Georgina Rooke – Deadline 2 Submission (06 Feb 2019)

[redacted]

Examining Authority
Planning Inspectorate
Manston Airport Project

05 February, 2019

Dear Sirs,

RE: DEADLINE 2 SUBMISSION

I am writing with my comments to the submissions made at Deadline 1 by the Applicant, in accordance with the Examination Timetable set out in Appendix A of the Planning Inspectorate's letter to Interested Parties, Statutory Parties and Other Persons invited to the Preliminary Meeting dated 18 January 2019.

In my submission below I have provided evidence of:

- PINS request of the Applicant to meet its obligations with respect to the Funding Statement
- PINS request for this information to be provided by the Applicant by Deadline 1
- The inadequacy of the Applicant's response as at Deadline 1. The Applicant is unable and/or unwilling to provide the information requested and has responded with further delays.
- Manston's history and Tony Freudmann's longstanding involvement with Manston Airport; his historic role at Wiggins Group in acquiring airports including Manston, and their eventual financial failure despite significant investment and government support (e.g. Kent County Council)
- My question to PINS: Is it not time to stop?
- Evidence of the need to move on: Local Plan Intervention. Ministry of Housing, Communities & Local Government. Letter to Councillor Robert W. Bayford Leader, Thanet District Council from The Rt Hon James Brokenshire MP *Secretary of State for Housing, Communities and Local Government* on 28 January 2019

Many thanks for this opportunity.
Kind regards,

Georgina Rooke

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Background

Deadline 1 was the deadline for receipt by the ExA of:

- The Applicant's written statement in response to the Planning Inspectorate's s.51 advice dated 14 August 2018, requested on page F2 of the Rule 6 letter

  "***Section 51 advice***
  The ExA requests a statement from the Applicant on its response to the s51 advice issued in conjunction with the Acceptance decision and published here:
  https://infrastructure.planninginspectorate.gov.uk/document/TR020002- 002549 .
  This statement is to be provided verbally at the Preliminary Meeting and confirmed in writing to **Deadline 1** in the Examination Timetable." (Rule 6 Letter)

Section 51 advice letter states:

> "**Advice following issue of decision to accept the application for examination**
>
> On 14 August 2018 the Secretary of State decided to accept the above application for examination.
>
> This letter comprises advice to the Applicant provided under s51 of the Planning Act 2008 (PA2008). It should be read in conjunction with the Manston Airport s55 Acceptance of Applications Checklist (the Checklist) issued alongside the Acceptance decision.
>
> In applying the Acceptance tests to the application documents, the Planning Inspectorate noted some omissions/ discrepancies in the information provided, about which the appointed Examining Authority (ExA) is likely to seek resolution early in the Pre-examination stage.
>
> The Applicant is strongly advised to pay close attention to the content of this letter, and consider carefully how appropriate action might be taken in response to the advice issued within it.
>
> **The Funding Statement (Doc 3.2)**
>
> As reflected in Box 30 of the Checklist, the Inspectorate considers that the Funding Statement poses substantial risk to the examination of the application. In respect of this, the Applicant is advised to be fully conversant with statute and guidance contained in The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and in Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land.
>
> The issues raised in advice provided by the Inspectorate at the Pre-application stage, in consideration of draft iterations of the Funding Statement provided by the Applicant for review, has only partially been satisfied. On this basis the Inspectorate considers that the following information is very likely to be requested by the appointed ExA early in the Pre-examination stage:
>
> - In the generality, further evidence that adequate funds will be available to enable the Compulsory Acquisition of land and rights within the relevant time period.
> - Further information in respect of RiverOak Strategic Partner's (RSP) accounts, shareholders, investors and proof of assets.
> - Further clarification in respect of the term "completion of the DCO" (Funding Statement para 12, 13, 27).
> - Further details of RSP's Directors, staff, auditors etc.
> - Further details of the funders who have already expressed interest and others that are likely to come forward (Funding Statement, para 23).
> - Further justification as to why Article 9 of the draft DCO is appropriate and provides sufficient security for individuals in consideration of the provisions of the Human Rights Act 1998.
> - Further information on the sources and availability of funding for the Noise Mitigation Plan.

- Further information on the joint venture agreement (Funding Statement, para 19 etc).
- Further details of how the costs set out in the Funding Statement at paragraph 15 have been estimated.
- Further evidence to support various statements such as:
    - o "The investors are willing to underwrite the cost of any blight claims or eventual claims in compensation [...]" (Funding Statement, para 10).
    - o "RiverOak anticipates that it will raise further equity and debt finance following the making of the DCO in order to develop the authorised development to completion" (Funding Statement, para 11).
    - o "[RiverOak] have drawn down £500,000 from their investors" (Funding Statement, para 20)." (Section 51 advice letter; highlighting my own)

Inadequacy of RSP Response

The Applicant has provided the following written response to the s51 Advice Letter:

"In its s.51 Advice of 14 August 2018 the ExA sought further information relating to the funding of the project. It was hoped that the restructure would be complete by Deadline 1 such that the full information sought by the ExA could be provided but unfortunately that has not proved to be the case. The requests from the ExA and the Applicant's responses are set out below. Where it is not yet possible to provide the full information, a note has been included to explain that this will be submitted by Deadline 3.

- In the generality, further evidence that adequate funds will be available to enable the Compulsory Acquisition of land and rights within the relevant time period.
This will be provided at Deadline 3.

- Further information in respect of RiverOak Strategic Partner's (RSP) accounts, shareholders, investors and proof of assets.
As a special-purpose vehicle, RSP does not generally have funds or assets and does not engage in transactions such that it has accounts. The owners of RSP are RiverOak Manston Ltd, a UK registered company of which Lawlor, Yerrall and Freudmann are directors and MIO Ltd, a Belize registered company. As mentioned above, following completion of the restructure, further information will be provided at Deadline 3.

- Further clarification in respect of the term "completion of the DCO" (Funding Statement para 12, 13, 27).
The Funding Statement (ref APP-013) refers to commitments that have been made to funding the completion of the DCO. This includes funding sufficient to cover any claims for blight, compulsory acquisition and noise mitigation.

- Further details of RSP's Directors, staff, auditors etc.
The current directors of RSP are Nicholas Rothwell, Rico Seitz and Gerhard Huesler - all residents of Switzerland, Niall Lawlor and George Yerrall, US residents and Anthony Freudmann, UK resident. They have been the directors since RSP was incorporated in August 2016.
The auditors of RSP are Calder & Co, 16 Charles ll Street, London SW1Y 4NW.

- Further details of the funders who have already expressed interest and others that are likely to come forward (Funding Statement, para 23).
This is generally commercially sensitive particularly during the current restructure, but the funders will be approached for permission for their names to be made known. It is hoped that this information can be provided at Deadline 3.

- Further justification as to why Article 9 of the draft DCO is appropriate and provides sufficient security for individuals in consideration of the provisions of the Human Rights Act 1998.
The purpose of Article 9 is to make it a precondition of the development that funds to pay for compulsory acquisition are in place to the satisfaction of the Secretary of State, without which it cannot commence. The type of security that is likely to be proposed as that set out at Article 9(2)(f), a guarantee by a person (in fact a

company). It is intended that once the reorganisation is complete by Deadline 3, this guarantee will be provided to the examination, which should provide security for individuals facing compulsory acquisition. […]

- *Further information on the sources and availability of funding for the Noise Mitigation Plan.*
This is the same as the funding for land acquisition and further details will be provided at Deadline 3.

- *Further information on the joint venture agreement (Funding Statement, para 19 etc).*
This will be superseded by the reorganisation mentioned above.

- *Further details of how the costs set out in the Funding Statement at paragraph 15 have been estimated.*
The costings have been put together by a major project manager with over thirty years' experience, who has been working with key advisors from RPS, Wood, Osprey and Northpoint as well as with major construction companies.

- *Further evidence to support various statements such as:*

  - *"The investors are willing to underwrite the cost of any blight claims or eventual claims in compensation […]" (Funding Statement, para 10).*
  Statements from the investors will be provided once the restructure is complete.

  - *"RiverOak anticipates that it will raise further equity and debt finance following the making of the DCO in order to develop the authorised development to completion" (Funding Statement, para 11).*
  18303147.1 2
  Interested parties will be approached to see if they agree to be named on an open or confidential basis by Deadline 3.

  - *"[RiverOak] have drawn down £500,000 from their investors" (Funding Statement, para 20).*
  The applicant will provide further evidence on this point by Deadline 3 when the restructure is complete.

History of Manston & Tony Freudmann's Involvement

The House of Commons Transport Committee produced a report on Smaller Airports, ordered by the House of Commons to be printed on 9 March 2015. The report is provided in electronic format. It's objective was to recognise the role of smaller airports as economic and social enablers, and identify ways to protect the threats to the smaller airports sector, particularly in view of Air Passenger Duty and the expansion of hub airports capacity in the south-east of England.

Manston airport closed just before the start of the House of Commons Transport Committee enquiry and it's case was considered in detail to ensure similar cases do not arise in future. The Manston Case Study provides interesting insight into the challenges Manston faced then; the recommendations of the House of Commons Transport Committee which are largely being addressed, and the ongoing challenges that Manston continues to face. The detail can be found on pages 16-21.

In summary[1]:

- 1989 Kent International Airport (civilian airport) was set up within the RAF facility at Manston
- 1998 the MoD put RAF Manston up for sale
- 1999 RAF operations ceased
- 1999 Manston was purchased by Wiggins Group, a property development company.
- **1999 to 2003 the Wiggins Group operated Manston as a cargo airport**

[1] House of Commons Transport Committee. Smaller Airports: Ninth Report of Session 2014-15
Manston Airport under private ownership: The story to date and the future prospects. Kent County Council. March 2015

  - **Tony Freudmann had joined Wiggins Group in 1994. He was responsible for airport acquisition**
  - Wiggins' focus became "former military bases with ample availability of surrounding land which can be developed using the real estate experience of Wiggins"
  - 2000 Wiggins acquired Odense airport in Denmark in a joint venture with the local authority (later ended by the Local Authority because the rent was not paid)
  - 2000 Wiggins acquires a 25 year lease for Smyrna Airport, TN USA. In 2003 Wiggins surrenders the lease for Smyrna
  - 2001 Wiggins takes a lease fron the Czech MoD for Pilsen Airport
  - 2001 Wiggins acquires 80% of Lahr airport Germany
  - 2001 Wiggins acquires Schwerin Parchim airport in N Germany plus an EU grant for its development; agreement terminated due to non-payment of rent
  - 2001 Wiggins takes 43% stake in Cuneo-Levaldigi airport Italy. Despite significant investment by the Italian government Wiggins withdraws, having suffered significant losses
  - 2001 Wiggins agrees a deal to build and operate an airport in Ajman, UAE. The plan is abandoned in 2003
  - 2001 the Financial Review Reporting Panel criticises Wiggins for five years of inaccurate reporting of its financial results
  - 1999-2002 Wiggins reported losses of £8.6M with a further £2M loss over 2003-2004

- 2003 Trading in Wiggins shares is suspended
- 2004 Wiggins takes lease to operate International side of Melbourne Airport USA. Project is just starting as PlaneStation goes under in 2005
- 2004 Wiggins enters into a JV with the local authority in Hungary to take over Borgond Airport
- 2004 Wiggins Group changed its name to PlaneStation It posts losses of £73M in 2004 and had to borrow £46M at an interest rate of 28%
- 2004 PlaneStation buys 30% of a new airline EUJet
- 2005 Wiggins (now PlaneStation) goes into liquidation
  EUJet operations suspended
  Pilsen is sold; Lahr airport sold to Babcock & Brown; work had not begun on Borgond Airport
- **2005 New Zealand company Infratil purchases Manston for £17M**
- 2005 – 2012 passenger services run from Manston (Flybe; Monarch)
- **2013 first KLM flight takes off from Manston (April)**
- **2013 Infratil announces sale of Manston Airport to Manston Skyport (October), wholly owned by Ann Gloag, for £1** and £1.5M debt
  - In each year that Infratil Limited owned Manston it incurred losses of more than £3 million per annum and wrote off the purchase price of £17 million.
- 2014 (March) Manston Skyport announced its plan to close Manston. In the 4 months from November 2013 – March 2014 the airport made revenue losses of £100,000 per week plus significant capital losses (Manston Airport under private ownership: The story to date and the future prospects. Kent County Council. March 2015)
- Manston closed on 15 May 2014.
  - 144 people lost their jobs
  - Skyport told the House of Commons Transport Committee it closed Manston because, "Ryanair withdrew from discussions to operate from Manston, because British Airways decided not to relocate its cargo operation to Manston and because the Airports Commission concluded that hub capacity should be expanded in the south-east." House of Commons Transport Committee Report on Smaller Airports, ordered by the House of Commons. 9 March 2015
- **2014 RiverOak Investment Corporation** approached Ann Gloag about a possible purchase of Manston Airport for £7M. The offer was rejected. Tony Freudmann is spokesperson for RiverOak consortium
- According to Kent County Council, "The Wiggins Group and Planestation failed in their ambition for Manston to become a successful international airport; but even then, more than 10 years ago, they also had ambitions for property development on the airport site, in collaboration with property developers MEPC plc."

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Is History Repeating Itself?

In spite of repeated attempts to secure Manston as an airport, either as a cargo airport or as a regional airport, the site has failed. This is consistent with Thanet District Council, Kent County Council, Stonehill Park Ltd and other independent expert aviation consultants' reports regarding the future prospects of aviation at Manston. It is also in spite of hundreds of millions of pounds of investment in the site and the surrounding infrastructure, by a combination of private investors and Kent County Council.

Tony Freudmann has been at the heart of this journey. Here are some quotes from other individuals involved in the aftermath of trying to turn Manston Airport around:

"PlaneStation has been one of the most woeful ventures ever to grace the London Stock Exchange. Over the past ten years the group, previously known as Wiggins, has raised more money, north of around £115M than its actual market valuation. With this cash it built up an international chain of seven (hitherto largely dormant) airports and an assortment of property interests and assets in the UK. Apart from property disposals it has generated little in the way of revenues, milked its investor base for all they were worth and produced gargantuan annual losses" Martin May, Turnaround Practitioner.
https://www.growthbusiness.co.uk/planestation-turnaround-from-hell-198/

Turnaround expert for PlaneStation: "When I first came here we spent £11M maintaining dormant airports. The previous year £13.5M"

[redacted] "I wanted to make it a success and I didn't buy it to close it. Our whole team worked tirelessly to secure new business for the airport but no new operators considered it a viable option. It was only when our aviation team arrived at Manston that we started to discover the scale of the problems."
Isle of Thanet Gazette: "Why did you reject RiverOak's offers to buy it?"
[redacted]: "They were introduced to us as a potential buyer and in good faith we entered into discussions with them. However, we had serious concerns from the outset about the way RiverOak conducted their business with us. We are aware of the £7 million figure that has been made public by RiverOak. For clarification, the structure of their offer meant the final amount would have been considerably less. They also failed to provide any business plan to back up their claims of future employment or to reassure us that their bid offered commitment to maintain it as an operational airport."

What is different now? Isn't it time to stop?

Nothing has changed in any material way. The same plan: cargo the passenger flights. The same airport acquisition strategist, Tony Freudmann. The same airport with the same geographical constraints. The same impoverished Thanet with a lack of Industry to supply outbound flights. More certainty around Government policy for hub airports and growth at Heathrow. More clarity on flat-line dedicated cargo capacity forecasts. An unconvincing business plan. Lack of transparency of funding. Inability to meet simple, reasonable deadlines set by PINS. In all, a project that surely offers very low confidence of success. Given the ongoing inability to provide answers to what should be straightforward requests for basic financial information to allow essential due diligence, and given the clear parallels between now and Manston's well documented past, isn't it time to stop, and allow Thanet to move forward?

To this end, I also include Letter to Councillor Robert W. Bayford Leader, Thanet District Council from The Rt Hon James Brokenshire MP *Secretary of State for Housing, Communities and Local Government* on 28 January 2019 regarding a Local Plan Intervention. Thanet needs secure jobs, a Manston site that will support the existing local economy, and affordable housing.

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Evidence Base

1. PINS Rule 6 Letter
2. PINS S51 Advice Letter
3. Proposed Manston Airport Development Consent Order Application ref: TR020002. 18 January 2019. **Deadline 1 submission** - 18 January 2019 - document ref TR020002/D1/Cover BDB Pitmans on behalf of the Applicant, RSP
4. House of Commons Transport Committee. Smaller Airports: Ninth Report of Session 2014-15
5. Manston Airport under private ownership: The story to date and the future prospects. Kent County Council. March 2015
6. Local Plan Intervention. Ministry of Housing, Communities & Local Government. Letter to Councillor Robert W. Bayford Leader, Thanet District Council from The Rt Hon James Brokenshire MP *Secretary of State for Housing, Communities and Local Government* on 28 January 2019
7. For Independent Aviation Expert reports regarding Manston Airport please see my other submissions and associated electronic files.

House of Commons

Transport Committee

Smaller airports

Ninth Report of Session 2014–15

Report, together with formal minutes relating to the report

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Contacts

All correspondence should be addressed to the Clerk of the Transport Committee, House of Commons, 14 Tothill Street, London SW1H 9NB, The telephone number for general enquiries is 020 7219 6263; the Committee's email address is transcom@parliament.uk

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Report

Summary

Smaller airports are economic and social enablers. They facilitate vital national and international connections for people and businesses in the UK.

