



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
ENVIRONMENT  
Directorate D - Implementation and enforcement  
**ENV.D2 - Legal implementation and enforcement**

Brussels, 06/08/2001  
D(2001) 523125

Dear Dr Lucas

**Subject: Development of Manston Airport in Kent**

I apologise for the delay in responding to your e-mail concerning this development. However, replying to your query has involved some investigations as to the situation in the UK. The information we have received from the Government Office of the South East, which co-ordinates the funding applications for Community funds, is that no formal application has been made for Community funding for the spray paint hangar at Manston Airport in Kent. However, they are aware there are various plans for the development of the airport and that these may include such a facility.

As you may be aware, airport developments are subject to the requirements of Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment as amended by Directive 97/11/EC (the so-called environmental impact assessment Directive or EIA Directive). Projects which involve the construction of airports with a basic runway of 2100m or more fall within paragraph 7 of Annex I of the Directive and under Article 4(1) of the Directive the requirement for an EIA is mandatory for such projects.

Any changes or extensions of projects listed in Annex I of the Directive are themselves projects falling within paragraph 13 of Annex II of the Directive. Furthermore, paragraph 10(d) of Annex II also lists projects for the *construction of airfields* where these are not already projects falling into Annex I (i.e. airfields with shorter runways). Annex II also covers in paragraph 4(h) *Installations for the construction and repair of aircraft*. For projects listed in Annex II of the Directive, Article 4(2) of the Directive requires Member States to determine through a case by case examination or through the setting of thresholds or criteria whether the project shall be made subject to an EIA in accordance with the Directive. For these projects, there is therefore a certain margin of discretion but this must of course be exercised reasonably. Furthermore, the decision of the competent authority as to whether or not an EIA is required for a particular project must be made available to the public. You are also correct in stating that the cumulative effects of linked projects are relevant and would need to be taken into account.

From our inquiries it appears that there has to date been no formal decision on an application for this development by the relevant land use planning authority and I am informed that no application has been made for Community funding for the spray paint hangar. However, if you are of the opinion that the provisions of the Directive outlined above have been breached and you have had no success in resolving this with the national authorities you are welcome to lodge a formal complaint. In cases such as this we would normally ask complainants to provide us with evidence of how the decision not to require

an EIA was arrived at by the competent authority together with details of the proposed project.

Such complaints can be made on our standard complaint form, a copy of which I enclose. The complaint should be addressed for my attention at the European Commission, Directorate General for the Environment, Implementation and Enforcement Unit, Rue de la Loi 200, 1049 Brussels.

Yours sincerely

**signed**  
Georges KREMLIS  
Head of Unit

Enclosure: Standard Complaint Form