airport has a number of practical constraints on its operations which are not present at any other UK airport.[2.34 to 2.39]

2.6 The 1992 planning permission allowed for a higher number of overall aircraft movements but had a more stringent limit on heavier and faster aircraft which pose the greatest risk in terms of nuclear safety.[2.41]

2.7 The limits on movements, flight paths and passenger numbers in the proposed conditions and S.106 Agreement contain significant caveats and exclusions which will restrict their applicability and effectiveness. [2.42 to 2.56]

3. Evidence of Ms Congdon

3.1 In this section I consider aspects of the evidence of Ms Congdon [LAA/4/A] relating to aviation operations.

3.2 Ms Congdon makes no reference to factors other than the length of the runway as operational limitations on the use of Lydd Airport by particular aircraft types. The viability of commercial operations at Lydd cannot be assessed by looking at the runway length alone. [3.2 to 3.4]

3.3 Taking all operational constraints into account, including the runway length, it is highly unlikely that any Boeing 737-800 operator would choose to provide services from Lydd. [3.5]

3.4 There is no indication that Ms Congdon has made any assessment of the ability of the A320 to operate commercially at Lydd given the constraints of runway length and width, restricted airspace and instrument approach procedures. [3.7]

4. Evidence of Mr Perkins

4.1 In this section I consider aspects of the evidence of Mr Perkins [LAA/5/A] relating to flight paths and aviation operations.

4.2 Mr Perkins' assumptions about the frequency with which the Lydd Range airspace will be available to air traffic are questionable. [4.2]

4.3 There remain omissions and inconsistencies in the depiction of flight paths in Mr Perkins' evidence. Appendices 1 and 2 to this proof of evidence, which are annotated versions of Mr Perkins' Figures NV01 and NV02, summarise the flight paths which in my submission have been omitted or are inaccurate. [4.3-4.21]

5. Evidence of Dr McLellan

5.1 In this section I consider aspects of the evidence of Dr McLellan [LAA/9/A and LAA/9/C] relating to flight paths and aviation operations.

5.2 The airport's proposed opening hours will include considerable periods of darkness when it will not be possible for "*lights [to] be turned off or dimmed at night thereby reducing moth attraction.*" [5.2]

5.3 Runway End Safety Areas (RESAs) are not addressed in Dr McLellan's proof. [5.3]

6. Evidence of Mr McGrath

6.1 In this section I consider aspects of the evidence of Mr McGrath [LAA/14/A and LAA/14/C] relating to flight paths and aviation operations.

6.2 It is not tenable to state that the Hythe and Lydd danger areas "*do not materially affect the Airport's current or proposed operations.*" [6.2]

6.3 The current proposals would permit a significant increase in movements by the heaviest types of aircraft compared to the limits imposed in the 1992 planning permission. [6.3-6.4]

6.5 The airport has consistently failed to fully and accurately depict the flight paths which are and will be used by aircraft using the airport. [6.5-6.6]

6.6 There remain serious questions about the basis for the NII's assessment of the flight paths issue in relation to the current applications, compared to their assessment of the 1988 runway extension application. [6.7-6.12]

7. Supplementary evidence on the basis for the NII's risk assessment

7.1 In this section of my evidence I present material supplementary to that in Section 6 of my main proof [LAAG/10/A], relating to the flight path assumptions in the NII's assessment of the risk of aircraft collision with the Dungeness power stations.

7.2 The assertion by NII in their "Lydd Airport Briefing Note" [LAAG/4/C, Appendix 19] "there will be a significant decrease in the numbers of light aircraft and helicopters" is not supported by any material submitted by LAA in support of their planning applications. On the contrary, the proposals provide for a significant *increase* in movements by light aircraft and helicopters. Consequently, the NII conclusion that "*the overall risk...will be more or less unchanged*" is unreliable. [7.2 to 7.6]