We found that Air Passenger Duty (APD) is the principal threat to the smaller airports sector. APD cannot be amended to support people, businesses and regional economies because of the operation of European competition law, while proposals to devolve it to the regions would serve only to spread a patchwork of market distortions across the UK. It was disappointing that the concerns we raised about APD in our First Report of Session 2013-14 on *Aviation strategy* were ignored by the Treasury. We urge Transport Ministers to pursue those recommendations and the important concerns raised by smaller airports with the Treasury.

The Airports Commission will publish its final report on expanding hub airport capacity in the south-east shortly after the general election. The whole country will only be able to share the economic benefits if airlines secure slots to provide services to UK airports outside London. The DfT needs to assess how new slots might be allocated and whether slots could be ring-fenced for domestic services.

The DfT recently began to promote the use of Public Service Obligations (PSOs) to subsidise existing and new air routes from smaller airports. This is an interesting new initiative to facilitate regional connectivity, but the European Commission rules governing PSOs are opaque. The DfT needs to seek clarification from the Commission as a matter of urgency to allow airports and airlines to plan effectively and to engage with this policy.

Manston airport closed just before the start of our inquiry in May 2014. We considered this case in detail both to inform our wider recommendations and because the Kent public are concerned. We found a relatively small district council grappling with complex questions in relation to the current and future use of the airport which were beyond its expertise and resources. We welcome the DfT's recognition of that point and subsequent intervention, which we hope will provide the district council with access to the necessary advice. To ensure that similar cases do not arise in future, the Government needs to review the backing provided by higher-tier local government and central Government to small district councils in complex, one-off cases and examine whether it has the necessary powers to protect strategic transport assets.

1 Introduction

Scope

1. In this inquiry, we defined a smaller airport as one with a Civil Aviation Authority (CAA) licence which handled fewer than 5 million passengers per annum. The nine busiest UK airports—London Heathrow, London Gatwick, Manchester, London Stansted, Edinburgh, London Luton, Birmingham, Glasgow and Bristol—fell outside the scope of our inquiry. The 40 or so smaller airports that were in the scope of the inquiry ranged in size from Newcastle, which handled 4.4 million passengers in 2013, to Lydd, which handled 1,000 passengers.[1] We also considered smaller airports which did not handle scheduled passenger flights but which hosted services such as business aviation, express air freight, general aviation or helicopter operations.

2. Smaller airports host a range of aviation services including scheduled services to domestic and international destinations, lifeline passenger services to geographically isolated locations, chartered holiday flights, freight and cargo operations, flying schools, helicopter operations and aircraft maintenance.

Value

3. Smaller airports are economic enablers. They allow businesses and people to transport themselves, visitors, customers and products nationally and internationally, which facilitates both exports and internal investment. In addition, smaller airports are themselves employers and often provide a focus for clusters of aviation-related businesses. For example, Newcastle airport provides 3,200 onsite jobs and supports a further 8,000 jobs in the north-east region. It generates some £650 million each year for the north-east economy. Similarly, more than 2,000 people work at Liverpool John Lennon airport, which contributes around £170 million annually to the local economy.[2] Smaller airports are crucial to the maintenance and growth of regional economies.[3]

4. Smaller airports also provide essential lifeline connectivity for geographically isolated locations such as Orkney, Shetland and the Hebrides. Such services are generally not commercially viable and require state support. In 2014, we examined the social and political case for subsidising such services in our Report on *Passenger Transport in Isolated Communities*.[4]

Viability

5. Smaller airports grew rapidly in the late 1990s and early 2000s. Over that period, airports outside London grew more rapidly than those serving the capital, because passenger numbers increased in line with the expansion of low-cost, short-haul airlines. Passenger

1 Civil Aviation Authority, *UK Aviation Statistics 2013*

2 Q10

3 Airport Operators Association (SMA 020); Department for Transport (SMA 039) paras 19 to 21

4 Transport Committee, Fourth Report of Session 2013-14, *Passenger transport in isolated communities*, HC 288

numbers at smaller airports began to decline in 2005. That trend was exacerbated by the 2008 recession, since when smaller airports have suffered disproportionately compared with larger airports.[5] John Spooner, Chairman, Regional and Business Airports Group, observed that "small airports caught pneumonia when the rest of the country caught a cold."[6] The Department for Transport (DfT) acknowledged that "recent economic conditions have been challenging for the UK's aviation sector."[7]

6. Smaller airports are relatively fragile commercial entities. While they operate from fixed locations and catchment areas, airlines and other aviation businesses are highly mobile and can swiftly adjust or relocate their services in line with demand. Smaller airports that rely on services provided by a single airline are especially vulnerable to fluctuations in market conditions. In response, some smaller airports have diversified the range of aviation-related activities conducted from and at their sites to maximise resilience and commercial viability. Darren Caplan, Chief Executive, Airport Operators Association (AOA), pointed out that "Bournemouth has successfully diversified; they have one third commercial, a third general aviation and a third cargo. Humberside has gone strongly into helicopters to supplement its income. Biggin Hill and Farnborough both have a strong aerospace component on their sites."[8]

7. Since the 2008 recession, Bristol Filton, Coventry, Plymouth, Penzance and Manston airports have all closed either completely or to commercial traffic. In addition, Blackpool closed to commercial traffic in the course of our inquiry.[9] Although the circumstances varied in those cases, the closures were ultimately a result of airport owners and/or airlines concluding that commercial services were no longer viable. Iain Osbourne, Group Director for Regulatory Policy, CAA, asserted that "it is very hard to kill an airport".[10] He argued that uncommercial airports often "drop down to a semi-dormant state" but are "still there … disciplining the market."[11] The argument that a dormant airport is still economically significant because airlines might choose to fly from it in the future cannot be sustained if temporarily uncommercial airports are developed for housing, as happened at Bristol Filton and has been proposed at Manston [see paragraph 45]. Because airports, by their nature, occupy large, flat sites, they are attractive to developers, especially in areas of high housing demand.

8. The UK contains a relatively large number of airports in a fairly small geographical area. Indeed, it contains more airports per head than comparable EU member states.[12] The Under-Secretary of State, DfT, Robert Goodwill MP, observed that "we live in a vibrant, competitive environment, unlike many parts of Europe where local authorities control their airports … I am very comfortable with the fact that we have a large number of

5 Q6

6 Q32

7 Department for Transport (SMA 039) para 7

8 Q32

9 Blackpool airport closed to commercial traffic in October 2014.

10 Q24

11 Q32

12 Department for Transport (SMA 039) para 14

airports."[13] The Chartered Institute of Logistics and Transport (CILT) spelled out the practical consequences of the Minister's observation:

> Smaller airports vary in terms of financial viability, but there are a number which are not and probably never will be profitable. There are some regions where there are more airports than are really needed, and where the case for public financial support is not strong. An airport cannot survive if airlines and other aircraft operators do not want to use it.[14]

9. **We welcome the range of consumer choice provided by the comparatively large number of smaller airports in the UK. The Government is rightly cautious about making direct interventions in this market, which rewards enterprise and provides consumers with competitive prices and choice. There is no case for a general policy of state intervention to keep all smaller airports open.**

13 Q200

14 Chartered Institute of Logistics and Transport (SMA 038) summary

2 Levelling the playing field

10. We expect the Government to maintain a fiscal and regulatory regime that encourages investment, allows fair and open competition between airlines and airports, supports regional connectivity and addresses damaging market distortions. This chapter examines how the Government is addressing those issues.

Air Passenger Duty

11. Air Passenger Duty (APD) is an excise duty which is charged on nearly all passenger flights departing from airports in the UK and the Isle of Man.[15] The rate of duty varies according to passenger destination and class of travel. Darren Caplan, Chief Executive, AOA, highlighted the impact of APD on smaller airports:

> Before I came here today I asked several small airports, "What is the single biggest issue? You can say anything. Surface access? Planning?" APD comes back again and again. It is the airlines that are being charged, and they are saying that APD is the thing affecting their growth. It is a big issue.[16]

APD directly affects the growth and viability of smaller airports. We heard that several airlines decided either not to route to the UK or to fly less frequently because of the impact of APD.[17]

12. Because APD is a departure tax, it is currently applied to both the inbound and outbound legs of domestic return flights in the UK. Such domestic flights might involve travelling point to point or transferring to/from further flights at a hub airport in the UK. Domestic return flights are core business for airlines operating from regional smaller airports. The double-charging of APD disproportionately affects passengers travelling from UK smaller airports in addition to placing all UK airports at a disadvantage compared with their EU competitors. For example, a passenger who took a return flight from Leeds-Bradford airport to New York via Heathrow would be charged APD on the outbound flights from Leeds-Bradford to Heathrow and from Heathrow to New York. In addition, they would be charged APD on the return inbound flight from Heathrow to Leeds-Bradford. In comparison, a passenger who flew from Leeds-Bradford airport to New York via Paris Charles de Gaulle would only be charged APD on the outbound flight from Leeds-Bradford to Paris.

13. Following its introduction in 1994, the disproportionate effect of APD was recognised by an APD exemption on the return leg of domestic flights. In June 1998, the European Commission ruled that that exemption for domestic flights was legally defective, because it

15 APD is not charged on flights involving aircraft with fewer than 20 seats or on flights from airports in the Scottish Highlands and Islands.

16 Q37

17 Q37

did not provide the same effective tax treatment for all EU flights.[18] The APD exemption for the return leg of domestic flights was subsequently scrapped in the Budget 2000.[19]

14. In addition to its effect on domestic flights, APD curbs demand for international tourism to the UK. World Economic Forum data places the UK 139th out of 140 countries in terms of tourism competitiveness with respect to air taxes and charges. Only Chad operates a less competitive air taxation regime than the UK.[20]

15. In the autumn statement 2014, the Treasury attempted to mitigate the effect of APD on airports and airlines by scrapping APD for children under 12 from May 2015, with the revision being extended to children under 16 in 2016. Larger airports host the majority of international family holiday traffic. Indeed, many smaller airports do not have long enough runways to land the large jets that are used to run long-haul holiday flights. **We welcome the acknowledgement of the negative impact of APD on the aviation sector in the autumn statement 2014. However, exempting children from APD was a marginal change which did nothing for business travellers and little for smaller airports.**

16. Following the Scottish independence referendum, the Smith Commission was set up to examine the further devolution of powers to Scotland. In November 2014, it recommended devolving APD to the Scottish Parliament.[21] In line with the Smith Commission recommendation, clause 14 of the draft Scotland Bill would disapply APD from passengers departing from Scottish airports and allow the Scottish Parliament to set a tax for passengers departing from Scottish airports.[22] It is, of course, conceivable that the Scottish Government would set a tax at the same rate as APD in England, in which case this devolutionary measure would have no effect beyond increasing tax revenues to the Scottish Government.

17. Northern Ireland is currently the only part of the UK to share a land border with another state—in this case, the Republic of Ireland—which applies lower rates of aviation tax. Belfast International Airport explained how the variation in aviation taxes between Belfast and Dublin has affected its operations:

> The imposition of such a costly 'penalty' creates significant price advantage for competitor airlines operating out of Dublin Airport. It is estimated that Northern Ireland is losing 1.5 million passenger journeys to Dublin which translates into the loss of 1,500 jobs capable of generating £30 million approximately in wages and salaries coupled with the creation of new downstream enterprises … For the foreseeable future, Dublin will continue to 'poach' passengers from Northern Ireland, something that will continue to have a deleterious effect on both profitability and route development. In confidential talks we have had with a number of prospective carriers, they have indicated that APD is preventing them from making favourable

18 HC Deb 26 May 1999 col 183W [Commons written answer]

19 Finance Act 2000, section 18

20 ABTA (SMA 057) para 22

21 The Smith Commission, *Report of the Smith Commission for further devolution of powers to the Scottish Parliament*, November 2014

22 Cabinet Office, *Scotland in the United Kingdom: An enduring settlement*, Cm 8990, January 2015

decisions which, when added up, would amount to an additional 3 million passengers or 3,000 new jobs.[23]

APD prevents airports in Northern Ireland competing on a level playing field with airports in the Republic of Ireland. This has cost Northern Ireland jobs, growth and connectivity.

18. **If APD were scrapped in Scotland, airports in England would be subject to a similar competitive disadvantage to that currently experienced in Northern Ireland. The further devolution of APD to, for example, north-east England or Wales would ultimately serve to extend a patchwork of APD-derived market distortions across the UK and drive a race to the bottom on regional APD rates. We would prefer the Government to act strategically and in the national interest to address APD.**

19. The DfT acknowledged smaller airports' concerns about APD in its written evidence to this inquiry, but balanced that observation by highlighting the contribution APD makes to Exchequer revenues.[24] We acknowledge the importance of maintaining tax revenues but question whether APD is an efficient means of achieving that end. In 2013, a report by PricewaterhouseCoopers, *The Economic Impact of APD*, found that abolition of APD could provide an initial short-term boost to UK GDP of around 0.45 % in the first 12 months, averaging at just under 0.3 % in subsequent years. In addition, it found that abolition would result in an increase in investment and exports, arguing that investment might rise by 6% in total between 2013 and 2015, with exports rising by 5% in the same period. The report argued that almost 60,000 jobs could be created between 2013 and 2020 if APD were axed. PricewaterhouseCoopers concluded that the abolition of APD would more than pay for itself through increased tax revenues from other sources due to the consequent increase in economic activity.[25]

20. **The way in which APD is double-charged on domestic return flights is damaging to UK smaller airports. In effect, it incentivises airlines and passengers to fly from airports located in other EU member states. It cannot be revised to allow UK airports to compete on a level playing field in the European marketplace because of the operation of EU competition law. The proposed devolution of APD to Scotland threatens to create further market distortions which could severely disadvantage airports in England. *It is disappointing that the concerns we raised previously about APD in our First Report of Session 2013-14 on Aviation strategy were ignored by the Treasury.*[26] *We urge Transport Ministers to pursue those recommendations and the important concerns raised by smaller airports with the Treasury.***

Public Service Obligations

21. A Public Service Obligation (PSO) is an arrangement by which a governing body or other authority runs an auction for subsidies which allows the winning company a

23 Belfast International Airport (SMA 069)

24 Department for Transport (SMA 039) para 14

25 PricewaterhouseCoopers, *The Economic Impact of APD*, February 2013

26 Transport Committee, Sixth Special Report of Session 2013-14, *Aviation strategy: Government Response to the Committee's First Report of Session 2013-14*, HC 78, recommendation 29

monopoly to operate an air service for a period of time for the given subsidy. PSOs are used in cases where there is insufficient revenue for routes to be profitable in a free market, but where it is socially, economically and/or politically desirable to maintain the transport link. In short, PSOs allow the state to subsidise air travel that is not commercially viable.

22. PSOs must be offered for tender in the Official Journal of the European Union and bidding is open to any transport operator registered in an EU member state. The winning tenderer usually receives a monopoly on the route, but they may have to conform to one or more conditions of service, such as the type and size of aircraft, the timing of services, maximum fares or service quality.

23. In 2014, the Government introduced a policy to promote the use of PSOs to maintain routes from smaller airports to London which might otherwise be lost. The funding stream for that policy is known as the Regional Air Connectivity Fund. In June 2014, the Government announced support from the Regional Air Connectivity Fund to maintain the air link between Dundee airport and London Stansted until 2016 through a PSO agreed with Dundee City Council.[27] In October 2014, the Government announced a second new PSO to maintain the Newquay to London Gatwick air link, which was agreed with Cornwall County Council.[28]

24. On 22 January 2015, the Government extended its PSO policy to include state support for new air routes rather than simply supporting existing routes at risk of closure. It made £56 million available over the next three years to fund PSOs that support new air routes. Airports and airlines were invited to bid for this funding, with the first round of applications closing on 25 February 2015.[29] ***The DfT should regularly report on the number of applicants and of successful applications to the Regional Air Connectivity Fund to support new air routes and publish this information on its website.***

25. State support for air transport is governed by European Commission aviation state aid guidelines. PSOs can only be implemented with the agreement of the European Commission. The DfT has submitted a "*Draft protocol for UK start-up aid for airports handling fewer than 3 million passengers per annum*" for clearance by the European Commission.[30] If the European Commission agrees this protocol, the DfT will be able to award start-up aid for air transport to airports handling fewer than 3 million passengers per annum without further reference to the European Commission. ***The DfT should set out a timetable for negotiations with the European Commission on its "Draft Protocol for UK start-up aid for airports handling fewer than 3 million passengers per annum" to allow smaller airports and local authorities that are considering accessing the Regional Air Connectivity Fund to plan effectively.***

26. European Commission guidelines allow start-up aid to be provided for air routes involving airports that handle between 3 million to 5 million passengers per annum in

27 Department for Transport, *UK government funding for Dundee to London Stansted air link,* 6 June 2014

28 Department for Transport, *Government funding secures Cornwall to London air link*, 27 October 2014

29 Department for Transport, *Regional airports asked to bid for up to £56 million funding for new routes over next 3 years*, 22 January 2015

30 Department for Transport, *Airports with fewer than 5 million passengers per year: start-up aid*, 22 January 2015

"duly substantiated exceptional cases".[31] Such cases must be individually notified to the European Commission and require individual clearance from the European Commission before funding can be made available. The DfT stated:

> Discussions with the Commission have not identified what evidence would need to be provided but have indicated that the bar is likely to be set very high. Therefore application for routes from airports of between 3-5 million passengers per annum will need to submit as part of the initial application stage very strong evidence to demonstrate that funding of the route is a 'duly substantiated exceptional case'.[32]

The DfT should work with the European Commission to clarify what a "duly substantiated exceptional case" means in practice. Certainty on that point will allow UK smaller airports handling between 3 million and 5 million passengers a year to engage with the DfT's PSO policy, which could play an important role in facilitating regional air connectivity.

