

The Mayor of London's response to the Airports Commission consultation on shortlisted options

Biodiversity

Supplementary Note 07

February 2015

Key findings

- Further assessment is required by the Commission. For example, there is uncertainty over impacts on protected species for all three options, the approach taken in relation to bird strike appears inconsistent with the Commission's previously stated position and the need for additional mitigation may be underestimated.
- The Commission states that it is considered likely that 'Appropriate Assessment' is required for both the Heathrow options. The Commission make no consideration of this in the Business Case or the Sustainability Assessment for all options and no further detail is provided on the potential implications of this requirement.

Key recommendations for further work

- Further work to address the omissions noted should be conducted, the results of which should also be accounted for in the Commission's Sustainability Assessment.
- Further review of the impact of expansion on protected species for all options must be carried out.
- A full and independent review of issues surrounding bird strike must be conducted, with a consistent assessment across all of the shortlisted schemes conducted.

A: Key observations

1. The assessment undertaken by the Commission is lacking detail and further work is required

- 1.1. It is recognised that the assessments are at a strategic level at this stage. However, all three shortlisted options are subject to biodiversity issues for which further assessment is necessary.
- 1.2. For Gatwick, this requirement for further work relates particularly to protected species. For the two Heathrow options there is also uncertainty over protected species. In addition, for both Heathrow options, the assessment states that “*it is considered likely that Appropriate Assessment [in accordance with the Habitats Regulations 2010, which enact the EU Habitats Directive] would be required*”. No further information is provided and this requirement is not carried into the Business Case or the Sustainability Assessment documents.
- 1.3. There are acknowledged data gaps and some assumptions that are of concern regarding protected species. The baseline report indicates that the desk study data is not complete, missing specific records. More generally, protected species records are described, but no consideration is given for the potential to support protected species if records are absent (or consideration of relevance if a record is at a distance and, potentially, no suitable habitat is present). The bird strike discussion in the baseline and assessment reports focuses on risks to aircraft and not risks to birds. In particular, while some consideration is given to wetland birds in the assessment report, rare farmland birds such as barn owls are not considered, despite barn owls appearing on desk study lists.
- 1.4. There are also areas of concern regarding assumptions made in the absence of specialist studies. The paragraphs with regard to air quality and designated sites advise that further studies are needed for Gatwick options and that reassessment will be needed after ongoing local authority monitoring for Gatwick, yet the report makes judgements in the absence of the conclusions of such; similar is done for the air quality at SSSIs near Heathrow, and with regard to the habitat near Gatwick of one of the UK’s rarest species of bat. If the need for a specialist study is identified, it is clearly premature to presume that no issue will be found.

2. The Commission do not assess shortlisted and non-shortlisted options on a consistent basis

- 2.1. The approach is not consistent with the approach taken by the Commission to the Inner Thames Estuary. There is particular inconsistency regarding (1) Appropriate Assessment, and (2) bird strike.

- 2.2. For both Heathrow options, the report states that *“it is considered likely that Appropriate Assessment [in accordance with the Habitats Regulations 2010, which enact the EU Habitats Directive] would be required”*. The failure to consider the implications of this requirement further means that the assessments undertaken are not directly comparable with the assessment the Commission previously undertook of other options, specifically the Inner Thames Estuary.
- 2.3. The approach to Appropriate Assessment is not consistent with the evaluation of the Inner Thames Estuary option. The "Inner Thames Estuary Airport summary and discussion paper" discussed the issues of Imperative Reasons of Overriding Public Interest (IROPI) and alternatives at length. In contrast, for both the Heathrow options a simple statement is made that *“it is considered likely that Appropriate Assessment is required”*. The analysis simply stops at this screening assessment. No consideration is given to the potential implications for either Heathrow option if this assessment finds that there will be an impact on the integrity of the South West London Waterbodies SPA/Ramsar site. IROPI and alternatives are not considered.
- 2.4. With regard to bird strike, for the shortlisted options it is stated that *“It is important to note, however, that risks arising from outside the airport property may be impossible for the airport to control.”* The approach taken contrasts with the statements made in the Inner Thames Estuary Airport summary and discussion paper, particularly 3.53, in which it is stated: *“If any remaining bird habitats within the 13km safeguarding circle (that is those not already displaced by the airport’s direct impact) were considered to pose an operational safety risk additional mitigation measures would be needed and it may ultimately be necessary to remove those habitats, increasing further the environmental impact and cost of compensation.”* If it is the case that the Inner Thames Estuary was indeed assessed to the appropriate level for bird strike, it suggests the assessment of the three shortlisted options is, by comparison, wholly inadequate, rendering impossible the drawing of any conclusions on this issue.

