

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77 AND TOWN AND
COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000**

APPLICATIONS BY LONDON ASHFORD AIRPORT LTD

**SITE AT LONDON ASHFORD AIRPORT LIMITED, LYDD, ROMNEY MARSH,
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REBUTTAL

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FOR LAAG

PLANNING INSPECTORATE REFERENCE: APP/L2250/V/10/2131934

LPA REFERENCES: Y06/1647/SH and Y06/1648/SH

January 28th, 2011

REBUTTAL TO LAA/6/C APPENDICES 1 AND 2

Introduction:

- 1) I understand that others will provide rebuttal to this evidence. The following are remarks related to the evidence which I have provided under LAAG/3/A in respect of nuclear safety conflicts.

Changes to The Bird Strike Hazard Matrix:

- 2) For clarification, it should be noted that the hazard matrix shown in LAAG/3/A Section 4, para 104 was taken from the Bird Hazard Risk Assessment which Mr Deacon had previously submitted to the planning process. I note that in Mr Deacon's recent evidence (LAA/6/C Appendix 1, para 7 'Assessment Summary') he has changed this matrix as follows:

- a) Whilst retaining Canada Geese as 'Risk of damage Very High' he has downgraded them in terms of frequency, taking them from the 'Unacceptable' section to the 'Review' section of the matrix.
- b) Whilst retaining herring gull and pheasant in the 'Risk of damage High' he has downgraded the level of frequency from High to Moderate although this still retains them in the 'Risk Unacceptable' portion of the matrix.

Greylag geese, mute swans, mallards and grey partridge all remain within the 'Risk Unacceptable' portion of the matrix giving a total of six birds within this category, compared with seven birds identified in Mr Deacon's previous assessment.

- 3) Mr Deacon has not offered any explanation for these changes, a matter which I assume may be covered in other rebuttals. In the meantime I wish to confirm that the principle of the arguments which I presented in LAAG/3/A remains.

Observations On The Proposed Bird Control Measures For Wildfowl As Relates To The Nuclear Risk:

- 4) In his Bird Hazard Risk Assessment originally submitted to the planning process, Mr Deacon wrote the following (8.4 Habitat management para b)

OPEN WATER. The presence of open ponds, streams or ditches on a civil airport is unacceptable, particularly in an area with high waterfowl populations. There is a very clear correlation between waterfowl strikes and the presence of open water habitats on aerodromes, and the resulting birdstrikes have caused massive damage to commercial aircraft in the UK. The main culprits involved have been mallard and grey herons, and both species regularly use even the smallest ponds and the narrowest drains that may be present. Active bird dispersal is not sufficiently effective against these species to reduce the hazard to an acceptable level, and the only recommended mitigation measures are passive bird exclusion systems, primarily netting systems. Similar netting is recommended (CAA are likely to regard it as a requirement) for the drains and any open ponds on the airport.

- 5) This was borne out by Mr Deacon's Bird Hazard Control Strategy matrix at that time (Shown in LAAG/3/A para 105) in which he recommended that the ponds and ditches on the airfield should be netted in order to discourage wildfowl; although he failed to recommend equivalent action outside of the airport perimeter.
- 6) In Mr Deacon's evidence LAA/6/C Appendix 2, paragraph 6.2.2 he reconfirms netting as the primary measure of discouraging hazardous waterfowl from the airport site. However, LAA/6/C Appendix 2, paragraph 12.4.3 states ‘

Overflying wildfowl will be observed, their identity, numbers, flightpaths and timings recorded and warnings passed to aircraft as required (ATC will also have a direct involvement in watching for wildfowl movements) and at present this is the primary means of mitigating the wildfowl birdstrike hazard. ‘

This statement could mislead the reader as Mr Deacon already confirmed netting as the primary method for discouraging these birds in his earlier paragraph 6.2.2

- 7) As noted in LAAG/3/A, for bird hazard control to be relevant to the protection of the nuclear power stations it would need to be applied to the habitats which lie between the airfield and nuclear power station; along the path of any

aircraft which has deviated from its intended flight path towards the nuclear site.

- 8) Since Mr Deacon has reconfirmed netting as the principle method of discouraging wildfowl, as well as introducing the prospect of bird scaring on feeding grounds and lethal control (LAA/6/C Appendix 1, 9.4 b), it implies that such measures would also need to be applied to the bird reserve and designated areas close to the nuclear power stations to assure public safety.
- 9) This would clearly be in direct conflict with the European Habitats regulations and no doubt unacceptable to the bird reserve owners. Therefore all of the arguments presented in LAAG /3/A paras 76 to 118 stand and are strengthened by Mr Deacon's latest risk assessment.
- 10) In LAA/6/C paragraph 12.4.3, Mr Deacon outlines the proposed wildfowl 'observation and warning strategy'. It must be appreciated that, with the exception of deliberate terrorist activity, if an aircraft has deviated from its intended flight path towards the nuclear site it means the pilot is already dealing with some kind of unexpected situation or emergency. Providing him or her with a 'for information' message about bird activity at that juncture would seem ineffective if he or she is already struggling to retain control of the aircraft's systems i.e. this technique cannot be offered up as mitigation.
- 11) In conclusion all of the issues raised in LAAG/3/A paragraphs 76 to 118, summarised in LAAG/3/C 14 to 19 stand; illustrating the fundamental conflict of having a nuclear power station sited next to an airport¹, separated only by a major wetland reserve, national and internationally designated bird conservation areas.

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¹¹ In the developed case, given that it would introduce large commercial aircraft capable of causing off-site radiological consequences in the event of a collision