27. **We welcome the DfT's policy of promoting PSOs both to support existing air routes and to start up new air routes. As currently implemented and given its current level of funding, however, this policy represents a marginal change to the smaller airports market rather than a strategic intervention. For example, although the maintenance of air routes from Dundee to London Stansted and from Newquay to London Gatwick may be desirable, it is unclear why those air routes should attract public subsidy while others do not. PSOs could become strategically significant if they were used to facilitate regional connectivity to an expanded hub airport in the south-east.**

Airports Commission

28. The Airports Commission is currently examining the need for additional airport capacity in the UK. In its interim report, the Airports Commission concluded that one additional runway is needed in the south-east by 2030 and that a second new runway will probably be required in the south-east by 2050 if the UK is to retain international connectivity. The Airports Commission has identified two options at London Heathrow and one option at London Gatwick where new runways might be constructed.[33] It will make its final report and recommendations to the next Government in summer 2015.

29. The UK is currently suffering from a shortage of hub airport capacity rather than a shortage of airport capacity per se. We discussed the nature and importance of hub airports in detail in our *Aviation strategy* report.[34] Hub airports serve both their own catchment areas and incoming traffic from other airports. The volume of traffic handled by hub airports enables them to serve additional destinations and to maintain high service volumes. The UK currently has one hub airport, Heathrow, which has been short of

31 Department for Transport, *Start-up aid for airports with fewer than 5 million passengers per annum* (January 2015), para 1.6

32 Department for Transport, *Start-up aid for airports with fewer than 5 million passengers per annum* (January 2015), para 1.10

33 Airports Commission, *Interim Report* (December 2013)

34 Transport Committee, First Report of Session 2013-14, *Aviation strategy*, HC 78-I, chapter 4

capacity for a decade and which is currently operating at full capacity. Constrained capacity has damaged domestic air connectivity from smaller airports to Heathrow, and the number of UK destinations served from Heathrow has steadily declined over the past decade. In 2015, the only smaller airports with an air route to Heathrow are Aberdeen, Belfast City, Leeds-Bradford and Newcastle.[35]

30. Many smaller airports have replaced withdrawn flights to Heathrow with flights to European hub airports. While airport hubs in northern Europe—in particular, Amsterdam-Schiphol, Frankfurt and Paris Charles de Gaulle—are attracting more transfer traffic from the UK, Heathrow remains a key access point to international and long-haul travel for many passengers from smaller airports. In its interim report, the Airports Commission identified that connections to other European airport hubs enhance connectivity from the UK's regional airports but are not an adequate replacement for links to Heathrow.[36] Heathrow offers strong connectivity to a number of important markets, notably North America, which is not replicated at other hub airports. The value of regional links to Heathrow is demonstrated by the fall in passenger numbers at smaller airports where such services were withdrawn. For example, Durham Tees Valley airport experienced a 75% reduction in passenger numbers following the withdrawal of its Heathrow service in 2009.[37]

31. If the next Government were to implement a recommendation by the Airports Commission to construct a new runway at either Heathrow or Gatwick regional connectivity could be hugely increased. Such a step change in regional connectivity would only occur, however, if smaller airports were able to link to enhanced hub capacity by securing slots at the expanded airport.

32. The CAA explained why airlines have withdrawn services from UK smaller airports to Heathrow:

> The lack of runway capacity at Heathrow … has probably priced off services that generate a smaller profit per slot. Since domestic services tend to be served with smaller aircraft and cover shorter distances than other routes, they are likely to generate a smaller profit per slot to airlines.[38]

Although an increase in hub capacity in the south-east would deliver more slots for airlines, the economic barrier to regional connectivity to smaller airports highlighted by the CAA would still apply, because the slots would be released in tranches to maintain demand. This means that the market alone may never deliver sufficient slots to facilitate regional connectivity.

33. The CAA explained how new slots at an expanded hub airport in the south-east would be released:

35 Department for Transport (SMA 039) para 30

36 Airports Commission, *Interim Report* (December 2013)

37 Department for Transport (SMA 039) para 9

38 Civil Aviation Authority (SMA 024) para 2.17

> There is a collaborative process between airports, NATS and the airlines to decide who is going to get the slots. If the role is left with the airports, I would have thought that capacity—slots—will be released at a pace that sustains the overall economics, because it is not in any of the commercial players' interests to drive down values.[39]

It seems likely that new slots at an expanded hub airport in the south-east would be released in timed tranches to maintain demand, which would underpin any bonds issued to finance airport expansion.

34. The Minister set out his view that the market would deliver sufficient slots to support regional connectivity from smaller airports:

> I am confident that the airlines based in our UK major airports will see the opportunity of increased slots being made available to get passengers who are currently going to Schiphol, Charles de Gaulle, Frankfurt or Brussels into airports in the London area. I think they will rise to that challenge.[40]

Paul Le Blond, Chair, Aviation Forum, Chartered Institute of Logistics and Transport, was less confident that the market would deliver services to smaller airports. He proposed ring-fencing a certain number of new slots at an expanded hub airport for services to smaller airports. He argued that ring-fencing "a double daily service to a reasonable number of small airports would be a very small proportion of any additional capacity created."[41] John Spooner, Chairman, Regional and Business Airports Group, stated that he had discussed with both Heathrow and Gatwick the question whether slots for services to regional airports should be ring-fenced.[42] He added that the time at which flights arrive at a hub airport in crucial in developing regional connectivity to support business growth.[43]

35. **The whole country will be able to share in the economic benefits of an expanded hub airport in the south-east only if that expansion entails airlines securing sufficient slots to maintain services to smaller airports in the English regions, Scotland, Wales and Northern Ireland. The way in which new slots at an expanded hub airport in the south-east might be allocated is currently opaque.** ***The DfT should assess (a) how new slots might be allocated; (b) whether some of those slots could be ring-fenced for domestic services to smaller airports; (c) whether the Public Service Obligation mechanism could be applied to new services using any such new slots; and (d) what proportion of new slots would need to be allocated to flights to UK smaller airports to support regional connectivity effectively.***

36. **We recognise that the Airports Commission has carefully defined the scope of its inquiry. Nevertheless, we note that it has on occasion considered the role of smaller airports.** ***We encourage the Airports Commission to reflect on the role of smaller airports***

39 Q42
40 Q256
41 Q42
42 Q44
43 Q44

in its final report. In particular, it should consider how new slots at an expanded hub airport in the south-east might be allocated to services to smaller airports in the UK.

3 Case study: Manston

37. Manston airport is located in the district of Thanet in Kent some 13 miles north-east of Canterbury and about one mile from the coast near the town of Ramsgate. It occupies a 700-acre site. Manston closed as an airport shortly before the start of this inquiry in May 2014. We scrutinised this individual case of a smaller airport closing to inform our inquiry and wider recommendations.

38. Manston has a relatively lengthy runway which extends to some 9,000 feet. The largest long-haul aircraft—for example, Airbus A310, A330, A340, A350 and A380; Boeing 747, 767, 777, 787; and McDonnell Douglas DC-10 and MD-11—require a runway of at least 8,000 feet. Apart from Heathrow, Gatwick and Stansted, Manston is the only runway in the south-east capable of handling the largest long-haul aircraft. Several witnesses to our inquiry pointed out Manston's suitability as a diversionary airport due to its lengthy runway.[44] Stansted airport is currently used to handle most diverted aircraft in the south-east. Diversions disrupt commercial operations at Stansted, which is bad news for passengers and airlines. That problem is only likely to worsen as Stansted becomes busier over the next decade.[45] The Minister pointed out that "suitably trained traffic controllers, emergency services and expert technical support" would need to be located at Manston for it to receive diverted aircraft.[46]

History

39. Manston is a former RAF base. In 1989, a civilian airport, Kent International airport, was set up within the RAF facility. This airport was run from the current terminal building. In 1998, the Ministry of Defence put RAF Manston up for sale. All RAF operations ceased at the site in 1999. In 1999, Manston was purchased by the Wiggins Group, which oversaw the airfield's transition from a military base to CAA-licensed civilian airport. From 1999 to 2003, the Wiggins Group operated Manston as a cargo airport. In 2004, the Wiggins Group, which at this point changed its name to PlaneStation, purchased a new airline called EUjet. EUjet based five aircraft at Manston, which attempted to compete as a passenger airport. In 2005, all EUjet operations were suspended and the airport went into liquidation.[47]

40. Manston was purchased by a New Zealand company, Infratil, in August 2005 for £17 million. From 2005 to 2012, airlines such as Flybe and Monarch ran scheduled passenger services from Manston. In November 2012, Infratil secured a new commercial passenger service at Manston, when KLM announced twice-daily flights to Amsterdam. The first KLM flight took place in April 2013.

44 Q174; Q184; Q194

45 Daily Telegraph, *Plane diverted under RAF escort after disturbance on board*, 24 January 2011

46 Q217

47 RiverOak (SMA 042) para 18

Manston Skyport

41. On 15 October 2013, Infratil announced they would sell Manston Airport to a company called Manston Skyport. Manston Skyport was wholly owned by Ann Gloag, co-founder of Stagecoach Group. It began running the airport on 29 November 2013. Ann Gloag purchased Manston from Infratil for £1.[48] At the time of the purchase, she stated:

> I am delighted to have purchased Manston Airport from Infratil as I believe there is real potential for growth that has not been fully captured. Having worked in the transport industry for over 30 years, I believe I am very well placed to help maximise opportunities for both freight and passengers at Manston.[49]

The local Member of Parliament, Sir Roger Gale MP, told us that "In a personal telephone conversation with me at that time Ms. Gloag indicated that she intended to invest heavily in the airport and would give it two years to turn around the business."[50] We invited Ann Gloag to provide us with oral evidence at our session on 2 February 2015. She was unavailable, although the company that ran Manston on her behalf, Manston Skyport, provided written and oral evidence.

42. Manston Skyport announced its plan to close Manston airport on 19 March 2014, less than four months after its purchase. The airport closed on 15 May 2014 and its commercial aerodrome licence was returned to the CAA, which meant that it was no longer licensed to operate as an airport. Manston Skyport told us that it decided to close Manston because Ryanair withdrew from discussions to operate from Manston, because British Airways decided not to relocate its cargo operation to Manston and because the Airports Commission concluded that hub capacity should be expanded in the south-east.[51]

RiverOak

43. RiverOak Investment Corp is a private equity group based in Stamford, Connecticut, USA. RiverOak was keen to purchase Manston as a base for cargo operations.[52] It told us:

> In late April 2014, RiverOak began a dialogue with Mrs Gloag regarding a possible purchase of the airport. Mrs Gloag provided full financial disclosure based on which RiverOak offered to pay the asking price of £7 million. The offer was rejected.[53]

Manston Skyport contested RiverOak's claim that it had offered £7 million to purchase Manston airport.[54] RiverOak later provided documentary evidence to back up this claim.[55]

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48 Q49

49 Kent Online, 14 October 2013

50 Sir Roger Gale MP (SMA064)

51 Q69; Q61

52 Q117

53 RiverOak (SMA 042) para 18

54 Qq 75-84

55 RiverOak (SMA090)

If Ann Gloag's motivation was to run Manston as an airport, accepting RiverOak's £7 million offer would have allowed her to correct her initial error in purchasing the airport and left her with a generous profit. RiverOak has maintained its interest in purchasing Manston and operating it as an airport.

Sale to Trevor Cartner and Chris Musgrave

44. In its written evidence, Manston Skyport stated that "In September 2014 Manston Skyport sold the site to regeneration specialists who have plans to redevelop the site over the coming years."[56] The regeneration specialists, Trevor Cartner and Chris Musgrave, were invited to provide us with oral evidence on 2 February 2015. They were unavailable, although they later submitted written evidence. In September 2014, Chris Musgrave told *Kent Online*:

> We will be looking to comprehensively redevelop the whole site to create a mixed-use community. This is in light of the fact that the airport has closed, the equipment has been sold and it will not reopen. We are aware that there were a number of job losses when the airport closed and a far greater number will replace these, and that the benefits will reach the whole of east Kent.[57]

45. At our oral evidence session on 2 February 2015, we examined Manston Skyport's statement that it "sold the site to regeneration specialists".[58] Pauline Bradley, Director, Manston Skyport Limited, told us that "80% of the share capital of that business is owned by Mr Musgrave and Mr Cartner. We have a minority interest in the business going forward."[59] We noted:

- Manston Airport is currently owned by a joint venture company called Lothian Shelf 718. There are two classes of share in Lothian Shelf 718—A shares and B shares. Mr Cartner and Mr Musgrave hold 80 A shares; Ann Gloag holds 20 B shares.[60]

- The articles of Lothian Shelf 718 state that a decision at a directors meeting requires a unanimous vote involving at least one A director and one B director.[61] There are two A directors, Mr Cartner and Mr Musgrave, and one B director, Pauline Bradley, who was appointed by Ann Gloag. Regardless of her minority shareholding, Ann Gloag, as holder of the 20 B shares and having appointed the B director, holds equal decision making power to and a de facto veto over Mr Cartner and Mr Musgrave.

56 Manston Skyport Limited (SMA0070) para 4.1

57 Kent Online, 24 September 2014

58 Manston Skyport Limited (SMA0070) para 4.1

59 Q89

60 Trevor Cartner and Chris Musgrave (SMA 093)

61 Companies House, *Written record of resolution of the sole member of Lothian Shelf (718) Limited*, No. 09223403, para 10

- Ann Gloag holds a legal charge over the Manston airport site. This charge relates to a loan to Lothian Shelf 718.[62]
- Because the joint venture agreement between Mr Cartner, Mr Musgrave and Ann Gloag to redevelop Manston is not in the public domain, it is unknown how any profits derived from the redevelopment of Manston might be shared. The allocation of profits might not be in line with the 80:20 share allocation.

46. On Ann Gloag's motivation in purchasing Manston airport, Sir Roger Gale MP commented:

> I believe now that I was completely misled, that I was lied to and that Mrs Gloag had no intention whatsoever of running this as an airport, and every intention of seeking to turn it into an asset-stripping property development.[63]

The Minister expressed an alternative view, stating that he did "not believe that Mrs Gloag bought the airport with a view to closing down operations and turning it into a development site."[64] ***We recommend that Ann Gloag places the joint venture agreement between herself, Chris Musgrave and Trevor Cartner to redevelop Manston in the public domain to make it clear who would benefit from the proposed redevelopment of Manston and to repudiate allegations of asset-stripping. We would be happy to publish this document on our website.***

Thanet District Council

47. Thanet District Council (TDC) is the local planning authority with responsibility for Manston. TDC told us that it received a petition on 10 July 2014 asking it to compulsorily purchase Manston.[65] It subsequently agreed a motion to conduct "a detailed examination of the legal and financial implications of a Compulsory Purchase Order before a final decision is reached."[66] Councillor Iris Johnston, Leader, TDC, explained:

> We have had some difficult experiences of compulsory purchase orders (CPOs) and the feeling was that we needed an indemnity partner that covered all our costs … We went out for soft-market testing, and some companies came forward, including RiverOak … We were not satisfied with the information that was coming forward. It is very difficult for a company, particularly an American company, to meet the criteria of the district council. We need to see three years' accounts. Our due diligence is very strong.[67]

62 Land Registry, Title No. K803975; Q98

63 Q179

64 Q226

65 Q159

66 Thanet District Council, *Full council discuss purchase of Manston Airport*, July 2014

67 Q159

A CPO involving RiverOak as the indemnity partner was considered at a TDC cabinet meeting on 11 December 2014. The TDC cabinet decided not to proceed with the proposed CPO at that meeting.

48. We welcome Councillor Johnston's commitment to due diligence. We agree that risks should, so far as is possible, be transferred to the private sector to protect the interests of council taxpayers. However, we question whether a small district council has sufficient funds or legal and financial expertise to handle a case of this magnitude. For example, TDC told us that it spent £26,000 on legal advice in relation to the proposed CPO.[68] That sum was unlikely to provide TDC with adequate advice in relation to indemnification by a US company or to allow it to understand RiverOak's business plan and operating model. **We expect higher-tier local government bodies to fulfil their strategic oversight functions by supporting local planning authorities in resolving one-off, complex cases involving nationally significant transport assets.**

Kent County Council

49. Kent County Council (KCC) is the local transport authority for Kent, which means it has strategic oversight of aviation in the county. On 17 July 2014, KCC considered the case of Manston airport. County councillors agreed the following motion by 82 votes to nil:

> That Kent County Council supports the actions taken so far by Thanet District Council to retain Manston as a regional airport. We recognise the value that a regional airport brings to East Kent and are disappointed at its closure. Kent County Council will explore with Thanet District Council ways in which it can support proposals to retain Manston as an airport.[69]

Paul Carter, Leader, KCC, attended and voted at that meeting.

50. In September 2014, Paul Carter commented on the sale of Manston to Chris Musgrave and Trevor Cartner:

> Chris Musgrave and Trevor Cartner have a fantastic track record in taking over large and difficult sites following the demise of earlier uses, and regenerating them to create jobs and bring economic benefits to the wider area. Their team has done this at Wynyard Park in Billingham, where they have created 2,000 jobs and attracted £200 million of private investment, and at Discovery Park here in Kent where more than 1,000 new jobs have been added to the 600 that Pfizer left behind. I have every confidence that they can do even more at Manston.[70]

Paul Carter's remarks in September 2014 were inconsistent with the motion agreed by KCC on 17 July 2014.

