

APP/L2250/V/10/2131934 & APP/L2250/V/10/2131936

SECTION 77 TOWN AND COUNTRY PLANNING ACT 1990 – REFERENCE OF APPLICATIONS TO  
THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000

**SUMMARY PROOF OF EVIDENCE OF NIGEL DEACON BSc**  
**ORNITHOLOGY AND BIRD CONTROL**

In respect of:

Planning Application Reference: Y06/1647/SH (New Terminal  
Building)

Planning Application Reference: Y06/1648/SH (Runway Extension)

relating to land at London Ashford Airport, Lydd, Romney Marsh, Kent, TN29 9QL

## Contents

1. Qualifications and Experience.....	3
2. Scope of Evidence .....	3
3. Conclusions.....	6

## **Summary Proof of Evidence of Nigel Deacon in respect of Ornithology and Bird Control**

### **1. Qualifications and Experience**

- 1.1 I am a Bachelor of Science (Hons) in zoology and a consultant specialising in aviation birdstrike hazards. I am a member of the UK Birdstrike Committee and have twenty seven years' experience in ornithological work. My clients include airlines, aircraft manufacturers and most of the UK's airports, where my work has included:
- 1.1.1 the establishment and management of bird control teams at UK RAF stations (14 different sites);
  - 1.1.2 the training of more than 2,000 airport employees in wildlife;
  - 1.1.3 management theory and practice and the training of airport management and Civil Aviation Authority (CAA) Aerodrome Inspectors;
  - 1.1.4 auditing of wildlife management systems at a large number of UK and overseas civil airports (including joint audits with the CAA inspectors);
  - 1.1.5 writing of wildlife management policy documents for the CAA and many UK airports;
  - 1.1.6 providing wildlife/bird issues technical advice to major airlines (including British Airways) and aircraft manufacturers (BAE Systems and Airbus); and
  - 1.1.7 providing aerodrome planning and safeguarding technical support to many UK airports (over 100 items of casework).

### **2. Scope of Evidence**

- 2.1 My Proof of Evidence addresses ornithology and in particular, birdstrike risk and bird disturbance matters in respect of the Applications.

#### **Extent of Disturbance of Birds by Changes in Aircraft Activity.**

- 2.2 The Applicant's development proposals would lead to some changes in the frequency and constitution of aircraft activity compared to current operations, most notably the introduction of modern medium range airliners such as the Boeing 737 and Airbus A319, aircraft that are capable of operating from the Airport at present, but which require a runway extension to operate efficiently and economically with full payloads.
- 2.3 Natural England and the RSPB have expressed concerns that the changes in aircraft activity will have adverse impacts on the bird populations of the SPA, pSPA, pRamsar and RSPB reserve due to changes in noise exposure and/or visual impact from the changes in the aircraft fleet mix.

- 2.4 Although review of the relevant literature and direct observations have shown that some types of aircraft overflights have the potential to cause disturbance to birds, there have been no studies that either demonstrated or suggested adverse impacts from commercial airport operations.
- 2.5 Experience at UK airports adjacent to SPAs and other designated sites has shown that busy commercial airports and adjacent bird populations can coexist without conflict. This is supported by our analysis of the Wetland Birds Study (WeBS) data at monitored sites around four UK airports - Belfast city, Derry, Liverpool and Glasgow (Appendix 3 to my Proof) which has shown no indications of any negative impact of airport growth upon bird populations in their vicinity. This data shows that bird populations vary independently of aircraft movements, including the capacity for bird populations to increase in parallel with increasing air traffic at the adjacent airport.

### **Disturbance of Birds by Changes in Bird Control Activity.**

- 2.6 Natural England and the RSPB have expressed concerns that the increased scale of operation of the Airport will lead to an increased level of bird control activity that will cause increased disturbance of bird populations in the SPA, pSPA, pRamsar and RSPB reserve. Additionally, concerns have been raised that aerodrome safeguarding policy will have negative impacts on the management of the local RSPB reserves and other conservation sites.
- 2.7 However, in response:
- 2.7.1 All the techniques that will be used in the future are in place now at the Airport, used daily and have been in use for at least two decades.
- 2.7.2 Although the frequency and duration of patrolling to detect birds and inspect the Airport's surfaces, lighting, and other operational areas will increase, this will not lead to an increase in collateral disturbance of adjacent areas. This is because bird dispersal activity at developing commercial airports always progresses toward mainly surveillance and the dispersal of hazardous birds as they arrive or approach the aircraft manoeuvring area, rather than the short-term, high-intensity "bird run," (often dispersing large numbers of birds that have settled on the airport) that tends to occur at smaller airports.
- 2.7.3 Further increased training of Airport employees and appropriate mitigation measures will be introduced in the proposed Bird Control Management Plan (Appendix 2 to my Proof) to reduce collateral disturbance to lower than current levels wherever possible.

