

**Summary Proof of Evidence
of
Dr John Underhill-Day
for the
Royal Society for the Protection of Birds**

22nd December 2010

Town & Country Planning Act 1990 (as amended)

In the matter of:

**Planning Applications for Construction of a runway extension and erection of a
terminal building at London Ashford Airport, Lydd, Kent**

**Planning Inspectorate Refs: APP/L2250/V/10/2131934
APP/L2250/V/10/2131936**



INTRODUCTION

1.1. I am John Underhill-Day and I hold a BSc degree in Biology and a PhD research degree. I am a member of the Institute of Biology and a Chartered Biologist, and a member of the Institute of Ecology and Environmental Management and a Chartered Environmentalist. I am a retired Fellow of the Royal Institution of Chartered Surveyors. During over 35 years with the Royal Society for the Protection of Birds (the RSPB), I was responsible for managing reserves at various times as a site manager, reserves manager, head land agent and ecologist. In April 2006, I retired as a full time officer of the RSPB but have been retained as an adviser to the RSPB on ecological and land management issues.

2. THE RSPB

2.1 The RSPB has been actively involved in conserving wetland and coastal habitats and its associated wildlife for many years. The Society manages 60 nature reserves with significant areas of wetland and coastal habitat in England, Scotland and Wales which collectively support important populations of most breeding, passage and wintering wildfowl, waders and seabirds found in the UK. The RSPB has contributed to the funding of research into the requirements of wetland and coastal birds; argued the case for the protection and conservation of wetlands and coastal habitats and their wildlife at public inquiries; and lobbied in national and local government for better protection and management of these habitats.

3. OVERVIEW OF AND CONCLUSIONS FROM MY EVIDENCE

3.1. In order to assess the potential bird scaring and safeguarding measures needed for the safety of an expanded airport, the applicant needs to carry out a risk assessment based on the existing numbers, distribution and movements of birds in the vicinity of the airport.

3.2. The applicant has failed to properly assess the size and location of important local bird populations, movement patterns of locally wintering and breeding birds and the size and extent of migrant bird movements both by day and night, together with the importance, use and extent of functionally linked land for feeding and roosting by qualifying species outside the designated sites. With all these shortcomings the applicant is not able to properly assess

the bird strike risk and seems unaware of the extent of the potential problems for the future operation of the airport.

- 3.3. As Dr. Allan comments in his proof, bird flight lines are a critical issue in relation to air safety, and over-flying birds are not amenable to normal scaring methods.
- 3.4. The applicant has relied on WeBS counts of specific gravel pits and a very limited survey around the north and west of the airport for data on wintering birds. The WeBS data is of limited value as it does not give a comprehensive picture of roosting birds, important species such as gulls are not always counted, and smaller water bodies and areas of agricultural land, important to many bird species, are not covered.
- 3.5. As Mr Gomes has shown in his proof considerable numbers of migrants move through or stop-off in the Dungeness area. Night time movement of migrant birds can involve huge numbers of birds and could pose a considerable threat to the proposed aircraft movements after dark. Despite this the applicant has carried out no studies of night time movements either of locally wintering birds or during the main migration periods.
- 3.6. Some wintering birds can roost in considerable numbers on the SPA such as lapwings and golden plover, large gull flocks and wigeon and flocks of all of these species will at times, fly out to feed on arable and pasture land in the areas around the SPA, pSPA, pRamsar and SSSI¹ and further out to the west and north west.
- 3.7. The measures that the applicant has available to deal with these problems are agreements with landowners for management of farmed areas to deter feeding birds, scaring both on and off the airport, and safeguarding by opposing planning applications for projects that might increase the risk of bird strikes, by the improvement of nearby bird habitat, for example.
- 3.8. Further afield, such specific agreements would be difficult, not only as wintering birds use all the habitats on the marshes including grassland, arable and bare ground (and it is therefore difficult to see how these could be changed to make them unattractive to birds), but also because it would need the cooperation of a significant number of landowners. If habitat management was either not possible or failed to achieve the aim of moving flocks of feeding

¹ The designations of the sites and status of the birds of the SPA, pSPA, pRamsar and SSSI will be simply referred to as “**the SPA**” in the remainder of this summary proof unless the context requires a fuller description).

birds resorting to scaring and shooting over such a substantial area would pose similar problems. These habitat management and other measures over such a large area will probably prove impossible, so that the applicant would, instead of seeking to move birds from their feeding areas, seek to try and change the roosting behaviour of the birds which could involve attempts to restrict their use of the SPA.