68 Q163

69 Kent County Council, Minutes, 17 July 2014

70 Isle of Thanet Gazette, *County council leader has "confidence" in new owners of former Manston airport*, 23 September 2014

51. We asked Paul Carter to explain his position. He told us that "the motion that was supported unanimously by the county council said we would be prepared to support Thanet district council in a CPO process at Manston, provided a viable and thriving airport could be delivered at Manston."[71] He subsequently admitted that there was no such caveat to the KCC motion.[72] He also reiterated his enthusiasm for the redevelopment of the Manston site rather than its operating as an airport.[73] We asked him whether Trevor Cartner or Chris Musgrave had shown him detailed plans for the redevelopment. He replied, "They showed me nothing."[74]

52. **Kent County Council has the legal and financial resources to assess complex CPO cases. Despite having agreed a motion to support Thanet District Council, it failed to deploy those assets. In failing to support Thanet District Council's scrutiny of the proposed CPO at Manston, Kent County Council also failed to fulfil its strategic oversight function as the local transport authority.**

Role of the DfT

53. The DfT interceded in the Manston case following TDC's decision not to proceed with a compulsory purchase order. In December 2014, the Minister of State, DfT, John Hayes MP, chaired a meeting with interested parties and agreed to co-ordinate work across Government to explore all options to secure the airport's future. **That the DfT judged it necessary to intervene in the Manston case shows the extent to which Kent County Council failed to fulfil its strategic oversight role.**

54. In February 2015, more than two months after the DfT intervened, we asked the Under-Secretary of State, DfT, Robert Goodwill MP, what progress had been made. He told us that the DfT was doing "everything we can to facilitate a rescue deal so that aviation can continue at Manston, if that be possible".[75]

55. We asked the Minister to explain the nature of the DfT's intervention over the past two months. He explained that

> Thanet council supplied the Department for Transport with the papers they considered in reaching their decision that RiverOak were not a suitable indemnity party for the compulsory purchase process. A review of the papers supplied to the Department by Thanet council is one of a number of options being considered.[76]

On 5 March 2015, the DfT announced that it will "appoint a consultant to review the process so far on decisions about the future of Manston airport."[77] **We welcome the DfT's decision to appoint a consultant to examine the Manston case. The uncertainty faced by**

71 Q169
72 Q170
73 Q168
74 Q168
75 Q214
76 Q230
77 Department for Transport, *Manston airport review,* March 2015

the public and other interested parties could have been reduced if it had not taken three months before the DfT acted. ***The DfT should set out clear terms of reference for the consultant who is contracted to examine the Manston decision-making process and place them in the public domain. Those terms of reference should include (a) an explicit requirement to assess whether RiverOak is an appropriate indemnity partner for Thanet District Council; (b) a deadline for the consultant to report back to the DfT; and (c) an expeditious timescale for subsequent DfT decision making. To ensure that similar cases are handled promptly and effectively in future, the Government should clarify precisely how (a) central Government and (b) higher-tier local authorities are responsible for supporting lower-tier planning authorities in cases where a strategic transport asset is subject to a proposed compulsory purchase order.***

56. We asked the Minister which powers the DfT had used to intervene in the Manston case. He said that he did "not think that the United Kingdom Government, unlike maybe the Scottish or the Welsh Government, are in the position of wanting to intervene directly to take over operations of an airport."[78] **We agree that there is no general case for the Government to purchase airports, including Manston.** We questioned whether the DfT has any other powers short of nationalisation in cases where a strategic transport asset might be at risk. The Minister told us that "we have the powers that we need, for example, to work with the CAA … It is very important indeed that we explore all the avenues we can and ensure that whatever powers we have in terms of the Government can be used to their fullest effect."[79] ***The DfT should review what powers it has to intervene in cases where strategic transport assets are at risk and whether those powers are fit for purpose.***

78 Q215

79 Q216

Conclusions and recommendations

Viability

1. We welcome the range of consumer choice provided by the comparatively large number of smaller airports in the UK. The Government is rightly cautious about making direct interventions in this market, which rewards enterprise and provides consumers with competitive prices and choice. There is no case for a general policy of state intervention to keep all smaller airports open. (Paragraph 9)

Air Passenger Duty

2. We welcome the acknowledgement of the negative impact of APD on the aviation sector in the autumn statement 2014. However, exempting children from APD was a marginal change which did nothing for business travellers and little for smaller airports. (Paragraph 15)

3. APD prevents airports in Northern Ireland competing on a level playing field with airports in the Republic of Ireland. This has cost Northern Ireland jobs, growth and connectivity. (Paragraph 17)

4. If APD were scrapped in Scotland, airports in England would be subject to a similar competitive disadvantage to that currently experienced in Northern Ireland. The further devolution of APD to, for example, north-east England or Wales would ultimately serve to extend a patchwork of APD-derived market distortions across the UK and drive a race to the bottom on regional APD rates. We would prefer the Government to act strategically and in the national interest to address APD (Paragraph 18)

5. The way in which APD is double-charged on domestic return flights is damaging to UK smaller airports. In effect, it incentivises airlines and passengers to fly from airports located in other EU member states. It cannot be revised to allow UK airports to compete on a level playing field in the European marketplace because of the operation of EU competition law. The proposed devolution of APD to Scotland threatens to create further market distortions which could severely disadvantage airports in England. It is disappointing that the concerns we raised previously about APD in our First Report of Session 2013-14 on *Aviation strategy* were ignored by the Treasury. We urge Transport Ministers to pursue those recommendations and the important concerns raised by smaller airports with the Treasury. (Paragraph 20)

Public Service Obligations

6. The DfT should regularly report on the number of applicants and of successful applications to the Regional Air Connectivity Fund to support new air routes and publish this information on its website. (Paragraph 24)

7. The DfT should set out a timetable for negotiations with the European Commission on its "Draft Protocol for UK start-up aid for airports handling fewer than 3 million passengers per annum" to allow smaller airports and local authorities that are

considering accessing the Regional Air Connectivity Fund to plan effectively. (Paragraph 25)

8. The DfT should work with the European Commission to clarify what a "duly substantiated exceptional case" means in practice. Certainty on that point will allow UK smaller airports handling between 3 million and 5 million passengers a year to engage with the DfT's PSO policy, which could play an important role in facilitating regional air connectivity. (Paragraph 26)

9. We welcome the DfT's policy of promoting PSOs both to support existing air routes and to start up new air routes. As currently implemented and given its current level of funding, however, this policy represents a marginal change to the smaller airports market rather than a strategic intervention. For example, although the maintenance of air routes from Dundee to London Stansted and from Newquay to London Gatwick may be desirable, it is unclear why those air routes should attract public subsidy while others do not. PSOs could become strategically significant if they were used to facilitate regional connectivity to an expanded hub airport in the south-east (Paragraph 27)

Airports Commission

10. The whole country will be able to share in the economic benefits of an expanded hub airport in the south-east only if that expansion entails airlines securing sufficient slots to maintain services to smaller airports in the English regions, Scotland, Wales and Northern Ireland. The way in which new slots at an expanded hub airport in the south-east might be allocated is currently opaque. The DfT should assess (a) how new slots might be allocated; (b) whether some of those slots could be ring-fenced for domestic services to smaller airports; (c) whether the Public Service Obligation mechanism could be applied to new services using any such new slots; and (d) what proportion of new slots would need to be allocated to flights to UK smaller airports to support regional connectivity effectively. (Paragraph 35)

11. We recognise that the Airports Commission has carefully defined the scope of its inquiry. Nevertheless, we note that it has on occasion considered the role of smaller airports. We encourage the Airports Commission to reflect on the role of smaller airports in its final report. In particular, it should consider how new slots at an expanded hub airport in the south-east might be allocated to services to smaller airports in the UK. (Paragraph 36)

Case study: Manston

12. We recommend that Ann Gloag places the joint venture agreement between herself, Chris Musgrave and Trevor Cartner to redevelop Manston in the public domain to make it clear who would benefit from the proposed redevelopment of Manston and to repudiate allegations of asset-stripping. We would be happy to publish this document on our website. (Paragraph 46)

13. We expect higher-tier local government bodies to fulfil their strategic oversight functions by supporting local planning authorities in resolving one-off, complex cases involving nationally significant transport assets. (Paragraph 48)

14. Kent County Council has the legal and financial resources to assess complex CPO cases. Despite having agreed a motion to support Thanet District Council, it failed to deploy those assets. In failing to support Thanet District Council's scrutiny of the proposed CPO at Manston, Kent County Council also failed to fulfil its strategic oversight function as the local transport authority. (Paragraph 52)

15. That the DfT judged it necessary to intervene in the Manston case shows the extent to which Kent County Council failed to fulfil its strategic oversight role. (Paragraph 53)

16. We welcome the DfT's decision to appoint a consultant to examine the Manston case. The uncertainty faced by the public and other interested parties could have been reduced if it had not taken three months before the DfT acted. The DfT should set out clear terms of reference for the consultant who is contracted to examine the Manston decision-making process and place them in the public domain. Those terms of reference should include (a) an explicit requirement to assess whether RiverOak is an appropriate indemnity partner for Thanet District Council; (b) a deadline for the consultant to report back to the DfT; and (c) an expeditious timescale for subsequent DfT decision making. To ensure that similar cases are handled promptly and effectively in future, the Government should clarify precisely how (a) central Government and (b) higher-tier local authorities are responsible for supporting lower-tier planning authorities in cases where a strategic transport asset is subject to a proposed compulsory purchase order. (Paragraph 55)

17. We agree that there is no general case for the Government to purchase airports, including Manston. (Paragraph 56)

18. The DfT should review what powers it has to intervene in cases where strategic transport assets are at risk and whether those powers are fit for purpose. (Paragraph 56)

Formal Minutes

Monday 9 March 2015

Members present:

Mrs Louise Ellman, in the Chair

Jim Fitzpatrick	Mr Adrian Sanders
Karen Lumley	Chloe Smith
Jason McCartney	Martin Vickers

Draft Report (*Smaller airports*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 56 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Ninth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Date and time to be fixed by the Chair

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the Committee's inquiry page at www.parliament.uk/transcom.

	Question number
Monday 19 January 2015	
Nathan Stower, Chief Executive, British Air Transport Association, **Darren, Caplan**, Chief Executive, Airport Operators Association, **Iain Osborne**, Group Director for Regulatory Policy, Civil Aviation Authority, **Paul Le Blond**, Chairman, Aviation Forum, Chartered Institute of Logistics and Transport, and **John Spooner**, Chairman, Regional and Business Airports Group	Q1-47
Monday 2 February 2015	
Pauline Bradley, Director, Manston Skyport Limited, **Alastair Welch**, Interim Director, Kent Airport Limited **Alan Mackinnon**, Interim Director, Kent Airport Limited, **George Yerrall**, Partner, RiverOak Investment Corp, and **Tony Freudmann**, Partner, RiverOak Investment Corp	Q48-146
Paul **Carter**, Leader, Kent County Council, **David Smith**, Director of Economic Development, Kent County Council, **Councillor Iris Johnston**, Leader, Thanet District Council, **Madeline Homer**, Acting Chief Executive, Thanet District Council, **Paul Cook**, Interim Director of Corporate Resources, Thanet District Council, and **Sir Roger Gale MP**	Q147-181
Ms Rosalyn McIntyre, No Night Flights, **Dr Beau Webber**, Chair, Save Manston Airport Group, and **Angie Sutton**, Why Not Manston?	Q182-197
Monday 23 February 2015	
Mr Robert Goodwill MP, Parliamentary Under-Secretary of State, Department for Transport, and **Ben Smith**, Deputy Director Aviation Policy and Delivery, Department for Transport	Q198-264

Published written evidence

The following written evidence was received and can be viewed on the Committee's inquiry web page at www.parliament.uk/transcom. INQ numbers are generated by the evidence processing system and so may not be complete.

1 ABTA (SMA0057)
2 AICES (SMA0052)
3 Air Medical Ltd (SMA0011)
4 Airport Operators Association (SMA0020)
5 Allan Clifford (SMA0016)
6 Belfast International Airport Limited (SMA0069)
7 Birmingham Airport (SMA0044)
8 Bristol Airport (SMA0017)
9 British Air Transport Association (BATA) (SMA0062)
10 British Vehicle Rental and Leasing Association (SMA0009)
11 Coastal Airports (Holdings Limited) (SMA0072)
12 Coastal Airports (Holdings Limited) (SMA0076)
13 Department for Regional Development (SMA0001)
14 Department for Transport (SMA0039)
15 Derbyshire, Nottinghamshire and Leicestershire Chamber of Commerce (SMA0031)
16 Dover District Council (SMA0074)
17 Dr. Jean-Paul Addie (SMA0005)
18 East of England Energy Group (EEEGR) (SMA0013)
19 Exeter City Council and Heart of the South West Local Enterprise Partnership (SMA0030)
20 Finlays Horticulture Investments Ltd (SMA0077)
21 Flybe Plc (SMA0063)
22 Friends of Liverpool Airport (FoLA) (SMA0019)
23 Gary and Marta Easton (SMA0035)
24 General Aviation Awareness Council (GAAC) (SMA0018)
25 Indigo Planning on behalf of London Ashford Airport (SMA0050)
26 Kent County Council (SMA0034)
27 Lab-Tools Ltd. (Nano-Science) (SMA0067)
28 Liverpool John Lennon Airport (SMA0032)
29 London Assembly Transport Committee (SMA0004)
30 London Biggin Hill Airport (SMA0056)
31 London City Airport (SMA0051)
32 London Oxford Airport (SMA0003)
33 Manchester Airports Group (SMA0023)
34 Manston Skyport Ltd (SMA0070)
35 Manston Skyport Ltd (SMA0089)
36 Mr Laurence N Price (SMA0027)
37 Mrs Sue Girdler (SMA0068)
38 Nestrans (SMA0054)

39 Newcastle International Airport Ltd (SMA0037)
40 No Night Flights (SMA0092)
41 No Night Flights and Manston Pickle (SMA0025)
42 Oil & Gas UK (SMA0026)
43 Oxfordshire County Council - Oxfordshire Lep (SMA0036)
44 Peel Holdings (Management) Limited (SMA0055)
45 Regional and Business Airports Group (SMA0041)
46 Rigby Group Plc / Regional & City Airports (RCA) (SMA0040)
47 RiverOak Investment Corp., LLC (SMA0042)
48 RiverOak Investment Corp., LLC (SMA0075)
49 RiverOak Investment Corp., LLC (SMA0090)
50 RiverOak Investment Corp., LLC (SMA0094)
51 Royal Aeronautical Society (SMA0047)
52 Save Manston Airport Group (SMA0029)
53 Sir Roger Gale MP (SMA0064)
54 States of Guernsey (SMA0033)
55 Stobart Group Ltd (SMA0022)
56 Stuart Vint (SMA0085)
57 Supporters of Manston Airport (SMA0008)
58 Supporters of Manston Airport (SMA0081)
59 Supporters of Manston Airport (SMA0091)
60 TAG Farnborough Airport Ltd (SMA0021)
61 Tees Valley Unlimited (SMA0010)
62 TG Aviation Limited (SMA0073)
63 Thanet District Council (SMA0014)
64 The Chartered Institute of Logistics and Transport (SMA0038)
65 The Highlands and Islands Transport Partnership (HITRANS) (SMA0046)
66 Trevor Cartner and Chris Musgrove (SMA0093)
67 UK Civil Aviation Authority (CAA) (SMA0024)
68 Welsh Government (SMA0048)
69 Why Not Manston? (SMA0043)
70 Winbourne Martin French (SMA0058)
71 Winbourne Martin French (SMA0060)
72 WYG (SMA0053)

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the Committee's website at www.parliament.uk/transcom.
The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2014–15

Eighth Report	Motoring of the future	HC 429
Seventh Report	Investing in the railway	HC 257
Sixth Report	Government motoring agencies–the user perspective	HC 287 (HC 884)
Third Special Report	Putting passengers first: disruption at Gatwick, Christmas Eve 2013: Airport Operators Association Response to the Committee's Fourteenth Report of Session 2013–14	HC 633
Second Special Report	Local transport expenditure: Who decides?: Government Response to the Committee's Seventeenth Report of Session 2013–14	HC 632
Fifth Report	Security on the railway	HC 428 (HC 792)
Fourth Report	Passenger transport in isolated communities	HC 288 (Incorporating HC 853, Session 2013–14) (HC 719)
Third Report	Cycling safety	HC 286 (Incorporating HC 852, Session 2013-14) (HC 718)
Second Report	Offshore helicopter safety	HC 289 (Incorporating HC 992, Session 2013-14) (HC 717)
First Report	Driving premiums down: fraud and the cost of motor insurance	HC 285 (Incorporating HC 286, Session 2013–14) (HC 716)
First Special Report	Forging ahead: UK shipping strategy: Government Response to the Committee's Thirteenth Report of Session 2013-14	HC 254

Session 2013–14

Sixteenth Report	National Policy Statement on National Networks	HC 1135
Fifteenth Report	Better roads: improving England's strategic road network	HC 850
Fourteenth Report	Putting passengers first, disruption at Gatwick,	HC 956

