



Dame Deidre Hutton  
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CAA House  
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2<sup>nd</sup> January 2013

Service by email to [Deidre.hutton@caa.co.uk](mailto:Deidre.hutton@caa.co.uk)

**Application to Revoke 06 Procedures Southend Airport**

Dear Dame Deirdre,

Happy New Year to you personally.

Apologies for the delay, but I acknowledge your letter and email to me of 18<sup>th</sup> December 2012. I respect and applaud your personal involvement in this issue.

I hereby below provide further evidence to support my Application.

I admit I am, because of the gravity of the situation, disappointed that the CAA Approved Instrument Procedures of Runway 06 and/or the licencing of use of the extension to runway 06, whilst St Laurence Church is in position, were not immediately suspended, as was the reasonable request within the Application. As such I and others shall hold the CAA vicariously liable, should there be any accident caused by their interim and continued use by any Operator.

However, I do appreciate your willingness and confirmation that my Application is now being internally consulted upon for advice from the Aerodrome and Air Traffic Standards Division of the CAA Safety Group and your assurance that the CAA Legal Department shall respond to me within 28 days of your letter to me of 18<sup>th</sup> December 2012. I have to admit I am somewhat dubious of the outcome, because my understanding is that is the same department that granted the unlawful permissions<sup>1</sup> in 2012 and it is in effect being asked to investigate itself. I am ready and willing to meet with them to discuss the Technical specifications issues and safety situation.

Please do not take it as a threat but it is simply a reality<sup>2</sup> that if they make a Decision to not revoke the procedures/permissions then that Decision shall without doubt be subject to an immediate Judicial Review.

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<sup>1</sup> If I am wrong I would humbly apologise

<sup>2</sup> Because this is an extremely serious matter where innocent life is at stake so it must be decided upon by the High Court in the Public Interest.

### Accidents:

The accident in Moscow of 29<sup>th</sup> December 2012 yet again reminds me of why an airport should have appropriate safe airspace and airport facilities that comply with CAP168. Surely that is the whole raison d'être of the existence of CAP 168 ? The Red Wings crash at Vnukovo Airport, Moscow, should remind us all that aircraft can even run off a long (over 3000m) and wide runway (70m)<sup>3</sup> in poor weather conditions.

Accidents do happen and are inevitable in aviation and I simply cannot for the life of me understand why the CAA permitted itself to violate it's own CAP 168, especially when you see the evidence I further provide below. In short the CAA as a body corporate knew for many years that it would not be safe to permit a runway extension or instrument procedures for runway 06 with the existence of St Laurence Church. So for the life of me I cannot work out why it manifestly changed it's mind and permitted itself to violate Cap168 in 2012 ?

### Wikipedia evidence of which you may not be aware:

I accept the historical accuracy of below could be challenged as it is from Wikipedia which is not always correct. However I provide it as a useful chronology to the CAA to remind the CAA of its position for many years. The text of below can be validated at:

[http://en.wikipedia.org/wiki/St\\_Laurence\\_and\\_All\\_Saints\\_Church,\\_Eastwood](http://en.wikipedia.org/wiki/St_Laurence_and_All_Saints_Church,_Eastwood)

## Expansion of London Southend Airport

The proximity of the church to the end of the main runway of London Southend Airport has compromised the safety of the airport and has, for some years, created difficulties for the airport operators and their plans to expand and increase the capacity of the airport. The airport operators have put forward several proposals, including complete demolition of the church or moving it to a new location away from the airport's safety zone.<sup>[15]</sup>

### [edit] The 2001 proposals

In October 2001,<sup>[25]</sup> the airport operators announced plans to expand the airport which included extending the runway by 450 m (1,500 ft).<sup>[26]</sup> Under these proposals, it was planned to move the church out of the way, by using rollers or stilts, and to realign Eastwoodbury Lane.<sup>[25]</sup> According to the airport authorities, moving the church 100 m (300 ft) closer to Aviation Way to enable it to build special buffer zones into the runway to meet tougher safety rules imposed by the Civil Aviation Authority.<sup>[27]</sup>

The proposed move of the church would have required the creation of a "chassis" underneath the walls of the building to turn it into a "railway carriage". A track would have been laid, supported by concrete piles, to enable the building to be moved and lowered into its final position. Protesters claimed that such a move would cost up to £2 million and would disrupt graves and burial sites under the church itself.<sup>[28]</sup>

In November, the local council backed the proposals in principle as long as various outstanding issues could be resolved<sup>[29]</sup> but protesters, supported by local M.P. David Amess and by English Heritage, called for a public inquiry.<sup>[30]</sup> At a public meeting held on 24 November, organised by Friends of the Earth, protesters were "overwhelmingly" of the view that the church should not be moved despite the council's support for the plans and the employment that would be generated by the airport expansion.<sup>[31]</sup> In December, airport director Roger Campbell

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<sup>3</sup> i.e much longer and wider than Southend

claimed that the proposal to move the church was the "only choice" available. This was rejected by local councillors, who suggested that the runway could have been extended at the northern end by putting the railway into a tunnel. This proposal was in turn rejected by Mr. Campbell, on the grounds that it was not "viable".<sup>[32]</sup> The plans to move the church were rejected by English Heritage, who claimed "that no church that old has been moved before". Andrew Derrick, inspector of historic buildings at English Heritage, said: "We are very concerned about plans to move the church. It is a fine, historic and unspoiled church with some very important features."<sup>[33]</sup>

