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Terry Ellames
Shepway District Council
Planning & Building Control
Civic Centre
Castle Hill Avenue
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22 February 2008

Dear Terry

Application Numbers: Y06/1647/SH and Y06/1648/SH
Further information and analysis required for the assessment of Lydd Airport expansion proposals

Further to our meeting at the RSPB Dungeness nature reserve on 19 February, I am writing to you with the RSPB's views on the further information or assessment required to be able to determine the proposals by London Ashford Airport (the applicants) to extend the runway and terminal building at Lydd Airport (the applications).

The annex to this letter contains a table detailing the additional data requirements to address each type of impact on the designated sites, and soon to be designated in the case of the potential Special Protection Area (SPA) extensions. My comments to you sent on 19 December 2007 set out the RSPB's reasoning as to why the potential SPA extensions must be considered now. The additional data requirements are not new, and are largely set out in Shepway District Council's scoping opinion issued in December 2005. In addition, the RSPB has been discussing with the applicants and their consultants the survey requirements since January 2005.

The table in the annex to this letter also sets out the analysis of the data that the RSPB considers necessary to assess the impacts on the designated and soon to be designated sites in the area. This analysis does not necessarily require new data, and has been requested in the RSPB's letters to you dated 5 March 07 and 15 November 07.

As stated in the RSPB's previous comments to you (on 19 November 2007), the Habitats Regulations¹ require the competent authority to be certain, beyond reasonable scientific doubt², that there will be no adverse effect

¹ Conservation (Natural Habitats &c.) Regulations 1994

² ODPM Circular 06/2005: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system. Paragraph 21 states that '...a plan or project may be authorised only if a competent authority has made certain that the plan or project will not adversely affect the integrity of the site. *"That is the case where no reasonable scientific doubt remains as to the absence of such effects"*. Competent national authorities must be '**convinced**' that there will not be an adverse effect and where doubt remains as to the absence of adverse effects, the plan or project must not be authorised...'

on the integrity of the internationally designated sites, before being able to grant permission. If they cannot be certain, permission cannot be granted unless the further tests in Regulation 49 and 53 of the Habitats Regulations are met. The data and analysis set out in the attached annex is necessary to move towards achieving certainty over the impacts of the applications on the designated sites.

The additional analysis of data recommended in the annex to this letter is important in aiming to quantify the impacts on the designated sites. Using the area of the site impacted alone is not sufficient because the interest features are not distributed evenly throughout the site, i.e. it cannot be assumed, for example, that if 1% of the site is impacted, 1% of a particular population will also be impacted. Some parts of the designated site will be proportionately more important for particular species or habitat types than others. Therefore, it is important to use survey data to determine the proportion of the population, or proportion of a particular habitat type that will be affected.

I hope the comments in this letter are useful to you. If you require any further clarification on any of the points raised, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in cursive script that reads "Alison Giacomelli".

Alison Giacomelli
Conservation Officer

Annex 1

Table 1 – Extra information and analysis required to determine and quantify the impacts on designated nature conservation sites