	Christmas Eve 2013	
Seventeenth Special Report	Land transport security–scope for further EU involvement?: Further Government Response to the Committees Eleventh Report of Session 2012–13	HC 1192
Thirteenth Report	Forging ahead?: UK shipping strategy	HC 630
Twelfth Report	Future programme 2014	HC 1143
Eleventh Report	Safety at level crossings	HC 680 (HC 1260)
Tenth Report	Ready and waiting? Transport preparations for winter weather	HC 681 (HC 1139)
Ninth Report	High speed rail: on track?	HC 851 (HC 1085)
Fifteenth Special Report	Cancellation of the InterCity West Coast competition: Government update on the Laidlaw and Brown reports	HC 1086
Eighth Report	Access to ports	HC 266 (HC 1083)
Seventh Report	Local authority parking enforcement	HC 118 (HC 970)
Seventh Special Report	The new European motorcycle test: Government Response to the Committee's Sixth Report of 2009–10	HC 656
Sixth Report	Flight Time Limitation: Follow-up	HC 641 (HC 795)
Fifth Report	Access to transport for disabled people	HC 116 (HC 870)
Fourth Report	Cost of motor insurance: whiplash	HC 117 (CM 8738)
Third Report	The work of the Vehicle and Operator Services Agency (VOSA)	HC 583 (HC 678)
Second Report	Future programme: 2013–14	HC 438
Fifth Special Report	The European Commission's 4th Railway Package: Government Response to the Committee's Twelfth Report of Session 2012–13	HC 439
Third Special Report	Rail 2020: Rail Delivery Group and Passenger Focus responses to the Committee's Seventh Report of Session 2012–13	HC 81
Fourth Special Report	Land transport security—scope for further EU involvement?: Government Response to the Committee's Eleventh Report of Session 2012–13	HC 177
Second Special Report	Marine Pilotage: Government Response to the Committee's Ninth Report of Session 2012–13	HC 79
First Report	Aviation strategy	HC 78 (HC 596)
First Special Report	Cancellation of the InterCity West Coast franchise competition: Government Response to the Committee's Eighth Report of Session 2012–13	HC 80

Session 2012–13

Twelfth Report	The European Commission's 4th Railway Package	HC 1001(HC 439)
Eleventh Report	Land transport security—scope for further EU involvement?	HC 875
Ninth Special Report	Rail 2020: Government and Office of Rail Regulation Responses to the Committee's Seventh Report of 2012–13	HC 1059
Tenth Report	The Coastguard, Emergency Towing Vessels and the Maritime Incident Response Group: follow up:	HC 1018

	Government Response to the Committee's Sixth Report of 2012–13	
Ninth Report	Marine Pilotage	HC 840
Eighth Report	Cancellation of the InterCity West Coast franchise competition	HC 537
Eighth Special Report	Plug-in vehicles, plugged in policy?: Government Response to the Committee's Fourth Report of Session 2012–13	HC 884
Seventh Report	Rail 2020	HC 329
Sixth Report	The Coastguard, Emergency Towing Vessels and the Maritime Incident Response Group: follow up	HC 647
Fifth Report	Future programme: autumn and winter 2012–13	HC 591
Fourth Report	Plug-in vehicles, plugged in policy?	HC 239
Third Report	Competition in the local bus market	HC 10 (HC 761) (Incorporating HC 1861–i–iii)
Fifth Special Report	Flight Time Limitations: Government Response To The Committee's First Report Of Session 2012–13	HC 558
Fourth Special Report	Air Travel Organisers' Licensing (Atol) Reform: Government Response To The Committee's Seventeenth Report Of Session 2010–12	HC 557
Second Report	Road safety	HC 506 (HC 648) Incorporating HC 1738
First Report	Flight time limitations	HC 164 Incorporating HC 1838
Third Special Report	Sulphur emissions by ships: Government Response to the Committee's Sixteenth Report of Session 2010–12	HC 87
Second Special Report	Counting the cost: financial scrutiny of the Department for Transport 2011–12: Government Response to the Committee's Fifteenth Report of Session 2010–12	HC 15
First Special Report	Draft Civil Aviation Bill: Pre-Legislative Scrutiny: Government Response to the Committee's Thirteenth Report of Session 2010–12	HC 11

Session 2010–12

Seventeenth Report	Air Travel Organisers' Licensing (ATOL) reform	HC 1798
Sixteenth Report	Sulphur emissions by ships	HC 1561
Fifteenth Report	Counting the cost: financial scrutiny of the Department for Transport 2011–12	HC 1560
Fourteenth Report	Cable theft on the Railway	HC 1609 (HC 1933)
Thirteenth Report	Draft Civil Aviation Bill: Pre-Legislative Scrutiny	HC 1694
Twelfth Report	Cost of motor insurance: follow up	HC 1451 (HC 1934)
Eleventh Report	Thameslink rolling stock procurement	HC 1453 (HC 1935)
Tenth Report	High Speed Rail	HC 1185–I (HC 1754)

Ninth Report	Out of the jam: reducing congestion on our roads	HC 872 (HC 1661)
Eighth Report	Bus Services after the Spending Review	HC 750 (HC 1550)
Seventh Report	Taxis and private hire vehicles: the road to reform	HC 720 (HC 1507)
Sixth Report	The Coastguard, Emergency Towing Vessels and the Maritime Incident Response Group	HC 948, incorporating HC 752–i (HC 1482)
Fifth Report	Keeping the UK moving: The impact on transport of the winter weather in December 2010	HC 794 (HC 1467)
Fourth Report	The cost of motor insurance	HC 591 (HC 1466)
Third Report	Transport and the economy	HC 473 (HC 962)
Second Report	Financial Scrutiny of the Department for Transport	HC 683
First Report	Drink and drug driving law	HC 460 (Cm 8050)
Tenth Special Report	The proposal for a National Policy Statement on Ports: Government Response to the Committee Fifth Report of Session 2009–10	HC 1598
Third Special Report	The performance of the Department for Transport: Government response to the Committee's Fourth Report of Session 2009–10	HC 549
Second Special Report	Update on the London Underground and the public-private (PPP) partnership agreements: Government response to the Committee's Seventh Report of Session 2009–10	HC 467
First Special Report	The major road network: Government response to the Committee's Eighth Report of Session 2009–10	HC 421

Ministry of Housing, Communities & Local Government

The Rt Hon James Brokenshire MP
Secretary of State for Housing, Communities and Local Government

Ministry of Housing, Communities and Local Government
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Councillor Robert W. Bayford
Leader, Thanet District Council

28 January 2019

LOCAL PLAN INTERVENTION

Following Thanet District Council's failure over many years to get a Local Plan in place, the former Secretary of State wrote to your Council, on 16 November 2017, to express his concerns. He offered an opportunity to explain any exceptional circumstances justifying the failure of your Council to produce a Local Plan and any measures you had taken or intended to take to accelerate plan publication. Following your letter of January 2018 outlining your exceptional circumstances, the former Secretary of State wrote again on 23 March 2018. He set out that he had considered your representations and the Government's Local Plan intervention policy criteria and had decided to continue with the intervention process by commissioning a team of experts led by Government's Chief Planner to provide advice on next steps.

I have carefully considered that advice on next steps and all the above matters. I have also considered correspondence sent to my Department since January 2018, including correspondence from Thanet District Council, which reported some positive actions and progress, including the publication of a Local Plan under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the publication of a revised Local Plan production timetable[1] and the submission of a Local Plan under regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Section 27(1) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") provides:

[1] The Thanet Local Development Scheme (July 2018)

"This section applies if the Secretary of State thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document."

In view of your continuing failure to get a Local Plan in place I am satisfied that the requirements in section 27(1) of the 2004 Act are met; Thanet District Council (in its capacity as local planning authority):

- does not have an up-to-date Local Plan in place - the Council's last Local Plan was adopted in 2006 and covered a period up to 2011.
- has failed to meet the milestones in at least five Local Development Schemes since 2006.
- has failed to plan for and deliver the homes people need in Thanet.

Section 27(2) of the 2004 Act provides:

"The Secretary of State may—
(a) prepare or revise (as the case may be) the document, or
(b) give directions to the authority in relation to the preparation or revision of the document."

Pursuant to the powers in section 27(2)(b) of the 2004 Act I have decided to make a direction in relation to the preparation of the Thanet Local Plan:

Within four weeks of the date of this letter, I direct Thanet District Council to designate a lead Councillor and lead official to be responsible for progressing preparation of the Local Plan and to publish details of those designations.

In making this decision I have considered the following Local Plan intervention policy criteria[2]:

- **The least progress in plan-making has been made:** Out of 338 local planning authorities in England, Thanet are one of only circa 50 authorities who have not yet adopted a 2004 Act Local Plan under Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

- **Policies in plans have not been kept up to date:** Thanet's last Local Plan was adopted in 2006 (not under the provisions of the 2004 Act), and covered a period up to 2011. Thanet have consistently failed to bring forward a Local Plan in accordance with its Local Development Scheme as legally required, having failed to meet Local Plan milestones in at least six Local Development Schemes since 2006.

[2] Local Plan intervention policy criteria were consulted on in 2016 and confirmed in the 2017 housing White Paper and the 16 November 2017 Written Statement in the House of Commons

- **There is higher housing pressure:** Thanet is within the top third of Districts in England for high housing pressure, based on average affordability ratios[3]. Thanet lack of a five-year housing land supply further highlights the authority's failure to plan for and deliver the homes people need.

- **Intervention would have the greatest impact in accelerating Local Plan production:** Based on Thanet's revised Local Development Scheme, it is unlikely that Local Plan production would be accelerated by my Department taking over its production. In my judgement, given the authority's track record of persistent failure in plan-making, the intervention I have decided upon will provide more certainty and is the best way of ensuring that a Local Plan will be produced in accordance with the Local Development Scheme timetable.

- **The wider planning context in each area in terms of the extent to which authorities are working co-operatively to put strategic plans in place:** Several authorities in Kent have indicated interest in joint planning but no formal arrangements are in place.

- **The wider planning context in each area in terms of the potential impact that not having a plan has on neighbourhood planning activity**: at least six communities in Thanet are preparing neighbourhood plans: Birchington, Ramsgate, Margate, Broadstairs & St Peters, Westgate and Cliffsend. Communities can bring forward neighbourhood plans in the absence of an up-to-date Local Plan, but doing so can be more challenging for communities.

Having considered Thanet's performance against the Local Plan intervention criteria, I am satisfied that intervention action is justified.

Section 15(4) of the 2004 Act provides:

"The Secretary of State may direct the local planning authority to make such amendments to the [local development] scheme as he thinks appropriate for the purpose of ensuring full and effective coverage (both geographically and with regard to subject matter) of the authority's area by the development plan documents (taken as a whole) for that area."

Pursuant to my powers in Section 15(4) of the 2004 Act, I am also directing Thanet District Council to, within eight weeks of the date of this letter, amend its Local Development Scheme (dated July 2018) to provide for the completion of a review of their Local Plan within six months of its adoption.

[3] Ranked 98 least affordable of 324 English Districts (Housing Affordability Statistics, Office of National Statistics, 2017)

This course of action would ensure full and effective coverage of housing provision to give clarity to communities and developers about where homes should be built.

Having considered all of the above, in my judgement, there is a compelling case for the Local Plan intervention actions I have decided upon in Thanet, pursuant to powers in sections 15(4) and 27(2)(b) of the 2004 Act. Given your recent actions and progress in meeting the requirements in the Town and Country Planning (Local Planning) (England) Regulations 2012, I have decided not to prepare the Thanet Local Plan. However I will continue to closely monitor your Local Plan progress. Should a significant delay occur against the milestones set out in your July 2018 Local Development Scheme, should you fail to comply with the directions in this letter or should your draft Local Plan fail at examination, I will consider whether to take further action to ensure that a Local Plan is put in place.

I am also, for the avoidance of doubt, now putting on public record my concerns about the low level of housing supply and delivery in Thanet. I expect planning decision-takers to have regard to these concerns as a material consideration when deciding local planning applications.

I appreciate the constructive way Thanet District Council have engaged in this process so far and I trust that you and your officers will continue to engage positively. My officials will be in touch over the next few days to discuss next steps.

RT HON JAMES BROKENSHIRE

The Planning Inspectorate

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: ManstonAirport@pins.gsi.gov.uk

All Interested Parties, Statutory Parties and Other Persons

Your Ref:

Our Ref: TR020002

Date: 11 December 2018

Dear Sir/ Madam

Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 6

Application by RiverOak Strategic Partners Ltd for an Order Granting Development Consent for the upgrade and reopening of Manston Airport

Appointment of the Examining Authority

I write to you following my appointment by the Secretary of State as the lead member of a panel who will be the Examining Authority (the Panel) to carry out an Examination of the above application. I am Kelvin MacDonald and the other members of the Panel are Martin Broderick, Jonathan Manning and Jonathan Hockley. A copy of the appointment notice can be viewed at: https://infrastructure.planninginspectorate.gov.uk/document/TR020002-002752

We would like to thank those of you who submitted Relevant Representations. These representations have assisted us when preparing our proposals regarding how to examine this application.

Invitation to the Preliminary Meeting

This letter is an invitation to the Preliminary Meeting to discuss the Examination procedure. It contains a number of important supporting annexes.

Date of meeting:	**Wednesday 9 January 2019**
Seating available from:	**9.30am**
Meeting begins:	**10.00am**
Venue:	**Margate Winter Gardens, Fort Crescent, Margate, CT9 1HX**

Access and parking:	**Fully disabled accessible. Free parking at Fort Lower Promenade parking (including a limited number of disabled bays)**

Note: Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email wherever possible as electronic communication is more environmentally friendly and cost effective for the Inspectorate as a government agency. If you have received a postcard but are able to receive communications by email, please confirm this with the Case Team using the contact details at the top of this letter, as soon as possible.

Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to us about the way in which the application is to be examined. At this stage the Panel is looking at the procedure and not the merits of the application. The merits of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed.

We wish to run a fair, efficient and effective meeting so that all relevant views can be heard. As such, we strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

The agenda for the meeting is at **Annex A**. This has been set following our Initial Assessment of Principal Issues arising from our reading of the application documents and the Relevant Representations received. That assessment is set out in **Annex B**. As a result of the assessment we wish to hear at the meeting from the Applicant, Interested Parties, Statutory Parties and local authorities where they consider changes may be needed to the draft Examination Timetable set out in **Annex C**.

Up to date information about the project and the Examination can be obtained from: https://infrastructure.planninginspectorate.gov.uk/projects/south-east/manston-airport/

This is the address for the project webpage on the National Infrastructure Planning website, from which we will make copies of all Examination Documents available to the public. As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with this resource.

Attendance at the Preliminary Meeting

If you wish to attend the Preliminary Meeting please contact the Case Team using the details set out at the top of this letter. Please confirm this **no later than Friday 21 December 2018**.

It will help the management of the meeting and benefit everyone if you also:

- tell us whether you wish to speak at the meeting and on which agenda items, listing points you wish to make; and
- notify us of any special requirements you may have (eg disabled access, hearing loop etc).

The Preliminary Meeting provides a useful introduction to the Examination process. We will use it to make Procedural Decisions that will affect everyone participating in the Examination. The meeting provides you with an opportunity to have your say about procedural issues before these decisions are finalised. If you intend to play an active part in the Examination or you have questions about procedure it is useful to attend the meeting. However, please note that you are not required to attend the Preliminary Meeting in order to participate in the Examination. If you are an Interested Party you will still be able to make a Written Representation and comment on the Written Representations made by other Interested Parties. You will also be able to participate in any hearings that are arranged.

Should you no longer wish to be an Interested Party and do not wish to be involved in the Examination process, you can notify the Case Team of this in writing.

After the Preliminary Meeting

After the Preliminary Meeting you will be sent a letter setting out the timetable for the Examination. An audio recording and a note of the meeting will also be published on the project webpage on the National Infrastructure Planning website.

Interested Parties have the right to request an Open Floor Hearing and those persons affected by any request for Compulsory Acquisition or Temporary Possession of their land or rights may request a Compulsory Acquisition Hearing. Any other Issue Specific Hearings are held at the discretion of the Panel and will be arranged if we feel that consideration of oral representations would ensure an issue is adequately examined. Our examination will comprise of written submissions about the proposal and oral representations made at any hearings, in addition to consideration of the application documents, policy and legal positions, site inspections and any other matters we consider to be relevant and important.

All relevant and important matters will be taken into account when we make a recommendation to the Secretary of State for Transport, who will take the final decision in this case.

Notification of initial hearings

We have made a Procedural Decision to hold the following hearings:

- An **Issue Specific Hearing dealing with matters relating to the draft Development Consent Order** on **10 January 2019**.
- An **Open Floor Hearing** in the evening of **10 January 2019**.
- An **Open Floor Hearing** in the morning of **11 January 2019**.

Important information about these hearings is contained within **Annex D**.

If you wish to make oral representations at any of these hearings please write, email or telephone the Case Team using the address and contact details at the top of this letter. We will need to receive the above notice **no later than Friday 21 December 2018**.

It will help the management of these hearings and benefit everyone if you also:

- set out the issues about which you wish to make oral representations (if you wish to speak); and
- notify us of any special needs you may have (eg disabled access, hearing loop etc).

Other Procedural Decisions made by the Examining Authority

In addition to the hearings notified above, we have made a number of further Procedural Decisions which are set out in full at **Annex F**.

Your status in the Examination

This letter has been sent to you because you (or the body you represent) fall within one of the categories in s88(3) of the Planning Act 2008.

If you have made a Relevant Representation, have a legal interest in the land affected by the application[1] or are a relevant local authority where the development is proposed within your boundary (reference numbers beginning with 2001, MAN, MANS-AFP and MANS-S57), you have a formal status as an Interested Party in the Examination.

Interested Parties will receive notifications from the Planning Inspectorate about the Examination throughout the process and may make written and oral submissions regarding the application.

If you are a Statutory Party[2] or a local authority bordering the local authority in which the development is proposed, but have not made a Relevant Representation (reference number beginning with MANS-SP), you will not automatically be an Interested Party. However, you may notify the Panel that you wish to be treated as an Interested Party at any point during the Examination.