3. The Commission’s biodiversity assessment has several other weaknesses

- 3.1. Some aspects of the analysis lack robustness. Of most concern is the fact that aspects of the analysis undertaken have not been carried into the overarching documents, particularly the Sustainability Assessment.
- 3.2. The inconsistencies and concerns over assumptions described above weaken the robustness of the analysis with regard to: protected species, particularly Bechstein’s bat for Gatwick; bird strike, including effects on farmland birds such as barn owls; air quality; and the likely requirement for formal Appropriate Assessment under the Habitats Regulations for the two Heathrow options.
- 3.3. It is recognised that this is a strategic assessment and not an Environmental Impact Assessment. However, uncertainties in the baseline and assumptions made about

impacts weaken the estimate of impacts .These include the desk study data gaps; lack of habitat screening for protected species potential; and assumptions about impacts due to bird strike management (all options), air quality (all options), and lighting (Gatwick), and uncertainty over the potential results of Appropriate Assessment (Heathrow options).

- 3.4. Due to the newly evolving practice of Ecosystem Service Assessment, this review has focused on the biodiversity assessment. However, it should be noted that in their baseline Jacobs states "The NCA [National Character Areas] have been identified where each of the proposed schemes are situated. However, the potential impacts from the scheme proposals may extend beyond those NCAs into adjacent areas." There is therefore uncertainty over indirect impacts on other National Character Areas.

B: Does the Commission’s assessment constitute a robust approach?

To be robust, the option appraisal must entail a complete assessment. It must also be consistent across all the options, with the Commission’s previous analysis, with best practice in the appraisal of large infrastructure projects – including principles of HM Treasury Green Book – as well being aligned with the Commission’s own Appraisal Framework. The table below sets out a summary of the extent to which the Commission’s assessment meets these requirements.

Table 1: Does the Airports Commission’s assessment constitute a robust approach

Criteria	Met?	Comments/examples
Approach to Assessment		
Aligned with Airports Commission Appraisal Framework?	Partial	Examples of non-compliance include the approach to protected species, for which complete reliance is placed on incomplete desk study data, with no assessment of the habitats within and around shortlisted sites and their potential to support such species, including species that may not have been recorded in the local area previously.
Consistent approach to assessment: <ul style="list-style-type: none"> • Between options? • With previously considered options? • With best practice/Green Book? 	Partial	There is inconsistency. This was particularly noted in comparing the approach taken for the shortlisted options to that taken for the Inner London Estuary. Bird strike is not addressed in the same way. Also, the analysis simply stops at a screening assessment, stating Appropriate Assessment (AA) is likely to be required. No consideration is given to the potential implications for either Heathrow option if the AA finds that there will be an impact on the integrity of the South West London Waterbodies SPA / Ramsar site.
Assessment complete (evidence gaps addressed, suitable geographic/temporal scope)?	Partial	The inconsistencies between the approaches to (1) considering bird strike and (2) the implications of likely requirement for formal Appropriate Assessment under the Habitats Regulations means the risks are not fully stated. Of particular concern, the likely requirement for AA stated in Jacobs’ reports is not carried forward into the overarching Business Case and Sustainability Assessment. Thus the issue is effectively invisible to any commentators who do not look at the full background documentation and is not taken into account in the judgements in the Business Case and Sustainability Assessment.

Assumptions		
When multiple scenario or assumption sets used, has the most appropriate been identified – or worst case scenario tested?	n/a	
Analysis: impacts and conclusions		
Risks fully stated and impact reflected in conclusions?	Partial	The inconsistencies between the approaches to (1) considering bird strike and (2) the implications of likely requirement for formal Appropriate Assessment under the Habitats Regulations means the risks are not fully stated. Of particular concern, the likely requirement for AA stated in Jacobs' reports is not carried forward into the overarching Business Case and Sustainability Assessment . Thus the issue is effectively invisible to any commentators who do not look at the full background documentation and is not taken into account in the judgements in the Business Case and Sustainability Assessment.
Understanding of net/cumulative impacts?	n/a	