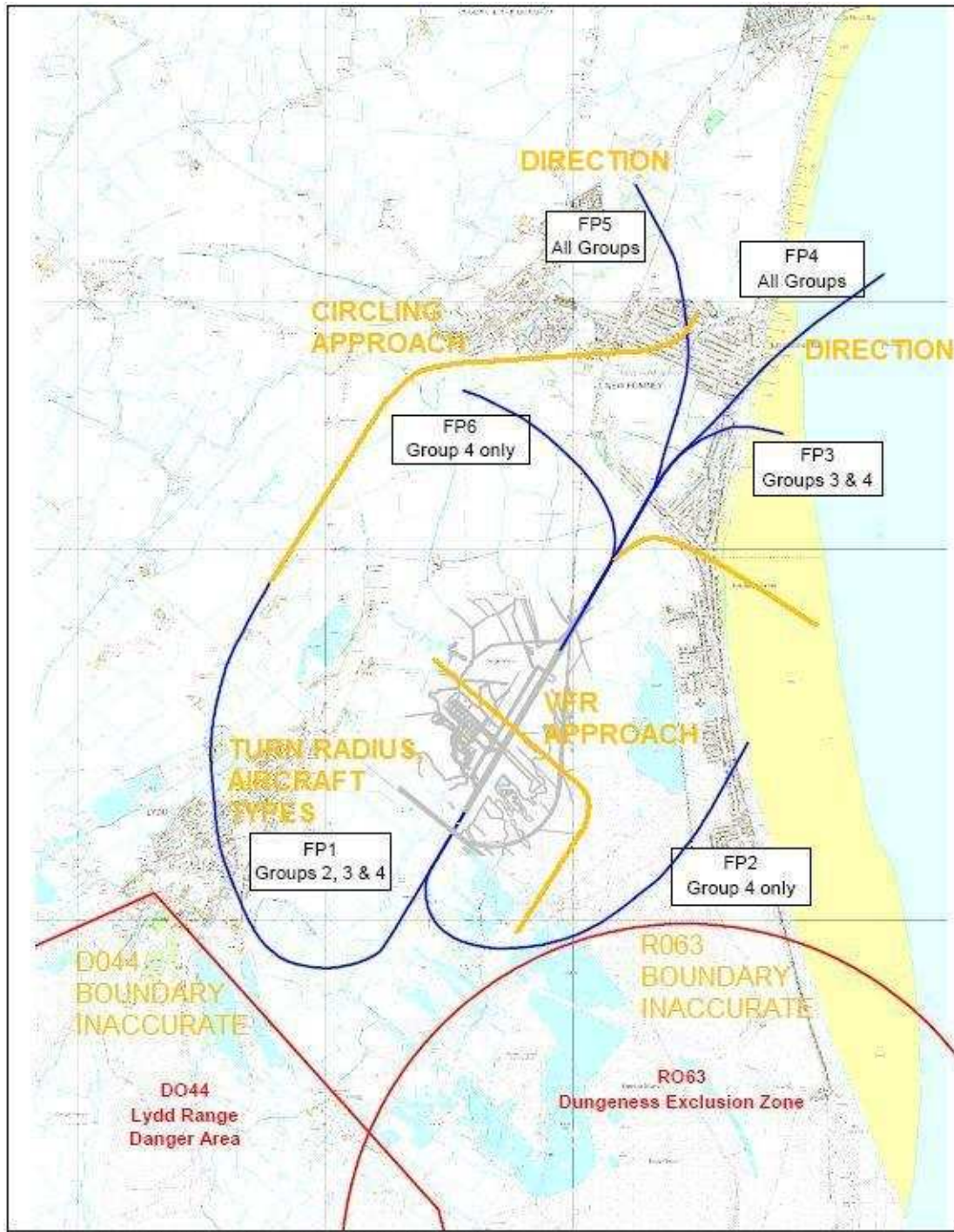
7.3 The NII "Lydd Airport Briefing Note" omits any reference to movements by business jets. [7.7]

7.4 The flight path restrictions imposed by NII in relation to the current proposals are weaker than those imposed in 1988. [7.8]

7.5 The basis for the NII's conclusion that the risk will be "more or less unchanged" is flawed in several respects and should not be relied upon. [7.9]

7.6 I conclude from the additional evidence in the ESR Technology report [CD 13.7] that, between 1988 and 2007, the NII has moved from a position that any increase in the risk of an aircraft collision with the power stations, as a result of flight paths pointing at the power stations, was unacceptable, to a position that a "not significant" increase from aircraft approaching runway 21, together with an unquantifiable increase in risk from aircraft carrying out circling approaches to runway 03, are acceptable. I have seen no evidence to explain that considerable shift in the NII's conclusions. [7.10 to 7.16]

