
Rushmoor Borough Council

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YOUR REF: 25/00483/SCOPE

OUR REF: RGA/01473656/1

DATED: 3 October 2025

Dear Rushmoor Borough Council

Request for EIA scoping opinion for proposal to relax operating restrictions at Farnborough Airport (reference 25/00483/SCOPE)

1. We act for Farnborough Noise Group ("**FNG**"), who have instructed us to write to you with representations on the request by Farnborough Airport Limited ("**FAL**") for an environmental impact assessment ("**EIA**") scoping opinion in accordance with Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("**EIA Regulations**").
2. The request relates to a proposal by FAL to increase non-weekday (i.e. weekends and public holiday) aircraft movements at Farnborough Airport within its current limit of 50,000 aircraft movements per annum, amend the maximum take-off weight categories, and amend the conditions related to the airport public safety zone. We will refer to these proposals as the "**Interim Proposals**". That is because they are a less extensive set of the deregulatory proposals which FAL has separately applied for planning permission for under reference 23/00794/REVPP, which we will refer to as the "**Major Proposals**".
3. FAL has provided the following summary comparison of the Interim Proposals against the Major Proposals:

	Existing Limits	New Consultation	Original Consultation
Total annual flights	50,000	50,000	70,000
Total annual non-weekday flights	8,900	13,500	18,900
Restricted weight category	50-80 tonnes	55-80 tonnes*	55-80 tonnes
Non-weekday flights within restricted weight category	270	405	570
Non-weekday hours	08:00-20:00	08:00-20:00	07:00-21:00
<i>*The change from 50 to 55 tonnes would only apply to aircraft which are able to satisfy the most stringent noise standards, aircraft over 50 tonnes which are not able to satisfy the most stringent noise standards will continue to fall with the Airport's restricted weight quotas.</i>			

4. FNG is concerned that the scope of FAL's proposed EIA environmental statement does not fully address the likely significant effects of the Interim Proposals and would therefore fail to comply with the EIA Regulations.

"Salami slicing"

5. It is well-established that it is impermissible when assessing the likely significant effects of a project for the purposes of EIA to exclude the effects of a larger project of which it forms part. See most recently the judgment of Andrews LJ in *R (Ashchurch Rural Parish Council) v Tewksbury Borough Council* [2023] EWCA Civ 101 at [78]:

*"The identity of the "project" for these purposes is not necessarily circumscribed by the ambit of the specific application for planning permission which is under consideration. The objectives of the Directive and the Regulations cannot be circumvented (deliberately or otherwise) by dividing what is in reality a single project into separate parts and treating each of them as a "project" – a process referred to in shorthand as "salami-slicing": see e.g. the observations of the CJEU in *Ecologistas en Accion-CODA v Ayuntamiento de Madrid* [2008] ECR I-6097 at [48] (adopting the approach taken in para [51] of the Advocate-General's opinion)."*

6. Lang J set out a non-exhaustive list of factors which may be taken into account in determining whether two projects should be treated as part of the same project for EIA purposes in *R (Wingfield) v Canterbury City Council* [2019] EWHC 1975 (Admin) at [64]:

"Relevant factors may include:

- i) Common ownership – where two sites are owned or promoted by the same person, this may indicate that they constitute a single project (Larkfleet at [60]);*
- ii) Simultaneous determinations – where two applications are considered and determined by the same committee on the same day and subject to reports which cross refer to one another, this may indicate that they constitute a single project (Burridge at [41] and [79]);*

- iii) Functional interdependence – where one part of a development could not function without another, this may indicate that they constitute a single project (Burridge at [32], [42] and [78]);*
- iv) Stand-alone projects – where a development is justified on its own merits and would be pursued independently of another development, this may indicate that it constitutes a single individual project that is not an integral part of a more substantial scheme (Bowen-West at [24 – 25]).”*
7. In this case, the Interim Proposals are simply a smaller subset of the Major Proposals. By granting planning permission for the Interim Proposals, the council would be permitting part of the Major Proposals. FAL’s proposed approach to the carrying out of EIA for the Interim Proposals would result in an incremental approach to EIA, where the council’s members would only have environmental information about part of the project which FAL carries out, even though it is clear that a more significant project, i.e. that comprised in the Major Proposals, is intended. When it comes to determining the application for the Major Proposals, the baseline for assessment would become the project comprised in the Interim Proposals, meaning that the effects of the Major Proposals will be less significant than they otherwise would have been had an EIA been carried out for the proposals as a whole.
8. That is a classic case of “salami slicing”, where a developer makes piecemeal applications which (whether intended or not) would prevent a comprehensive assessment of the project as a whole. Unless the environmental statement for the Interim Proposals sets out the likely significant effects of the full project proposed by the Major Proposals, the council’s members will be prevented from fully assessing the impacts of the Major Proposals against the baseline of the current operations of the airport.
9. For that reason, the council’s scoping opinion should make clear that the environmental statement for the Interim Proposals contains information on the likely significant effects of the Major Proposals. That should not be overly onerous, given that an environmental statement has already been produced for the Major Proposals (without prejudice to our client’s position as regards the adequacy of the environmental statement for the Major Proposals).

