



**Town and Country Planning Act 1990 section 77,
Town and Country Planning (Inquiries Procedure) (England) Rules
2000**

**Public Inquiry into planning applications by London Ashford
Airport Ltd for the construction of a runway extension and erection
of a terminal building at London Ashford Airport Limited, Lydd,
Romney Marsh, TN29 9QL**

Summary Proof of Evidence of Jo Dear

7 January 2011

1. My name is Jo Dear. I am a lead Coastal Conservation Adviser for Natural England, the Government's statutory Nature Conservation adviser. I have responsibilities for coast and land management in the South Kent and East Sussex area. In my proof I have set out the status and functions of Natural England and our role at the Inquiry. My evidence relates to and should be read in conjunction with the proofs of evidence of Dr Allan, Mr Heaver and Dr Underhill-Day, who will appear at the Inquiry on behalf of Natural England (and the RSPB) with regards their respective cases and whose expert advice has guided my own thinking on this case.
2. The application site lies within Dungeness, one of the most important sites for the conservation of biodiversity in the UK. This is recognised in the number of national and international existing and proposed statutory nature conservation designations within close proximity, namely:
 - Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI)
 - Dungeness to Pett Level Special Protection Area (SPA)
 - Dungeness Special Area of Conservation (SAC)
 - Dungeness, Romney Marsh and Rye Bay potential SPA (pSPA)
 - Dungeness, Romney Marsh and Rye Bay proposed Ramsar site (pRamsar)
3. My proof sets out the reasons why Natural England considers that it cannot be ascertained that the Applicant's proposals would not be likely to have an adverse effect on the integrity of the SPA, SAC, pSPA and pRamsar sites. I have also addressed how the proposals are likely to damage some special interest features of the Dungeness, Romney Marsh and Rye Bay SSSI.
4. My proof first considers the ecological importance of Dungeness generally. I then present evidence, drawing on the evidence and conclusions of Dr Allan, Dr Underhill-Day, and Mr Heaver, to show that the likely and potential effects of the Applicant's proposals on the designated sites and interest features are many and varied.
5. The principal groups of qualifying interest features that are affected by the development and which are considered in my proof are:
 - birds;
 - invertebrates;
 - vegetated shingle; and

- other ecological impacts (including protected species and buried geomorphology).

Birds

6. In Section 3 I describe the principal mechanisms for adverse effects upon the ornithological interests of the pSPA, SPA and pRamsar sites, which are:
 - Disturbance from the rotary and fixed winged aircraft (visual and/or noise impacts of aircraft), with also a possibility of the direct loss of individual birds from bird strike.
 - Disturbance to birds from activities designed to control bird hazard on and off the airfield.
 - Direct culling (if it was subsequently required for bird hazard control).
 - Reduction in available suitable habitat due to change in habitat or land management as a result of actions initiated by the Applicant and other landowners to control bird hazard.
 - Impacts on future developments which would support birds under the site safeguarding regime.
 - Direct reduction of habitat available to birds from within the SSSI and pRamsar due to the proposed netting of the airport water bodies.
 - Impacts on the future conservation management for birds.
7. I believe that these effects will combine, affecting birds both within the vicinity of the Airport and in the wider area. The likely and potential effects of the operation of the expanded Airport will act through a combination of habitat reduction or fragmentation, prevention of appropriate conservation works, direct exclusion (from water bodies near the Airport), disturbance, displacement and reduction in appropriate feeding habitat both within but also outside of the designated site boundaries. To assist in this analysis I have highlighted the importance of the Airport's location within important bird daily and seasonal migration routes (with reference to Dr Allan's and Dr Underhill-Day's proofs).
8. These effects will act on a substantial scale, in and close to the designated sites, on a permanent basis. They will interfere with the balance, distribution and density of key species in the sites. They will affect the key relationships in the environment which define the structure and function of the designated sites, as well as causing

disturbance on a large scale. A summary of these effects are set out in Table 3.1 and 3.2 of my proof.