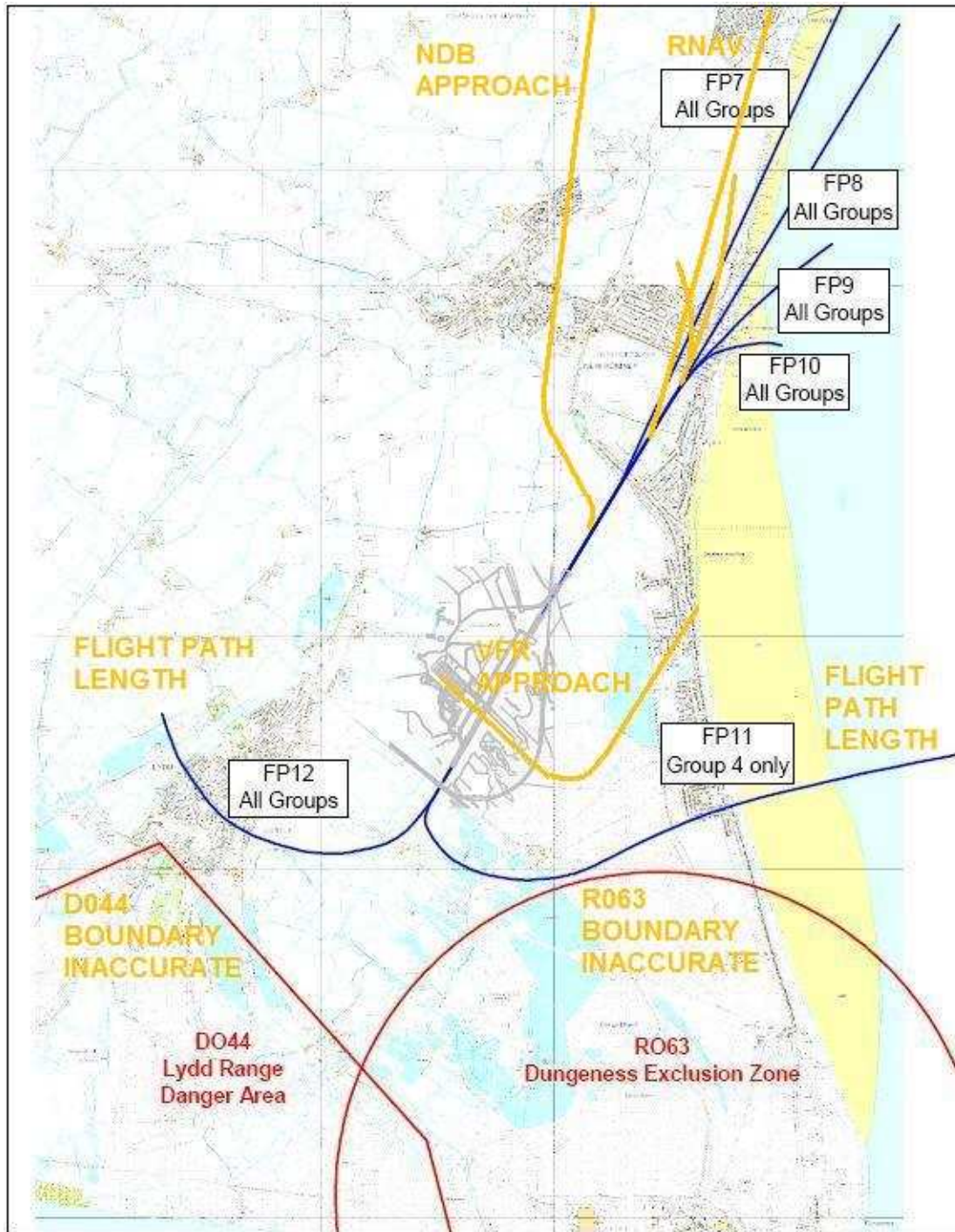
7.7 Since the NII reached its conclusions in 2007, a further increase in the risk of aircraft using flight paths which point towards the power stations has occurred with the introduction of the RNAV approach procedures to runway 21 in 2009. I have seen no evidence that this has been taken into account by the NII. [7.17]



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Annotated version of LAA/5/C Figure NV01



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Annotated version of LAA/5/C Figure NV02