Specific comments on proposed scope of EIA

10. In terms of the detail of what is proposed to be included in the environmental statement, our clients are concerned about the following aspects of the proposed scope of the environmental statement:
- a. In some cases, likely significant effects are scoped out from assessment on the basis that the Interim Proposals do not increase the overall air traffic movement cap of 50,000. For example, odour impacts from the changes to emissions from aircraft movements and supporting onsite infrastructure are proposed to be scoped out because there is no change to the 50,000 cap (Table 6.4, page 62). That is not an appropriate basis to scope out an effect. At present, the airport is not able to reach the 50,000 cap. If as a matter of fact the Interim Proposals are likely to lead to a significant effect because they will result in more aircraft movements in a year and at particular times of the week and year, then that effect must be assessed, even if the overall cap is being increased.

- b. The scoping request proposes that noise impacts will be measured using the L_{Aeq} metric. It is inappropriate only to use this metric, as it fails to capture the impacts of the periodic nature of flight take-offs and landings. Other metrics, such as L_{max} , should also be used in order fully to capture the noise impacts of the Interim Proposals.
- c. The scoping request proposes to use modelled noise averaged over time periods in areas close to the airport. This is not representative of aircraft noise disruption. Places like Tilford, which is 6.5 miles from the airport, is proposed to be scoped out, even though it is below the airport's flightpaths and experiences on average 300 aircraft movements a day. From actual data collected, there are on average 20 to 100 aircraft a day flying over Tilford, producing more than 60dBA per plane. The number, frequency and maximum level of noise events above a level (e.g. 51 dBA – the onset of Lowest Observable noise disruption) should be collected as well as average noise.
- d. The most complained-about aircraft operating from the airport (the Bombardier Challenger 350) produces a very high-pitched whine at all stages of flight. It is one of the most common aircraft making use of the airport, and that use is likely to intensify because the airport is now a Bombardier service centre. Information on noise pitch should therefore be included in the environmental statement.
- e. The scoping request proposes to scope out non-CO₂ warming effects because the *“Jet Zero Strategy will keep non-carbon warming effects under review”* and there is no *“policy requirement to consider noncarbon warming at present”*. That is a misunderstanding of the EIA Regulations. Irrespective of government policy on non-CO₂ warming effects (which in any event is silent on how such effects should be weighed in the planning balance), if such effects are caused by a development, as they are here, then they must be addressed in the environmental statement. Government policy cannot (and has not in any event sought to) exempt from assessment something which by law is required to be assessed in accordance with the EIA Regulations.
- f. It is unclear how the distance thresholds for ecological receptors have been determined. The scoping request suggests that impacts on any European sites within a 10km radius will be assessed and any nationally designated sites within a 2km radius. This fails to assess the impacts on other ecological receptors which may be affected. For example, the Wealden Heaths national nature reserve, which is under the flightpath for the airport, is not listed in the scoping request.
- g. The distance thresholds for population and health receptors are similarly too low, covering some areas of just Rushmoor and Hart. For example, areas more than 10 miles from the airport are known to experience significant noise levels largely caused by aircraft.
- h. The scoping request does not consider the impact on the tranquillity of nearby national landscapes, such as the Surrey Hills National Landscape. That is surprising given that the scoping request acknowledges that the landscapes around the airport have a limited sense of tranquillity because they are beneath the flightpath of the airport (see for example paragraph 12.7.3). The applicant suggests that, because the proposal does not seek to increase the total number of permitted aircraft movement, there would be no impact on tranquillity. However, as said above, given that the Interim Proposals would as a matter of fact mean that there were more aircraft movements than currently, that is bound to impact tranquillity, particular given that there

will be more aircraft movements at weekends and public holidays when people are more likely to seek the tranquillity of a national landscape.

Conclusion

11. We would be grateful if you could take these representations into account in your consideration of the scoping request. We look forward to reviewing the council's scoping opinion alongside FNG in due course.

Yours faithfully

A handwritten signature in black ink, reading "Leigh Day". The signature is written in a cursive, flowing style.

Leigh Day