If you are not an Interested Party or a Statutory Party, you have received this letter because you are invited to the Preliminary Meeting as an Other Person because it appears to us that the Examination could be informed by your participation. Other Persons have a reference number beginning with MANS-OP. If you are an Other Person you are not an Interested Party. We will write to you with our Procedural Decision following the Preliminary Meeting, but we will not write to you again in the course of the Examination unless it is to inform you that the Examination Timetable has changed or we have specific questions for you.

If you are unsure of your status in the Examination, please contact the Case Team using the details at the top of this letter. More information regarding the formal status of Interested Parties is set out in the Planning Inspectorate's Advice Note 8 series, available here: https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/

[1] Or have been identified by the Applicant as a person who might be entitled to make a relevant claim

[2] For the purposes of this letter, meaning a body specified in Schedule 1 of The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015

Awards of costs

We also draw your attention to the possibility of the award of costs against Interested Parties who behave unreasonably. You should be aware of the relevant costs guidance 'Awards of costs: examinations of applications for development consent orders' which applies to Nationally Significant Infrastructure Projects. This guidance is available at: https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/

Management of information

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the Panel) and a record of any advice which has been provided by the Planning Inspectorate, is published at: https://infrastructure.planninginspectorate.gov.uk/projects/south-east/manston-airport/

All Examination Documents can also be viewed electronically at the locations listed in **Annex E**.

Please note that in the interest of facilitating an effective and fair Examination, we consider it necessary to publish some personal information. To find out how we handle your personal information, please view our Privacy Notice.

We look forward to working with all parties in the examination of this application.

Yours faithfully

Kelvin MacDonald

Lead Member of the Panel of Examining Inspectors

Annexes

A Agenda for the Preliminary Meeting
B Initial Assessment of Principal Issues
C Draft Examination Timetable
D Notification of initial hearings
E Availability of Examination Documents
F Other Procedural Decisions made by the Examining Authority

Agenda for the Preliminary Meeting

Date: **9 January 2019**

Seating available from: **9.30am**

Meeting Start Time: **10.00am**

Venue: **Margate Winter Gardens, Fort Crescent, Margate, CT9 1HX**

9.30am	Seating available
Item 1 (10.00am)	Welcome and introductions
Item 2	The Examining Authority's (ExA) remarks about the Examination process
Item 3	Initial Assessment of Principal Issues – see **Annex B**
Item 4	Timetable for the Examination including deadlines for submission of: • Written Representations • Local Impact Reports • Responses to the ExA's Written Questions • Statements of Common Ground (**see Annex F**) • Notifications relating to hearings • Applicant's submissions/ clarifications in response to the Planning Inspectorate's s51 advice dated 14 August 2018
Item 5	Procedural Decisions taken by the ExA (**see Annex F**)
Item 6	Verbal reports requested by the ExA including from: • The Applicant (see **Annex F** item 1, 2, 4 and 5) • Relevant Local Authorities (see **Annex F** item 3)
Item 7	Hearings and Accompanied Site Inspection (ASI): • Date of ASI to application site and surrounding area • Time periods reserved for subsequent Open Floor Hearing(s), Issue Specific Hearings and/ or Compulsory Acquisition Hearing(s)
Item 8	Any other matters
Close of the Preliminary Meeting	

Please note: Please be available from the start and throughout the meeting. The agenda is subject to change at the discretion of the ExA. The ExA will conclude the meeting as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time the ExA may change the order of the agenda items and may introduce breaks in the proceedings.

Initial Assessment of Principal Issues

This is the Initial Assessment of the Principal Issues prepared under s88(1) of the Planning Act 2008 (PA2008). This initial assessment has had regard to consideration by the Examining Authority (ExA) of the application documents and of Relevant Representations received in respect of the application.

It is not a comprehensive or exclusive list of all relevant matters. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for Transport after the Examination has concluded.

The order of the issues listed is alphabetic and does not imply any order of prioritisation or importance.

The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not set out as separate Principal Issues.

It should be noted that a number of the Principal Issues set out below have an interrelationship and overlap and these will be reflected in the Examination.

It should also be noted that:

- whilst the effects of the proposal on the achievement of sustainable development including the mitigation of, and adaption to, climate change are not listed as specific Principle Issues; and
- whilst the effects of the proposal in relation to human rights and equalities duties are not listed as specific Principle Issues;

the ExA will conduct all aspects of the Examination with these objectives in mind.

Air quality – to include:

i. Cumulative effects of road and air traffic, including ground based operations

ii. The effects on the Thanet Urban Air Quality Management Area (AQMA) and designated sites

Compulsory Acquisition – to include:

i. Whether all of the land which the Applicant wishes to acquire compulsorily has been shown to be necessary for the purposes of the Proposed Development

ii. The compelling case in the public interest for Compulsory Acquisition

iii. Alternatives to Compulsory Acquisition, including attempts to acquire by agreement

iv. The management of potential risks or impediments to implementation including the need to obtain other permits

v. Crown Land

vi. Special Category Land

vii. The position of Statutory Undertakers

Funding – to include:

i. Sources and availability of funding and the degree to which bodies have agreed to make financial contributions or to underwrite the Proposed Development, and on what basis such contributions or underwriting are to be made

ii. Responsible bodies, including details of relevant Company assets, structures, ownership and Directors

iii. The bases for the estimates of costs

iv. Funding for Compulsory Acquisition if authorised, including for blight

v. Funding for the Noise Mitigation Plan

vi. Provisions in the draft Development Consent Order (dDCO) for guarantees in respect of payment of compensation

Habitat Regulations Assessment and effects on biodiversity – to include:

i. Likely significant effects on European protected sites and species, including conclusions regarding effects on integrity

ii. Effects on other habitats and species, including bird scaring techniques and habituation

Landscape, design, archaeology and heritage – to include:

i. The effect on Conservation Areas, including Acol and Minster

ii. The effects on Scheduled Monuments

iii. The effects on Listed Buildings

iv. The effects on heritage assets within the airport site

v. Management and mitigation of impacts on archaeological features

vi. The design approach taken, including the parameters based approach and justification for the sought provisions in Article 6 of the dDCO regarding limits of deviation

vii. Masterplanning

viii. Landscaping and planting schemes

Local policy – to include:

i. The status of, and policy framework provided by, the Saved Policies from the 2006 Thanet Local Plan and the Draft Thanet Local Plan – 2031

Need – to include:

i. National and regional airports and air transport policy and guidance

ii. UK airport air cargo capacity and forecasts, including locational demands and cargo types/ markets

Noise – to include:

i. The assessment of effects on humans and faunal species

ii. The Noise Mitigation Plan including the choice of relevant noise contours

iii. The use of aircraft quota count restrictions

iv. Cumulative effects of aircraft and road traffic noise

Operational issues – to include:

i. Operational relationship to, and progress with, the Airspace Change Process

ii. Air Traffic Movements

iii. Progress with Aerodrome Certificate

iv. Night flights

v. Phasing

vi. Safety

Other environmental issues - to include:

i. Baseline data

ii. Cumulative effects, including the relationship to the proposal by Vattenfall Wind Power Ltd

iii. Effects of construction, operation, maintenance and decommissioning methods, including waste and soil management

iv. Approach to mitigation and monitoring

v. Opportunities for enhancement

vi. Flood risk

vii. Impacts on land and water quality, including effects on the aquifer and drainage discharge to designated nature conservation sites

viii. Public health, including night flights and cumulative effects

ix. Buried munitions and other military material

Socio-economic issues – to include:

i. Effects on the tourism/ holiday trade

ii. Estimates of employment generation

iii. Scope for local employment

iv. Cumulative effects regionally in South East of other proposed airport developments

v. Scope for training schemes

vi. Community benefits

vii. The possible existence of war graves

Traffic and transport – to include:

i. Strategic transport modelling, including the traffic effects of the Proposed Development on the national road network, notably the M2/ A2 corridor and cumulative impacts with other proposed developments

ii. The effects of construction traffic

iii. The effects of operational traffic, including to and from the proposed fuel farm

iv. The effects of freight traffic

v. The effects of passenger traffic, including the adequacy of parking

vi. The effects of Operation Stack and Operation Brock

vii. The effects on Public Rights of Way

Draft Examination Timetable

The Examining Authority (ExA) is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider oral representations made at any hearings.

Item	Matters	Due Dates
1	**Preliminary Meeting**	**9 January 2019**
2	**Issue Specific Hearing 1** Dealing with matters relating to the draft Development Consent Order (dDCO)	**10 January 2019** **(Daytime)**
3	**Open Floor Hearing 1**	**10 January 2019** **(Evening)**
4	**Open Floor Hearing 2**	**11 January 2019** **(Daytime)**
5	**Deadline 1** Deadline for receipt by the ExA of: • Relevant material requested by the ExA as specified in **Appendix F** to this letter • Written summaries of oral submissions put at hearings held on 10 and 11 January 2019	**18 January 2019**
6	Issue by the ExA of: • Examination Timetable Publication of: • The ExA's Written Questions	As soon as practicable following the Preliminary Meeting
7	**Deadline 2** Deadline for receipt by the ExA of: • Notification of wish to speak at a Compulsory Acquisition Hearing • Notification of wish to speak at a subsequent Open Floor Hearing • Notification of wish to attend the Accompanied	**6 February 2019**

	Site Inspection on 19 March 2019 • Notification by Statutory Parties of wish to be considered an Interested Party	
8	**Deadline 3** Deadline for receipt by the ExA of: • Comments on Relevant Representations (RRs) • Summaries of all RRs exceeding 1500 words • Written Representations (WRs) • Summaries of all WRs exceeding 1500 words • Local Impact Reports from any Local Authorities • Statements of Common Ground (SoCG) requested by the ExA (see **Annex F**) • Responses to the ExA's Written Questions • An updated version of the Application Document Tracker (see **Annex F**) • First version of the Compulsory Acquisition Status Report (see **Annex F**) • An updated Book of Reference (see **Annex F**) • Applicant's first revised dDCO • Any further information requested by the ExA under Rule 17 of the Exam Rules[1]	**8 February 2019**
9	Issue by the ExA of: • Notification of date, time and place of hearings to be held between 20 and 22 March 2019 • Notification of date, time and meeting place for Accompanied Site Inspection on 19 March 2019 Publication of: • Itinerary for Accompanied Site Inspection on 19 March 2019	**15 February 2019**
10	**Deadline 4** Deadline for receipt by the ExA of: • Comments on WRs and responses to comments on RRs • Comments on Local Impact Report(s) • Comments on responses to the ExA's Written Questions • Comments on any further information requested	**1 March 2019**

[1] The Infrastructure Planning (Examination Procedure) Rules 2010

	by the ExA and received to Deadline 3 • An updated version of the Application Document Tracker (see **Annex F**) • An updated version of the Compulsory Acquisition Status Report (see **Annex F**) • Any further information requested by the ExA under Rule 17 of the Exam Rules	
11	**Accompanied Site Inspection**	**19 March 2019**
12	Dates reserved for: • A further Issue Specific Hearing dealing with matters relating to the dDCO • Any other Issue Specific Hearing(s) on matters that may be required • Any further Open Floor Hearing(s) that may have been requested • Any Compulsory Acquisition Hearing(s) that may have been requested or is required	**20 to 22 March 2019**
13	**Deadline 5** Deadline for receipt by the ExA of: • Written summaries of oral submissions put at any hearings held between 20 and 22 March 2019 • Applicant's second revised dDCO • An updated version of the Application Document Tracker (see **Annex F**) • An updated version of the Compulsory Acquisition Status Report (see **Annex F**) • Comments on any further information requested by the ExA and received to Deadline 4 • Any further information requested by the ExA under Rule 17 of the Exam Rules	**29 March 2019**
14	Publication of: • The ExA's Written Questions (if required)	**12 April 2019**
15	**Deadline 6** Deadline for receipt by the ExA of: • Responses to the ExA's Written Questions (if issued on 12 April 2019) • An updated version of the Application Document	**3 May 2019**

	Tracker (see **Annex F**) • An updated version of the Compulsory Acquisition Status Report (see **Annex F**) • Comments on any further information requested by the ExA and received to Deadline 5 • Any further information requested by the ExA under Rule 17 of the Exam Rules	
16	Issue by the ExA of: • Notification of any further hearings to be held in the week beginning 10 June 2019 (if required) Publication of: • The ExA's dDCO (if required to facilitate the Examination)	**10 May 2019**
17	**Deadline 7** Deadline for receipt by the ExA of: • Comments on responses to the ExA's Written Questions (if issued on 12 April 2019) • Comments on the ExA's dDCO (if issued on 10 May 2019) • Comments on any further information requested by the ExA and received to Deadline 6 • Any further information requested by the ExA under Rule 17 of the Exam Rules	**17 May 2019**
18	Dates reserved for: • Any further Issue Specific Hearing(s) that may be required • Any further Open Floor Hearing(s) that may have been requested • Any further Compulsory Acquisition Hearing(s) that may have been requested or is required • A second Accompanied Site Inspection (if required)	**11 to 14 June 2019**
19	Publication of: • Report on the Implications for European Sites (RIES) (if required)	**17 June 2019**
20	**Deadline 8** (if required) Deadline for receipt by ExA of: • Written summaries of oral submissions put at	**21 June 2019**

	any hearings held in week beginning 10 June 2019 • An updated version of the Application Document Tracker (see **Annex F**) • An updated version of the Compulsory Acquisition Status Report (see **Annex F**) • Comments on any further information requested by the ExA and received to Deadline 7 • Any further information requested by the ExA under Rule 17 of the Exam Rules Issue of: • The ExA's dDCO (if required to facilitate the Examination)	
21	**Deadline 9** (if required) Deadline for receipt by ExA of: • Comments on ExA's dDCO (if issued on 21 June 2019) • Comments on any further information requested by the ExA and received to Deadline 8 • Any further information requested by the ExA under Rule 17 of the Exam Rules	**28 June 2019**
22	**Deadline 10** • Comments on the RIES (if issued on 17 June 2019) • An updated version of the Application Document Tracker (see **Annex F**) • An updated version of the Compulsory Acquisition Status Report (see **Annex F**)	**2 July 2019**
23	**Deadline 11** • The ExA is under a duty to complete the examination of the application by the end of the period of 6 months	**9 July 2019**

Publication dates

All information received will be published on the project webpage on the National Infrastructure Planning website as soon as practicable after the deadlines for submissions. An Examination Library will be kept up to date throughout the Examination and can be accessed via the project webpage. Each document will be given a unique reference. These references will be used by the ExA during the

Examination: https://infrastructure.planninginspectorate.gov.uk/projects/south-east/manston-airport/

Hearing agendas

Please note that for Issue Specific Hearings and Compulsory Acquisition Hearings we will aim to publish a detailed draft agenda on the project website at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Report on the Implications for European Sites (RIES)

Where the Applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Conservations of Habitats and Species Regulations 2017 and/ or Regulation 28 of The Conservation of Offshore Marine Habitats and Species Regulations 2017.

Notification of initial hearings

Date	Hearing	Start time	Venue	Access and parking
10 January 2019	**Issue Specific Hearing 1 (Draft Development Consent Order)**	**10.00am**	**Margate Winter Gardens, Fort Crescent, Margate, CT9 1HX**	**Fully disabled accessible. Free parking at Fort Lower Promenade parking (including a limited number of disabled bays)**
10 January 2019	**Open Floor Hearing 1**	**7.00pm**		
11 January 2019	**Open Floor Hearing 2**	**10.00am**		

Information about hearings is included in the Planning Inspectorate's 'Advice Note 8.5: The examination: hearings and site inspections', available on the National Infrastructure Planning website here: https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-5v3.pdf

If you wish to attend any of these hearings please contact the Case Team using the details at the top of this letter **no later than Friday 21 December 2018**, stating:

- whether you wish to speak at the hearing and the issues about which you wish to make oral representations; and
- notifying us of any special needs you may have (eg disabled access, hearing loop etc).

Seating will be available at the venue(s) 30 minutes prior to the start of each hearing to enable a prompt start. The hearings will finish as soon as the Examining Authority (ExA) deems that all those present have had their say and all matters have been covered. Depending on the numbers wishing to speak at each hearing, it may be necessary for the ExA to limit the time allocated to each speaker.

Hearing agendas

An initial draft agenda for the Issue Specific Hearing dealing with the draft Development Consent Order has been made available on the National

Infrastructure Planning website, here:
https://infrastructure.planninginspectorate.gov.uk/document/TR020002-002818

A final agenda for the Issue Specific Hearing dealing with the draft Development Consent Order will be published on our website **no later than 2 January 2019**.

An initial draft agenda for the Open Floor Hearings has been made available on the National Infrastructure Planning website, here:
https://infrastructure.planninginspectorate.gov.uk/document/TR020002-002819

The ExA reserves the right to rearrange any agenda for any hearing at short notice.

Availability of Examination Documents

The application documents and Relevant Representations are available on the project webpage on the National Infrastructure Planning website: https://infrastructure.planninginspectorate.gov.uk/projects/south-east/manston-airport/?ipcsection=docs

All further documents submitted in the course of the Examination will also be published at the above location.

For ease of navigation, please refer to the Examination Library (EL) which is accessible via a blue button under the 'Documents' tab, or directly here: https://infrastructure.planninginspectorate.gov.uk/document/TR020002-002558. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the project webpage is also provided in the EL. Please use the unique reference numbers applied in the EL when referring to any Examination Documents in any future submissions that you make.