9. Comparison of the likely and potential impacts against the relevant guidance in relation to impacts on integrity show numerous areas in which the proposals are likely to, or at least have the potential to, adversely affect the integrity of the SPA, pSPA and pRamsar, due to the likely and reasonably foreseeable significant impacts upon the important ornithological interest features and their habitats. The assessment in Natural England's evidence as a whole has been made as best it can be based on the information available to us. This shows that it is likely that there will be significant effects on the functioning of the sites. Beyond that there are a number of areas where the effects of the operation of the expanded Airport on the coherence of the sites' structure and function are uncertain but it is reasonably foreseeable that they would be significant. It cannot therefore be ascertained that the proposals will not have an adverse effect on the integrity of the sites.

10. In SSSI terms, the proposals are likely to damage significantly the special interest features of the SSSI in relation to the birds and assemblages of birds occurring there.

Invertebrates

11. I consider invertebrates in Section 4 and in the case of medicinal leech also in Section 6. Drawing on Mr Heaver's evidence, I show that ditches to be lost to the runway footprint are well established and have a rich and important invertebrate ecology (including medicinal leech) that ranks alongside those of the finest marsh ditches in the UK in terms of conservation importance. I also show that the proposed replacement ditches are not intended, by their design, to function in the same way to those to be lost. The result is that there is likely to be significant damage done to important features for which the SSSI is of special interest.

12. As well as impacts on its ditch habitat from direct loss, the medicinal leech population within the SSSI (and in this case also the pRamsar) is also affected by the application due to the proposal to net the water bodies on Airport land to reduce bird hazard for the expanded Airport.

Vegetated shingle

13. In Section 5 I present evidence on the likely and potential effects of nitrogen deposition from the operation of the expanded Airport on the internationally and nationally

important vegetation communities on the shingle. The Airport's expanded operation has the potential to significantly adversely affect the vegetated shingle communities in the SAC and SSSI, via increases in local nitrogen emissions. These effects, if they arise, could significantly affect the coherence of the sites' ecological structure and function. However, it cannot be said that no reasonable scientific doubt remains as to the absence of such effects. A conclusion of no adverse effect on site integrity could only be reached if comprehensive conditions (beyond those currently proposed by the Applicant) were included to ensure that the operation of the expanded Airport remains within the parameters on the basis of which it has been assessed, so that the future year air quality is as predicted by the modelling and the vegetation community shows no deterioration. An outline of what should be included in these conditions is also provided in my proof.

Other ecological impacts

14. Section 6 of my proof considers the paucity of some survey data and difficulties in assessment which have led to the Applicant's Environmental Impact Assessment being deficient in numerous respects, particularly in respect of European protected species. The material presented to date by the Applicant is not sufficiently detailed and robust to enable me to reach a conclusion with a sufficient degree of certainty on the adverse effects of this development on the environment and ecological interests in particular. I have also highlighted a number of important matters on which, if these applications are to be permitted, it would be necessary to impose conditions in order to overcome the real potential for harm presented by the proposals. This includes important species such as great crested newts.

Conclusions

15. My conclusion is that, overall, the likely and reasonably foreseeable effects of the application proposals would adversely affect the ornithological interest of the SPA and pSPA, and the ornithological and invertebrate interest of the pRamsar site, which in turn would be likely to significantly affect the coherence of the sites' ecological structure and function. It therefore cannot be concluded that there will be no adverse effects upon the integrity of the SPA, pSPA and pRamsar sites. There will also be significant adverse effects upon the SSSI interest features, including the ornithological interest, the aquatic invertebrate assemblage and medicinal leech, and significant loss of their supporting ditch habitat. Lastly, there is the potential for adverse effects upon the perennial vegetation of stony banks feature of the SAC due to nitrogen deposition

in relation to the vegetated shingle, although these effects could be addressed through suitably robust conditions.

16. In very broad terms, this case is one where there would be a significant impact from the development on the internationally important wildlife communities near the Airport, and there is the potential for even greater impact than that. Very substantial and unmitigated harm is likely to be caused to important ecological interests reflected in the national and international designations. The proposals have not attempted to minimise that harm in some important respects. There would be a significant impact on the internationally important wildlife communities in the area. What is proposed is a development of such a scale and impact that it should not be allowed in this very sensitive location.