- 2.7.4 The potential for disturbance of birds beyond the Airport boundary caused by bird control activity at the Airport was tested in three studies carried out over the periods 17<sup>th</sup>-18<sup>th</sup> June 2008, 30<sup>th</sup> November – 1<sup>st</sup> December 2009, and 24<sup>th</sup> November 2010 (Appendix 5 to my proof). These studies tested the likely “worst case scenario” effects of using standard bird dispersal techniques at maximum intensity at the SPA-adjacent Airport boundaries. These would have the maximum potential to cause disturbance of birds on the adjacent designated sites, and the aim was to formulate measures to mitigate these impacts where possible.
- 2.7.5 The studies demonstrated that distress call broadcasts have a highly specific effect on a limited number of target species, but that pyrotechnic bird scaring cartridges used at the Airport boundary can affect a variety of species in the adjacent environment. Any disturbance caused by pyrotechnics (bird scaring cartridges) will be mitigated by restrictions on the areas and modes of use. The findings of this study have been incorporated into the revision of the Bird Control Management Plan (Appendix 2 to my Proof). I consider this collateral disturbance to be minor compared to other sources of disturbance such as local game shooting and wildfowling on the land adjacent to the Airport. As is presently the case, bird dispersal activity at the Airport boundary will involve the occasional displacement of flocks of common species from fields close to the Airport to one of the many alternate feeding or loafing areas in the vicinity. This would not have a likely significant effect on the SPA, pSPA, pRamsar and RSPB reserve and in any event would not give rise to an adverse effect on the integrity of the SPA, pSPA and pRamsar.
- 2.7.6 Aerodrome safeguarding policy has no retrospective powers to change or remove habitats attractive to birds, nor in the case of non-officially safeguarded aerodromes such as the Airport, the powers to establish formal, mandatory safeguarding consultation process with the Local Planning Authority or the ability to request that an application be “called in” via notification to the CAA. The Applicant will, therefore, have no statutory powers to block new developments and any changes in this policy resulting from the growth of the Airport cannot negatively impact the existing habitats and their bird populations.

### **Bird Hazard Risk Assessment.**

- 2.8 The Bird Hazard Risk Assessment (BHRA) is an iterative document and has recently been substantially updated and supplemented (Appendix 1 to my Proof)).

- 2.9 Natural England and the RSPB have made a number of statements concerning the adequacy of the study to inform the BHRA. These air safety matters are of course the remit of the air safety regulator (the CAA) and not Natural England or the RSPB though I respond to their views below.
- 2.10 Natural England and the RSPB appear to be arguing that a different assessment methodology would either lead to the conclusion that the Airport is “unsafe” or that the Bird Control Management Plan would need to be amended to include unspecified measures that would have a negative impact on the birds of the SPA, pSPA, pRamsar and RSPB reserve.
- 2.11 However, the BHRA is a comprehensive, robust study that has been informed by a considerable amount of data, the extent and detail of which exceeds that available at most UK airports of comparable levels of operations (both current and proposed). Other much less comprehensive documents have been audited by the CAA at other UK airports without concerns being raised.
- 2.12 I consider that a radar study of the format proposed by Natural England and the RSPB is currently unnecessary and inappropriate for the Airport. In the absence of impartial baseline studies to prove the concept and relevance of radar for birdstrike risk assessment and of any guidance from the CAA, I would give no credibility to an assessment of whether the Airport is either “safe” or “unsafe,” nor that it is less safe than other UK airports where such studies have not been carried out. Additionally, I cannot conceive of any finding that would materially change the content of the Bird Control Management Plan in such a way that it could increase impacts on the birds of the designated sites.

### **Bird Control Management Plan**

- 2.13 The Bird Control Management Plan (Appendix 2 to my Proof) is appropriate and comprehensive and substantially exceeds the standards described by the CAA in CAP 168 – Aerodrome Licensing (CD16.1), CAP 772 – Birdstrike Risk Management for Aerodromes (CD16.2) and CAP 738 – Safeguarding of Aerodromes (CD16.4) and far exceeds the detail provided at other UK airports (of a similar size). The methodologies described in the document will not change unless there is a significant technological or technical breakthrough in the field of birdstrike prevention or a change in the regulatory requirements.

### **3. Conclusions**

- 3.1 The proposed increases in aircraft activity at LAA would not have a likely significant effect on the SPA, pSPA, pRamsar and RSPB reserve’s bird communities but in any event the development proposals would not give rise

to an adverse effect on the integrity of the SPA, pSPA and pRamsar's bird communities.

- 3.2 The changes in the Airport's bird control procedures would not lead to an increase in disturbance of birds on adjacent designated sites above current levels, and measures would be put in place to reduce any such disturbance to below current levels.
- 3.3 The assessment of the birdstrike risk and the subsequent statement of birdstrike management policy – the Bird Control Management Plan – are compliant with, and exceed, the UK regulatory standards set down by the CAA and are appropriate to the Airport's proposed operation.