Issue	Extra information required	Where was this info first requested in writing?	Extra analysis required to determine and quantify the impacts on the SPA, potential SPA extensions, and SSSI	Policy/legislative requirement
Bird Strike	Flightline surveys (both diurnal and nocturnal). Radar surveys will give nocturnal and migratory movements. Vantage point surveys using a human observer would assess diurnal movements and determine species, and would supplement radar studies. At the very least, an attempt should be made to infer flightlines from existing survey data. These bird movement studies/surveys should assess all bird strike risk species, whether designated or not, and including gulls.	Shepway DC's Scoping document issued Dec 05 (Scoping doc 05)	<ol style="list-style-type: none"> 1. Assess risk, using knowledge of flightlines and how birds use the area, from all birds particularly CAA priority species, and not just SPA species. 2. Devise Bird Hazard Management Plan (BHMP) to minimise identified risk. 3. Assess impact of BHMP on SPA, potential SPA extensions and SSSI. <ul style="list-style-type: none"> o What area of designated sites will be impacted by bird scaring, both on- and off-airfield? o What proportion of the bird populations will be impacted by bird scaring? o What local agreements will be put in place regarding agricultural regimes and how will they affect designated swans, geese and grassland plovers (lapwing and golden plovers)? 	SPA – Habitats Regulations Potential SPA extensions – PPS9, European Court of Justice in the <i>Commission v. France Case C-374/98</i> relating to the Basses Corbières site SSSI – Wildlife and Countryside Act 1981 (as amended)
Safeguarding Policy	The Safeguarding Policy must be supplied in writing.	Not explicitly stated in Scoping Doc 05 but requested in RSPB letter to applicants dated 12 Apr 05	<p>The applicant's Bird Control Plan (BCP - supplementary information dated Oct 07) states that the local safeguarding policy must strive to avoid any increase in the bird hazard, and, where possible, reduce the existing bird hazard (RSPB emphasis).</p> <ul style="list-style-type: none"> o How will the safeguarding policy reduce the existing bird hazard? o Will it mean the applicants will object to wetland enhancement or management practices, which would impact on the RSPB's and other SPA/SSSI landowners' ability to maintain the sites in favourable condition? o The RSPB's management of its landholding involves creation of waterbodies, wetlands and reedbeds, to comply with our duty under the Habitats Regulations and Wildlife & Countryside Act to maintain and enhance the designated sites. The BCP notes that the main bird hazard concerns include the creation of waterbodies, wetlands and reedbeds. How will this discrepancy be resolved without harming the RSPB's ability to conserve and enhance the SPA and SSSI? 	SPA – Habitats Regulations Potential SPA extensions – PPS9, European Court of Justice in the <i>Commission v. France Case C-374/98</i> relating to the Basses Corbières site SSSI – Wildlife and Countryside Act 1981 (as amended)

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Disturbance to birds from aircraft noise	The noise maps presented in appendices 6.1 and 6.2 (in Vol. 3A of the supplementary information dated Oct 07) must be based on the correct data, i.e. correct fleetmix and flightpaths.	RSPB letter to Shepway DC dated 15 Nov 07	<ul style="list-style-type: none"> o Use survey data to determine the proportion of the SPA, potential SPA and SSSI bird populations affected (requested in RSPB letter to Shepway of 5 Mar 07). o Use correct baseline to assess current noise impacts – the Supplementary Info states that there is 1 BAe146 movement over the SPA per day, but this is not correct. o Assess impact of noise on SPA and potential SPA extension species that use areas outside the boundary of the designated site (eg Bewick’s swan, lapwings, golden plovers). o The noise maps in the Supplementary Info use LA_{max}, which relates to departing aircraft as these are noisier than arriving aircraft. However, as arriving aircraft also create noise, both departing and arriving aircraft should be considered when assessing the increase in noise and its impacts on birds. 	SPA – Habitats Regulations Potential SPA extensions – PPS9, European Court of Justice in the <i>Commission v. France Case C-374/98</i> relating to the Basses Corbières site SSSI – Wildlife and Countryside Act 1981 (as amended)
Air quality impacts on vegetated shingle	An explanation of the air quality modelling that has been carried out by the applicant would be helpful, to understand the assumptions and data that have been used to populate the model.	RSPB letter to Shepway DC dated 5 Mar 07	<ul style="list-style-type: none"> o What area of the Dungeness Special Area of Conservation (SAC), and what area and proportion of the vegetated shingle habitat, will experience raised nitrogen deposition levels and hence is likely to be adversely affected? 	SAC – Habitats Regulations SSSI – Wildlife and Countryside Act 1981 (as amended)
Direct loss of great crested newt habitat	Where/how is the applicant proposing to replace the loss of ‘Pond A’ next to the runway (required to create the clear and graded area)?	Scoping doc 05		SAC – Habitats Regulations SSSI – Wildlife and Countryside Act 1981 (as amended)