- 3.9. Deterrence of local birds on and around the airport by scaring from within the airport boundary has been tested by a limited number of trials with mixed results but there is a clear indication that birds can be disturbed out to at least 1000m from the disturbance source. Bird scaring on an increased scale is likely to be needed, and this will affect birds around the airport and could also disturb non-target species on the SPA.
- 3.10. Areas close to the airport are an important resource for feeding and roosting birds, so scaring could disturb qualifying bird species from roosting and foraging on sites near the airport on land which is functionally linked for these species to the SPA. Scaring will be designed to create a buffer around the airport, effectively sterilising this land for the use of the birds, and could have effects such as a reduction in feeding at times when this is a critical factor in winter survival or important for breeding birds feeding young. It could also lead to nest abandonment, delays in the onset of breeding and the choice of lower quality nest sites.
- 3.11. Despite the inadequacy of the current state of knowledge of the effects of scaring at Lydd airport, it is my view that it could have an adverse effect on the qualifying species of the SPA. Such activities could be directed at qualifying breeding and wintering bird species both within the European and nationally designated sites and on land nearby which is used by such species and therefore functionally linked to the designated sites. Scaring could affect breeding birds within the SPA such as harriers or shovelers, and if this was ineffective, the applicant might resort to seeking a licence to destroy nests, remove eggs, and as a last resort, shoot individual birds. None of these measures would be effective in changing the flight patterns of overflying birds or the large movements of migrant birds, many of which migrate at night.
- 3.12. In order to assess the need for, and effects of, safeguarding it is necessary to carry out surveys to understand the numbers and distribution and regular movement patterns of birds in this area. The applicant has not carried out these wider surveys, though I understand that it is now undertaking some surveys at this late stage.

- 3.13. It is probable that the RSPB and others will seek to maintain and increase the population of wintering, passage and summering birds on the SPA as well as carrying out management for other species such as plants and invertebrates for which the site is nationally important. Some of the management activities may well require planning consent, and could be opposed by the applicant on the grounds that it will increase bird strike risk. This could seriously inhibit management to maintain and restore the interest features of SPA.
- 3.14. The evidence on noise and visual effects of aircraft on birds is incomplete and conflicting. Noise trials with a passenger jet aircraft carried out for the applicant did not address the effect on the qualifying bird species. Modelling of noise contours has been presented in ways that have little meaning in relation to the assessment of the impact on birds and did not include the southern route across the firing ranges.
- 3.15. A range of comparator airport sites were given as examples where impacts on birds were not apparent, but no details were given on almost all aspects of these sites that would have allowed any sensible comparison to be made with the current proposals or any conclusions to be drawn on the issue of noise and birds.
- 3.16. A selection of references have been given from the large body of literature on the subject of birds and aircraft, but many of these were based on military aircraft and helicopters rather than passenger aircraft and were of aircraft over flying rather than landing or taking off. Most of the SPA species have not been studied in this regard. The evidence, such as it is, suggests that there are wide differences between species in levels of tolerance and habituation and differences between sites and seasons. The overall conclusion is that increased aircraft noise and disturbance cannot be ruled out as having an adverse effect on the qualifying species of the SPA.
- 3.17. The applicant has not put together a coherent and credible package of mitigation measures to avoid impacts on the SPA and its birds. It has confused mitigation with monitoring, and suggested a research programme for investigating the effect of aircraft noise on birds after, rather than before, expanding the airport. Other mitigation proposals are couched in such qualified general terms as to provide little meaningful information.

3.18. In conclusion, the failure of the applicant to collect an adequate evidence based dataset on the birds of the area and their behaviour patterns, the lack of information on the effects of aircraft noise and vision and the uncertainties associated with proposed scaring and other measures and safeguarding, do not in my opinion, make it possible for the competent authority to conclude no adverse effect on the European designated sites, and in these circumstances the applications should be rejected.