Documents can be viewed electronically, free of charge, at the following locations. Please note that you will need to take a form of identification or be a member of Kent Libraries to use a computer at these locations.

Electronic deposit locations

Local authority	Library	Opening hours
Kent County Council	Margate Library Thanet Gateway Plus Cecil Street Margate Kent CT9 1RE	Monday – 9.00am to 6.00pm Tuesday – 9.00am to 6.00pm Wednesday – 9.00am to 6.00pm Thursday – 9.00am to 8.00pm Friday – 9.00am to 6.00pm Saturday – 9.00am to 5.00pm Sunday – Closed
	Broadstairs Library The Broadway Broadstairs Kent CT10 2BS	Monday – 9.00am to 6.00pm Tuesday – 9.00am to 6.00pm Wednesday – 9.00am to 6.00pm Thursday – 9.00am to 8.00pm Friday – 9.00am to 6.00pm Saturday – 9.00am to 5.00pm Sunday – Closed

	Ramsgate Library Guildford Lawn Ramsgate Kent CT11 9AY	Monday – 9.00am to 6.00pm Tuesday – 9.00am to 6.00pm Wednesday – 9.00am to 6.00pm Thursday – 9.00am to 6.00pm Friday – 9.00am to 6.00pm Saturday – 9.00am to 5.00pm Sunday – Closed
	Birchington Library Alpha Road Birchington Kent CT7 9EG	Monday – 9.00am to 6.00pm Tuesday – 9.00am to 6.00pm Wednesday – Closed Thursday – 9.00am to 6.00pm Friday – 9.00am to 6.00pm Saturday – 9.00am to 2.00pm Sunday – Closed
	Cliftonville Library Queen Elizabeth Avenue Margate Kent CT9 3JX	Monday – 9.00am to 5.00pm Tuesday – 9.00am to 5.00pm Wednesday – 1.00pm to 5.00pm Thursday – 9.00am to 5.00pm Friday – 9.00am to 5.00pm Saturday – 9.00am to 1.00pm Sunday – Closed
	Westgate Library Minster Road Westgate on Sea Kent CT8 8BP	Monday – 9.00am to 5.30pm Tuesday – 9.00am to 5.30pm Wednesday – 9.00am to 5.30pm Thursday – Closed Friday – 9.00am to 5.30pm Saturday – 9.00am to 1.00pm Sunday – Closed
	Newington Library The Royal Harbour Academy Marlowe Way Ramsgate Kent CT12 6NB	Monday – 9.00am to 1.00pm and 2.00pm to 6.00pm Tuesday – 9.00am to 1.00pm and 2.00pm to 6.00pm Wednesday – 9.00am to 1.00pm Thursday – 9.00am to 1.00pm and 2.00pm to 6.00pm Friday – 9.00am to 1.00pm and 2.00pm to 6.00pm Saturday – 9.00am to 1.00pm Sunday – Closed
	Minster-in-Thanet Library 4A Monkton Road Minster Ramsgate Kent CT12 4EA	Monday – 9.00am to 1.00pm and 2.00pm to 5.00pm Tuesday – 9.00am to 1.00pm and 2.00pm to 5.00pm Wednesday – Closed Thursday – 9.00am to 1.00pm and 2.00pm to 6.00pm Friday – 9.00am to 5.00pm

		Saturday – 9.00am to 1.00pm Sunday – Closed
	Deal Library Broad Street Deal Kent CT14 6ER	Monday – 9.00am to 6.00pm Tuesday – 9.00am to 6.00pm Wednesday – 9.00am to 6.00pm Thursday – 9.00am to 6.00pm Friday – 9.00am to 6.00pm Saturday – 9.00am to 5.00pm Sunday – Closed
	Herne Bay Library 124 High Street Herne Bay Kent CT6 5JY	Monday – 9.00am to 6.00pm Tuesday – 9.00am to 6.00pm Wednesday – 9.00am to 6.00pm Thursday – 9.00am to 6.00pm Friday – 9.00am to 6.00pm Saturday – 9.00am to 5.00pm Sunday – Closed
	Sandwich Library 13 Market Street Sandwich Kent CT13 9DA	Monday – 9.00am to 5.00pm Tuesday – 9.00am to 5.00pm Wednesday – 9.00am to 1.00pm Thursday – 9.00am to 5.00pm Friday – 9.00am to 5.00pm Saturday – 9.00am to 1.00pm Sunday – Closed
Printing costs (all libraries)	**Black and white**	**Colour**
A4	15p per sheet	50p per sheet
A3*	20p per sheet	75p per sheet
Link to all council library locations		
http://www.kent.gov.uk/libs		

***** No A3 printing facilities are available at Deal Library or Sandwich Library

Other Procedural Decisions made by the Examining Authority (ExA)

The ExA has made the following Procedural Decisions under s89(3) of the Planning Act 2008 (PA2008):

1. Examination Documents and information

Provision of outstanding ecological survey data

The ExA requests the Applicant to confirm its timeline for the provision of the outstanding ecological survey data required to confirm the worst case ecological impact assessment.

This statement is to be provided verbally at the Preliminary Meeting and confirmed in writing to **Deadline 1** in the Examination Timetable.

Examination Library

Information about the Examination Library (EL) is contained in **Annex E**, above.

Please note that that the reference numbers in the EL for a number of documents comprising the Environmental Statement (ES) have been changed between the versions of the EL dated 29 October 2018 and that dated 7 November 2018 (or later). This has been done to align the EL referencing system more closely with the Volume numbers in the ES.

Please also note that a separate EL has been prepared listing the Relevant Representations (RR). This has been prepared to assist navigation of the core EL and of the RRs themselves:
https://infrastructure.planninginspectorate.gov.uk/document/TR020002-002807

Representations and submissions

The ExA has made a Procedural Decision to accept a number of Additional Submissions into the Examination. These are available on the National Infrastructure Planning website and are listed in the EL under 'Additional Submissions'.

The ExA has made a Procedural Decision to:

- delete a number of duplicate RRs from the project webpage on the National Infrastructure Planning website; and
- merge a number of RRs where more than one representation was made by the same person.

The Inspectorate has informed the Interested Parties concerned that this has been done. None of the wording in the merged RRs has been altered or omitted in this process.

For the avoidance of doubt, the Relevant Representations Library (link above) takes account of the deleted and merged RRs and is the definitive record of the RRs received between 3 September 2018 and 8 October 2018.

Construction Environmental Management Plan

The ExA notes that the Applicant has provided two versions of the draft Construction Environmental Management Plan – one at https://infrastructure.planninginspectorate.gov.uk/document/TR020002-002385 (APP-011) and one at Appendix 3.2 of Environmental Statement (ES) Volume 6 at https://infrastructure.planninginspectorate.gov.uk/document/TR020002-002418 (APP-044).

The ExA requests a statement from the Applicant clarifying the status of these documents and which it wishes to be considered during the Examination.

This statement is to be provided verbally at the Preliminary Meeting and confirmed in writing to **Deadline 1** in the Examination Timetable.

Section 51 advice

The ExA requests a statement from the Applicant on its response to the s51 advice issued in conjunction with the Acceptance decision and published here: https://infrastructure.planninginspectorate.gov.uk/document/TR020002-002549.

This statement is to be provided verbally at the Preliminary Meeting and confirmed in writing to **Deadline 1** in the Examination Timetable.

Conservation of Habitats and Species Regulations 2017

The qualifying features of the Thanet Coast and Sandwich Bay Ramsar; Outer Thames Estuary SPA; Stodmarsh SPA and Ramsar listed on the Joint Nature Conservation Committee (JNCC) website are noted to be different from those listed in the screening matrices submitted at Appendix A of the Report to Inform the Appropriate Assessment (APP-044, Appendix 7.1).

The ExA requests the Applicant to provide revised matrices, in Word format, updated to reflect the full and accurate list of qualifying features of the designated sites and a full assessment of all relevant qualifying features.

Alternatively, the Applicant should provide justification for the exclusion of these features from the assessment and confirmation whether this approach has been agreed with Natural England.

The ExA requests the Applicant to provide updated matrices or the justification and confirmation at **Deadline 1**.

Book of Reference

The ExA requests for the Applicant to provide an updated Book of Reference (APP-014) reconciling the s59 certificate at **Deadline 3**.

Application Document Tracker

The ExA requests the Applicant to provide an updated version of the Application Document Tracker (APP-005) at **deadlines 3**, **4**, **5**, **6** and **10**.

Inconsistencies and omissions

The ExA requests the Applicant to provide a clean **and** a track change version of the documents specified below to rectify the following inconsistencies and omissions:

The necessary documentation should be provided at **Deadline 1**.

- The draft Development Consent Order (dDCO) (APP-006) references the agreement dated 26 September 2000 and made pursuant to section 106 of the Town and Country Planning Act 1990 and the Local Government Act 1972 between Thanet District Council and Kent International Airport plc in respect of Manston Airport. References are located in Article 2 – Interpretation and in Article 35 - Abrogation of agreement. **The ExA requests the Applicant** to provide a copy of that agreement or to show where in the submitted documentation it can be found.
- Table 6.2 in Volume 6 of the ES (APP-044, Appendix 6.1) sets out ecological receptor locations. **The ExA requests the Applicant** to provide a description which states the name of the designated feature affected.
- Paragraph 14.7.6 in Chapter 14, Volume 2 of the ES (APP-034) states "*A consideration of the impacts of the construction traffic in Year 1 and 2 before operational traffic commences on the network has however been set out in the PCTMP*." Paragraph 6.5.4 of Appendix K of the Transport Assessment (APP-072) states that initial construction traffic calculations are set out "*in further detail in the TA and presented in Table 6.1*".

  Table 6.1 only presents year 1 construction traffic, not year 2 construction traffic. **The ExA requests the Applicant** to confirm where year 2 construction traffic data is presented in the ES or to provide this information.
- Paragraph 6.8.6 in Volume 1 of the ES (APP-033) states that full results for each assessment criterion are available in Appendix 6.5. Appendix 6.5 of ES Volume 6 (APP-044) only includes results for NO_x at ecological receptors. **The ExA requests the Applicant** to provide full data sets for all pollutants discussed in the text.
- Table A12.1.2 in Appendix 12.1 of ES Volume 12 (APP-057) refers to Appendix 12.5 which, it states, covers noise mitigation and vortex strike issues. There does not appear to be any Appendix 12.5. The ExA notes that Document 2.4 (APP-009) deals with the noise mitigation plan but

does not deal with vortex strike. **The ExA requests the Applicant** to provide Appendix 12.5.

- In section 7.30 of ES Volume 15 – Transport Assessment (APP-061) the full range of annotations in Table 7.103 have not been reproduced in the electronic copy of the document. **The ExA requests the Applicant** to provide an electronic copy of this table showing the full range of annotations.
- Paragraph 7.19.5 in ES Volume 15 – Transport Assessment (APP-061) regarding junction 17 refers to Figure 7.11. Figures 7.11 on page 142 of Volume 15, part 2 appears to relate to junction 20 rather than junction 17, so are mislabelled. **The ExA requests the Applicant** to provide a figure or figures with the correct labelling.
- Paragraph 7.21.7 in ES Volume 15 – Transport Assessment (APP-061) refers to Figure 7.12. **The ExA requests the Applicant** to either indicate the existing location of Figure 7.12 or provide a copy of the figure.
- In section 5 of ES Volume 15 – Transport Assessment (APP-061) the full range of annotations is missing in tables. **The ExA requests the Applicant** to provide a replacement section.
- ES Volume 6 (APP-044) has omitted the figures from the Report to Inform the Appropriate Assessment (Appendix 7.1). **The ExA requests the Applicant** to provide a copy of this Appendix showing the figures.
- The following figures for the development footprint within the Northern Grass area are provided: ES Volume 1 (APP-033) paragraph 3.3.94 - 105,100m^2; ES Volume 4 (APP-037) Figure 3.6 – 116, 000m^2 adding the totals in the inset, 118,000m^2 adding the totals in the key and 105,100m^2 and 105,065m^2 in the inset; the dDCO (APP-006), Schedule 1, Work nos. 15, 16 and 17 - 116,000m^2. **The ExA requests the Applicant** to provide clarification in respect of these inconsistencies and to confirm which of these figures is correct.
- **The ExA requests the Applicant** to provide further details regarding the proposed dimensions of the 'site gatehouse' shown in Figure 3.1 in ES Volume 4 (APP-037) and referred to in Table 11.68 in ES Volume 2 (APP-034) and included as Work no. 14 in the dDCO (APP-006) Schedule 1.

2. Compulsory Acquisition

The ExA requests that the Applicant prepares an Examination Document comprising a searchable table in respect of the position on Compulsory Acquisition. The table headings are set out on page F16 of this annex.

The Applicant should submit a first version of this **Compulsory Acquisition Status Report** at **Deadline 3** and will be asked to submit updated versions at **deadlines 4**, **5**, **6** and **10**.

The ExA requests a statement from the Applicant setting out the progress that has been made since 17 July 2018 (the date of the DCO application) (APP-002) on:

a) acquiring the land and rights and interests it requires by agreement;

b) liaison with Kent County Council, Thanet District Council, Nemo Link Limited and Stone Hill Park Limited in respect of land at plots 185b, 185c, 185d, and 185f identified in Part 5 of Book of Reference (APP-014) as being subject to s132 of the PA2008;

c) liaison with the Secretary of State for Defence, the Government Legal Department, the Met Office and the Secretary of State for Housing, Communities and Local Government in respect of land at 65 plots identified in Part 4 of Book of Reference (APP-014) as being Crown Land; and

d) identifying and liaising with Statutory Undertakers that have the potential to be affected by s127 and/ or s138 of the PA2008.

This statement is to be provided verbally at the Preliminary Meeting and confirmed in writing to **Deadline 1** in the Examination Timetable.

3. Local Impact Reports (LIRs)

The ExA requests statements singularly or jointly from the following Local Authorities:

a) Kent County Council
b) Canterbury City Council
c) Dover District Council
d) Thanet District Council

setting out their intentions in respect of providing LIRs and, in particular, whether these will be provided jointly with one or more other Local Authorities.

These Local Authorities are also requested to state whether they intend, jointly or individually, to prepare a Statement of Common Ground with the Applicant.

The list above is not designed to preclude any other local authority from submitting an LIR.

These statements are to be provided verbally at the Preliminary Meeting and confirmed in writing to **Deadline 1** in the Examination Timetable.

4. Protective Provisions

The ExA requests a statement from the Applicant setting out:

a) which bodies it intends to cover through the inclusion of Protective Provisions in Schedule 9 of the dDCO; and
b) progress in drafting and agreeing such Provisions and an estimate of the timing of the completion of draft Provisions.

This statement is to be provided verbally at the Preliminary Meeting and confirmed in writing to **Deadline 1** in the Examination Timetable.

5. Other Consents

The ExA requests a statement from the Applicant setting out progress in liaising with the Civil Aviation Authority; the Environment Agency; the relevant highways authorities; the relevant Local Authority; Natural England; the Secretary of State for Transport; the relevant sewerage undertaker; and any other relevant bodies in respect of seeking the consents and licences set out in Details of Other Consents and Licences that may be required (APP-087).

This statement is to be provided verbally at the Preliminary Meeting and confirmed in writing to **Deadline 1** in the Examination Timetable.

6. Statements of Common Ground (SoCGs)

In relation to some of the Principal Issues identified in **Annex B** above, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable therefore provides a deadline for the submission of SoCGs (**Deadline 3**, 8 February 2019).

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the Examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence.

It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. The reasons for the differences and interpretation of the implications of a difference can then be expanded in the evidence. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant Interested Party or parties, and submitted by the Applicant.

The ExA requests that SoCGs are prepared by:

- **The Applicant** and **British Gas Limited**, including, but not necessarily restricted to:
    - Any possible detriment to the carrying on of the undertaking.
    - The adequacy of the existing draft Protective Provisions at Schedule 9 in the dDCO (APP-006) and/ or the need for bespoke Protective Provisions to be included in any consented DCO.
- **The Applicant** and **BT Group plc**, including, but not necessarily restricted to:
    - Any possible detriment to the carrying on of the undertaking.
    - The adequacy of the existing draft Protective Provisions at Schedule 9 in the dDCO (APP-006) and/ or the need for bespoke Protective Provisions to be included in any consented DCO.
- **The Applicant** and **Canterbury City Council** (this SoCG may be included in and/ or refer to the Local Impact Report requested by the ExA), including, but not necessarily restricted to:
    - Noise and vibration impact on local residents, in particular in Herne Bay.
    - Transport impact on the district's road network.
    - Air quality impact and related transport movements on the health and well-being of local residents.
    - Economic impact on the district.
    - Land quality impact.
    - Landscape and visual impact.
    - The need for, and possible content of, a Development Consent Obligation under s174 of PA2008.
- **The Applicant** and the **Civil Aviation Authority** (CAA), including, but not necessarily restricted to progress with, and timings for:
    - The grant of an European Aviation Safety Agency aerodrome certificate.
    - Permission for a change of air space including a commentary on indicative flight paths.
    - Air Traffic Service approval.
    - A 'Letter of Designation'.
    - The grant of a Certificate for the provision of Air Navigation Services in the UK.
    - Air Traffic Control training approval.

  - Noise and Air Quality assessment modelling tools ie ADMS, AEDT.
  - Other permissions, agreements and licences listed in the CAA Interface Document (APP-086) and in Details of Other Consents and Licences that may be required (APP-087).