In January 2002, in the face of continuing protests, Roger Campbell claimed that the airport could face closure if its expansion plans failed<sup>[34]</sup> but, after a meeting between the church leaders and airport authorities, churchwarden Richard Huband reassured protesters that there would be no disturbance to graves should the move go ahead.<sup>[35]</sup>

On 16 January, it was announced that the church had had its listing upgraded to Grade 1 status. Announcing the decision, Andrew Derrick stated:

"Grade I is the right grade for St. Laurence's Church and it confirms it as a very important building. Only the two per cent most important buildings in the country are Grade I listed so now the church is in the same bracket as the most important buildings. This means that demolishing the church would be unthinkable. Any decision on moving the church will have to go through the local planning authority, but being Grade I listed will make a difference on how people view the building."<sup>[36]</sup>

On hearing the news, airport director Roger Campbell stated:

"The decision was simple – the church has to move if the airport is to survive. Thousands of jobs, which could be created if expansion plans go ahead, will be lost. It is not just a case of expansion. We have to comply with safety standards set down by the Civil Aviation Authority and they must be implemented. The future hinges on these plans."<sup>[36]</sup>

The vicar of the church, Rev. Nigel Ransom, was delighted at the news.

"I was not surprised to hear from English Heritage that the church has been upgraded to a Grade I listed building. It is a unique and historic place. For more than 1,000 years the church has stood on this site undisturbed. It is shrouded in history and is truly a magnificent example of architecture. The decision by English Heritage will certainly make it more difficult for any plans to move the church. The local community is firmly against any changes and so am I."<sup>[37]</sup>

In May 2002, the parochial church council voted to reject the proposals to move the church giving Rev. Nigel Ransom the power to block the proposals.<sup>[38]</sup> Despite this, the airport vowed to continue with their expansion plans and were in the process of preparing formal documents to submit to Southend Council in a bid to get planning permission.<sup>[39]</sup> Protesters vowed to "fight to the bitter end"<sup>[40]</sup> with local councillors being united in their opposition to the proposals.<sup>[41]</sup>

In October 2002, as it became clear that the plans to move the church in its entirety would not be supported by the local authorities, the airport made a proposal to partly demolish the existing church by lowering its walls and removing the spire, leaving the church as a monument. Under this scheme, the airport would have provided a new church and hall "in a more convenient location". Like the previous plans, this was also rejected by the church and Rev. Ransom.<sup>[42]</sup> Finally, in January 2003 the airport lodged proposals with Southend Council to completely demolish the church to allow for the expansion of the airport. A spokesman for the airport said: "The location of the

church causes a breach of CAA safety regulations but airport owners are committed to moving the church intact or giving the parish an alternative building.<sup>[43]</sup>

MP David Amess continued to oppose the plans to demolish or move the church, saying "St. Laurence Church should be left alone." He also criticised the rules which prevented local councillors public announcing their views on controversial planning applications.<sup>[44]</sup> In February 2003, the local Leigh-on-Sea town council voted to support the airport's expansion plans "on the proviso that disruption to St. Laurence church was minimised by moving, not demolishing it."<sup>[45]</sup> Shortly afterwards, consultants appointed by the airport arranged a meeting with English Heritage to discuss the feasibility of moving the church.<sup>[46]</sup>

On 2 April 2003, Southend Council unanimously rejected the planning application as the airport had not given sufficient reasons to require disturbing a 1,000-year-old building and because the proposal was in breach of several of the council's planning guidelines and the district plan.<sup>[12][47]</sup> In August 2003, the airport announced plans to lodge an appeal against the decision of the local authority.<sup>[48]</sup>

In December 2003, the threat to the church began to be lifted when it was announced that permission had been granted for the installation of an Instrument Landing System on the land on the opposite side of Eastwoodbury Lane to the airport runway. This would be coupled with the installation of traffic lights and barriers in Eastwoodbury Lane either side of the landing zone to prevent traffic crossing under the path of aircraft as they come into land.<sup>[49]</sup> Despite this, the airport did not immediately cancel its planned appeal, much to the dismay of the local authority;<sup>[50]</sup> in March the airport announced that the appeal would be withdrawn "as soon as all the safety checks had been done and final go-ahead given by the Civil Aviation Authority". This was expected to be by the end of June.<sup>[51]</sup>

The appeal was finally withdrawn in November 2004, after the Civil Aviation Authority confirmed that the safety improvements put in place were sufficient to enable the necessary safety zones to be created and permit the return of commercial flights to the airport. As a result, all plans to move or demolish the church had been withdrawn.<sup>[52]</sup>

#### **Analysis:**

It is clear the CAA always knew it would not be safe to permit an extension to the runway. We were promised by Alison Slater (no less) that any development would have to be in compliance with CAP 168 (see previous email exhibit).

Why did the CAA manifestly change their position which itself it must admit (from it's previous position) now causes endangerment to persons in aircraft and upon the ground ?

With kind regards



**Peter Elliott**

CC Mr Alistair Welch, London Southend Airport Company Ltd

CC Other interested parties