



nature's voice

**Comments from the RSPB on the draft section 106 agreement and draft conditions  
(CD 17.1 and CD 17.2)**

Without prejudice to our case, the whole structure of the draft conditions and draft s.106 are so bland and unspecific as to be largely meaningless and unenforceable.

The RSPB has considered NE's response to the draft s.106 and conditions and agrees and supports all of its comments. In addition, we add the following.

**Draft conditions (CD17.2)**

**BCMP, on-site (condition 19 of the runway extension conditions)**

- There is no limit on the nature, extent, duration and intensity of on-airfield scaring.
- The BCMP must include the maximum parameters for bird scaring (i.e. the worst case scenario).
- The condition must more closely define "emergency".
- The condition says that the BCMP will be approved 'in consultation' with NE – we would recommend that, given potential for impacts on designated sites, that it needs to be approved by NE, rather than just in consultation with them.
- Monitoring of the BCMP does not lead anywhere in terms of necessary revisions or benchmarks for revisions and in addition there is no definition of what this monitoring will look at or what it is supposed to achieve.
- We consider that the Bird Hazard Risk Assessment (BHRA) should be monitored/updated, since that informs the BCMP and thus the level, scale and intensity of bird control that is required.
- We consider that adequate and useful monitoring of the impacts of the BCMP on designated sites should be undertaken, and that this monitoring should be annual and begin post-construction. It should also continue throughout the lifetime of the development since LAA agree that bird movements, numbers etc fluctuate annually and therefore monitoring needs to continue annually. An environmental steering group should be established to review results and advise on any additional or changed mitigation (in terms of bird impacts) requirements.
- Although we agree that the BCMP should be a "living" document, what is of concern is that the BCMP submitted in support of applications needs to be a decent 'baseline' document on which to base future iterations. The BCMP presented for determination needs to be based on a worst case scenario of greatest extent, scope and frequency of bird control measures, both on- and off-airfield, necessary for safe operation of the airport – any iterations of the BCMP post-permission should not extend the scope and frequency of such bird control measures, and therefore Appropriate Assessment of these applications can be confident that its conclusions are taken on adequate information. Should a change in scope/frequency of control be required then NE would need to be consulted and Appropriate Assessment carried out by the competent authority if NE deemed there was the potential for an increased impact on the designated sites through any changes to the BCMP.

### **Calendar year aircraft movements (condition 20 in the runway conditions and condition 19 in the terminal building conditions)**

- The definition of “emergency and government activities” is too broad and should not apply to total aeroplane movements and helicopter movements.
- There is no condition restricting commercial passenger planes from, for example, 10am to 5pm.
- No condition restricting aircraft weight 7,300kg or 5,700kg to a certain number, therefore there is no restriction on the business jet total.
- The proposed cap of 1200 helicopter movements represents an approximate doubling from current/recent historical levels of helicopter movements at Lydd airport. Furthermore, in light of the current uncertain but apparently significant level of military activity at the airport, the exclusion of Governmental activities (which includes military activities) in the cap on helicopter movements leaves considerable scope for Lydd airport to handle far more significant helicopter movements than the 1200 annual cap.
- We would welcome discussion on flight path restrictions to be included in the conditions.

### **Draft s.106 (CD17.1)**

#### **Schedule 1, para. 8, bird management off-site**

The RSPB has the following concerns:

- BCMP must but does not include the maximum parameters for bird scaring (i.e. the worst case scenario). There is no limit on the nature, extent, duration and intensity of off-airfield scaring (para. 8.2.2).
- There needs to be more precise definitions in the BCMP itself for:
  - o the extent of the buffer
  - o the extent of clearing of land strips.
- There are also elements of the BCMP that are currently outside the control of LAA, including para. 6.4.1 which states that “[l]ocal agreement will be sought with landowners, etc., to modify land use practices whenever a birdstrike hazard caused by a specific pattern of land use is identified”; we consequently question the enforceability of the BCMP if permission is granted.
- There needs to be a definition of “emergency”. This can only be dealt with by very precise definitions at this stage and no day-to-day measures so that emergency is reduced to only real emergencies. Once this detail has been provided, the RSPB would be able to understand how this provision might work and provide comments. However, we are concerned about what type and the level of bird control measures (in the worst case) that could be used in emergency situations, as such situations could potentially arise on a daily basis.
- In the last sentence of para. 8.2, the word “either” needs to be deleted and “conservation benefits” should be defined as meaning “to birds”.
- Para. 8.5, leads to nowhere and has no benchmarks.
- We note that currently, no mitigation is proposed for potential impacts of bird control on functionally linked land. The s.106 does not (and cannot) resolve the inherent uncertainties involved.

#### **Schedule 1, para. 9, noise management plan**

The RSPB considers that para. 9 should be drafted throughout in such a way that SPA/pSPA/pRamsar/SSSI is protected. In addition,

- Para 9.1.5(a): “sensitive receptors” should include the SPA/pSPA/pRamsar/SSSI.
- Para 9.1.5(b): lines of communication should include the RSPB Dungeness nature reserve.

Early drafts of the s.106 referred to noise performance standards designed specifically in terms of impacts on ornithology – what did LAA have in mind back then? Without the proper noise modelling and assessment of likely impacts, it is not possible to ascertain what measures (e.g. a target noise performance) might be needed and/or feasible. In any event, even if the number of peak noise events greater than XXX dB p/day were limited, this would be impossible to police or enforce.

If a noise management plan was designed for ornithology – and we think it should be – we would request that NE and the RSPB were consulted on it prior to the management plan being agreed with the Council. In any event, we consider it necessary for LAA to monitor peak noise levels (not Leq 16 hour average contours, as currently proposed) with regards to the ornithology and the designated sites, on an annual basis.

The RSPB reserves the right to amend or add to the above comments in light of subsequent drafts of the s.106 and conditions.

**The RSPB**  
**17 March 2011**