- **The Applicant** and **Defence Infrastructure Organisation Safeguarding**, including, but not necessarily restricted to:
  - The safeguarding consultation zone surrounding the Manston High Resolution Direction Finder.
  - The adequacy of the existing draft Protective Provisions at Schedule 9 in the dDCO (APP-006) and/ or the need for bespoke Protective Provisions to be included in any consented DCO.
- **The Applicant** and **Dover District Council** (this SoCG may be included in and/ or refer to the Local Impact Report requested by the ExA), including, but not necessarily restricted to:
  - The scope of work anticipated to ensure that the economic benefits of the Proposed Development for East Kent can be realised.
  - The assessment of, and possible mitigation for, the landscape and visual impact of the proposals and alternatives from receptors located in the Dover district.
  - The assessment of noise impacts on areas within Dover district and, in particular, the possible need for more detailed noise measurements for West Stourmouth.
  - The choice of noise contours in relation to the draft Noise Mitigation Plan (APP-009).
  - The need for, and possible content of, a Development Consent Obligation under s174 of PA2008.
- **The Applicant** and **The Environment Agency**, including, but not necessarily restricted to:
  - The management of waste on site and the removal and disposal of waste off the site.
  - The drainage strategy.
  - The permitting regime required for any surface water discharge at Pegwell Bay.

  Note: representations made by The Environment Agency directly related to provisions in the dDCO (APP-006) will be addressed through the examination of the dDCO.
- **The Applicant** and **Highways England**, including, but not necessarily restricted to:

  - The adequacy of the assessments of potential impacts on the strategic road network.
  - The potential impact on the M2 Motorway/ A2 Trunk Road corridor.

- **The Applicant** and **Historic England and The Kent County Council Heritage Team** (these two bodies may submit a joint SoCG or separate ones), including, but not necessarily restricted to:
  - The approach to the assessment of archaeological potential.
  - Potential harm to the heritage significance of non-designated heritage assets within the airfield.
  - Addressing potential harm to the historic character of the airfield itself.
  - Addressing potential harm to important heritage assets within the proposed site.
  - Effects on heritage assets beyond the development site.
- **The Applicant** and **Kent County Council** (this SoCG may be included in and/ or refer to the Local Impact Report requested by the ExA), including, but not necessarily restricted to:
  - The approach to transport modelling within the Transport Assessment, including the trip generation and distribution methodology and capacity assessment methodology.
  - The proposed junction solutions and the scope of junction mitigation proposed.
  - The possible need to provide a Westwood Cross link road across the northern grass in support of the Thanet Transport Strategy and Local Plan and possible conflicts with Thanet District Council's draft Strategic Routes Policy SP47.
  - The determination of the archaeological baseline.
  - The treatment of archaeological issues in the dDCO (APP-006).
  - The treatment of in situ archaeological remains in the Masterplan (APP-079).
  - The treatment of any possible substantial area or feature of high significance in the Northern Grass Area.
  - The treatment of built heritage assets.
  - The longevity of the aircraft noise voluntary quota count.
  - The choice of noise contours and the extent of the relocation scheme in relation to the draft Noise Mitigation Plan (APP-009).
  - Consideration of biodiversity across all chapters of the ES (APP-033 to APP-035).

  - The need for, and possible content of, a Development Consent Obligation under s174 of PA2008.
  - The request by the Applicant to compulsorily acquire permanent rights over 'Special Category Land' at plots 185b, 185c, 185d, 185f: in particular, but not exclusively, addressing the statutory test (s132(3) of the PA2008) that the Order Land, when burdened with the order right, will be no less advantageous than it was before to the persons in whom it is vested; other persons, if any, entitled to rights of common or other rights; and the public.

- **The Applicant** and **Kent Wildlife Trust**, including, but not necessarily restricted to:
  - Potential negative impact on species and habitats.
  - Predicted level of disturbance and pollution that will be caused by the airport proposal at sensitive nearby sites, such as Sandwich and Pegwell Bay.
  - Negative impact upon nearby internationally protected sites.
  - Measures to safely disperse birds and other wildlife from the runways.
  - Long-term conservation management.
  - Methodology and detail of further species surveys and proposed mitigation measures including for the brown hare, and invertebrates.
  - The potential and proposals for enhancement opportunities for biodiversity.
- **The Applicant** and **The Meteorological Office**, including, but not necessarily restricted to:
  - The potential effects on, and any plans for, The Meteorological Office weather station.
  - The adequacy of the existing draft Protective Provisions at Schedule 9 in the dDCO (APP-006) and/ or the need for bespoke Protective Provisions to be included in any consented DCO.
- **The Applicant** and **The Ministry of Defence**, including, but not necessarily restricted to:
  - Any possible effects of the proposal on defence interests.
- **The Applicant** and **Natural England**, including, but not necessarily restricted to:
  - An update on Natural England's interim view on adverse effects on the integrity of the Thanet Coast and Sandwich Bay SPA and Ramsar and the Sandwich Bay SAC.

  - Any potential damage to features of interest of the Sandwich Bay and Hacklinge Marshes and Thanet Coast SSSIs.
  - Impacts on European protected species, in particular, on bats.
  - In respect of air quality, the in-combination impacts of emissions from both aircraft and increased vehicle movements on designated nature conservation sites.
  - Visual and noise disturbance of bird species which are notified features of designated nature conservation sites.
  - Water quality impacts on designated nature conservation sites.
- **The Applicant** and **Nemo Link Ltd**, including, but not necessarily restricted to:
  - Any possible detriment to the carrying on of the undertaking.
  - The adequacy of the existing draft Protective Provisions at Schedule 9 in the dDCO (APP-006) and/ or the need for bespoke Protective Provisions to be included in any consented DCO.
  - The request by the Applicant to compulsorily acquire permanent rights over 'Special Category Land' at plots 185b, 185c, 185d, 185f: in particular, but not exclusively, addressing the statutory test (s132(3) of the PA2008) that the Order Land, when burdened with the order right, will be no less advantageous than it was before to the persons in whom it is vested; other persons, if any, entitled to rights of common or other rights; and the public.
- **The Applicant** and **Network Rail Infrastructure Limited**, including, but not necessarily restricted to:
  - The status and any scheduling of the proposed Thanet Parkway Railway Station at Cliffsend.
  - Any possible detriment to the carrying on of the undertaking.
  - The adequacy of the existing draft Protective Provisions at Schedule 9 in the dDCO (APP-006) and/ or the need for bespoke Protective Provisions to be included in any consented DCO.
- **The Applicant** and **Public Health England**, including, but not necessarily restricted to:
  - Possible levels of NO_2 in relation to European Standards.
  - Selection of noise levels for Significant Observed Adverse Effect Level (SOAELs) and Unacceptable Adverse Effect Level (UAELs).
  - Inclusion of annoyance as a health outcome.
  - Justification for conclusions on sleep disturbance.

  - Evidence for, and monitoring of, the efficacy of noise insulation measures.
  - The effects of, and possible mitigation measures for, the effects of noise on green and private amenity spaces.
  - The assessment of possible cumulative health effects.
  - Addressing any possible radiological contamination in the Construction Environmental Management Plan.
- **The Applicant** and **RAF Manston Museum** and the **Spitfire & Hurricane Memorial Museum**, including, but not necessarily restricted to:
  - Resolving the apparently conflicting statements in paragraph 3.1.11 of the Flood Risk Assessment (APP-048, Appendix 8.2), paragraph 6.3.2 of the Transport Assessment – Part 2 (APP-061), paragraph 3.3.104 of the ES, Volume 1 (APP-033) and paragraph 3.85 of the Planning Statement (APP-080) in order to confirm intentions and plans for the RAF Manston Museum and for the Spitfire and Hurricane Memorial Museum.
- **The Applicant** and **South Eastern Power Networks plc**, including, but not necessarily restricted to:
  - Any possible detriment to the carrying on of the undertaking.
  - The adequacy of the existing draft Protective Provisions at Schedule 9 in the dDCO (APP-006) and/ or the need for bespoke Protective Provisions to be included in any consented DCO.
- **The Applicant** and **Southern Gas Networks plc**, including, but not necessarily restricted to:
  - Any possible detriment to the carrying on of the undertaking.
  - The adequacy of the existing draft Protective Provisions at Schedule 9 in the dDCO (APP-006) and/ or the need for bespoke Protective Provisions to be included in any consented DCO.
- **The Applicant** and **Southern Water Services Limited**, including, but not necessarily restricted to:
  - The implications of the Proposed Development for wastewater, drainage, sewerage and ground water effects confirming what the likely construction and operational drainage solution will be.
  - Any possible detriment to the carrying on of the undertaking.
  - The adequacy of the existing draft Protective Provisions at Schedule 9 in the dDCO (APP-006) and/ or the need for bespoke Protective Provisions to be included in any consented DCO.

- **The Applicant** and **Stonehill Park Limited**, including, but not necessarily restricted to:
    - The request by the Applicant to compulsorily acquire permanent rights over 'Special Category Land' at plots 185b, 185c, 185d, 185f: in particular, but not exclusively, addressing the statutory test (s132(3) of the PA2008) that the Order Land, when burdened with the order right, will be no less advantageous than it was before to the persons in whom it is vested; other persons, if any, entitled to rights of common or other rights; and the public.
- **The Applicant** and **Thanet District Council** (this SoCG may be included in and/ or refer to the Local Impact Report requested by the ExA), including, but not necessarily restricted to:
    - The effect of the Proposed Development on the Draft Thanet Local Plan, including but not limited to the potential for job creation to affect future housing requirements in the district.
    - Impact on the highway network, including the assessment of traffic and transportation and the possible need to provide the northern grass link road to Westwood Cross as part of the Thanet Transport Strategy and Local Plan.
    - Noise and vibration impacts for the construction and operation of the Proposed Development, to include the assessment methodology used, the assessment of effects stated and proposed mitigation outlined.
    - Air quality, including the need for an emissions mitigation assessment, assessment methodology and effects stated, and proposed mitigation.
    - Impacts on land quality including scope of assessment, methodology, baseline, assessment of effects on human health, appropriate mitigation measures, public water abstraction, groundwater and coastal waters.
    - Landscape and visual impacts from the Proposed Development.
    - Impact on the historic environment.
    - Health and wellbeing of local residents.
    - Socio-economic impacts, including but not limited to ensuring the local employment and training is provided from the Proposed Development.
    - The need for, and possible content of, a Development Consent Obligation under s174 of PA2008.
    - The request by the Applicant to compulsorily acquire permanent rights over 'Special Category Land' at plots 185b, 185c, 185d, 185f:

in particular, but not exclusively, addressing the statutory test (s132(3) of the PA2008) that the Order Land, when burdened with the order right, will be no less advantageous than it was before to the persons in whom it is vested; other persons, if any, entitled to rights of common or other rights; and the public.

- **The Applicant** and **The Department for Transport**, including, but not necessarily restricted to:
    - The potential impacts of the Proposed Development on Operation Stack.
    - The potential impacts of Operation Stack on surrounding roads.
    - The potential impacts of the Proposed Development on Operation Brock.
    - The potential impacts of Operation Brock on surrounding roads.
- **The Applicant** and **UK Power Networks Services (South East) Limited**, including, but not necessarily restricted to:
    - Any possible detriment to the carrying on of the undertaking.
    - The adequacy of the existing draft Protective Provisions at Schedule 9 in the dDCO (APP-006) and/ or the need for bespoke Protective Provisions to be included in any consented DCO.
- **The Applicant** and **Vattenfall Wind Power Ltd** (VWPL) including, but not necessarily restricted to:
    - Assessment of cumulative effects in respect of the proposed Thanet Extension Offshore Windfarm and VWPL's offshore wind farms in Kent (both operational and in development).
    - The consideration of radar systems and the interaction with VWPL's offshore wind farms in Kent (both operational and in development).

This list may be added to in the course of the Examination and should not be taken as precluding any Interested Party and the Applicant drafting a SoCG not listed above.

The suggested content of the SoCG, listed above, is indicative and should not be taken to preclude the inclusion of any other matters that parties consider important and relevant.

The ExA suggests that the SoCGs should cover the following topics where relevant:

- Methodology for environmental impact assessment including assessment of cumulative effects.
- Data collection methods.
- Baseline data.

- Data/ statistical analysis, approach to modelling and presentation of results (including forecast methodologies).
- Full expression of expert judgements and assumptions.
- Identification and sensitivity of relevant features and quantification of potential impact.
- Likely effects (direct and indirect) on special interest features of sites designated or notified for any nature conservation purpose.
- Feasible and deliverable mitigation and method for securing such mitigation within the DCO.

Compulsory Acquisition Status Report – table headings

1	2	3	4	5	6	7	8	9	10	11	12	13
Name of Affected Person	**Plots in which party has an interest**		**Party Interested as:**	**Relevant Works No(s)**	**Freehold Acquisition (y/n)**	**Rights and/ or powers intended to acquire over plot**	**Relevant Representation submitted? (y/n and RR-number if yes)**	**Written Representation submitted? (y/n and WR-number if yes)**	**Objection made y/n**	**Recent Progress/ Current position on negotiation**	**Matters outstanding and measures to be taken**	**Agreement Reached? (y/n)**
	Plot nos	**Category**										

The Planning Inspectorate

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2 The Square
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Customer Services: 0303 444 5000
e-mail: ManstonAirport@pins.gsi.gov.uk

RiverOak Strategic Partners
c/o Angus Walker
Bircham Dyson Bell
By email

Your Ref:

Our Ref: TR020002

Date: 14 August 2018

Dear Mr Walker

Planning Act 2008 – Section 51

Application by RiverOak Strategic Partners for an Order Granting Development Consent for the upgrade and reopening of Manston Airport

Advice following issue of decision to accept the application for examination

On 14 August 2018 the Secretary of State decided to accept the above application for examination.

This letter comprises advice to the Applicant provided under s51 of the Planning Act 2008 (PA2008). It should be read in conjunction with the Manston Airport s55 Acceptance of Applications Checklist (the Checklist) issued alongside the Acceptance decision.

In applying the Acceptance tests to the application documents, the Planning Inspectorate noted some omissions/ discrepancies in the information provided, about which the appointed Examining Authority (ExA) is likely to seek resolution early in the Pre-examination stage.

The Applicant is strongly advised to pay close attention to the content of this letter, and consider carefully how appropriate action might be taken in response to the advice issued within it.

The Funding Statement (Doc 3.2)

As reflected in Box 30 of the Checklist, the Inspectorate considers that the Funding Statement poses substantial risk to the examination of the application. In respect of this, the Applicant is advised to be fully conversant with statute and guidance contained in The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and in Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land.

The issues raised in advice provided by the Inspectorate at the Pre-application stage, in consideration of draft iterations of the Funding Statement provided by the Applicant for review, has only partially been satisfied. On this basis the Inspectorate considers that the following information is very likely to be requested by the appointed ExA early in the Pre-examination stage:

- In the generality, further evidence that adequate funds will be available to enable the Compulsory Acquisition of land and rights within the relevant time period.
- Further information in respect of RiverOak Strategic Partner's (RSP) accounts, shareholders, investors and proof of assets.
- Further clarification in respect of the term "*completion of the DCO*" (Funding Statement para 12, 13, 27).
- Further details of RSP's Directors, staff, auditors etc.
- Further details of the funders who have already expressed interest and others that are likely to come forward (Funding Statement, para 23).
- Further justification as to why Article 9 of the draft DCO is appropriate and provides sufficient security for individuals in consideration of the provisions of the Human Rights Act 1998.
- Further information on the sources and availability of funding for the Noise Mitigation Plan.
- Further information on the joint venture agreement (Funding Statement, para 19 etc).
- Further details of how the costs set out in the Funding Statement at paragraph 15 have been estimated.
- Further evidence to support various statements such as:
    - *"The investors are willing to underwrite the cost of any blight claims or eventual claims in compensation* […]" (Funding Statement, para 10).
    - *"RiverOak anticipates that it will raise further equity and debt finance following the making of the DCO in order to develop the authorised development to completion"* (Funding Statement, para 11).
    - *"[RiverOak] have drawn down £500,000 from their investors"* (Funding Statement, para 20).

The Environmental Statement (Doc 5.2)

The Applicant has omitted the figures from the Report to Inform the Appropriate Assessment (Doc 5.2-6, Appendix 7.1). The appointed ExA is likely to request for the omitted figures to be provided early in the Pre-examination stage.

Chapter 7 of the Environmental Statement (ES) (Biodiversity) and the Report to Inform the Appropriate Assessment (Doc 5.2-6, Appendix 7.1) reference discussions with Natural England that have arisen since the s42 consultation. The Applicant is advised that the appointed ExA is likely to request, early in the Pre-examination stage, evidence of those subsequent discussions with Natural England and any other statutory body regarding the ecological effects of the Proposed Development that have been undertaken subsequent to the consultation.

The appointed ExA is likely to request for the Applicant to confirm its timeline for the provision of the outstanding ecological survey data required, and to confirm its worst case assessment of ecological effects arising from the Proposed Development and the extent of mitigation required.

The ES and draft DCO (Doc 2.2) provide a similar but inconsistent description of the development footprint within the Northern Grass area eg ES Figure 3.6 (106,125 sq m), ES Volume 1 paragraph 3.3.94 (105,100 sq m) and the draft DCO, Schedule 1 (116,000 sq m). The appointed ExA is likely to seek clarification in respect of this inconsistency, and crucially confirmation about which figure is correct, early in the Pre-examination stage.

The appointed ExA is also likely to request details regarding the proposed dimensions of the "*site gatehouse*" shown in ES Figure 3.1 and mentioned in Table 11.68 of the ES.

Figure 3.1 of the ES (Doc 5.2-4) refers to the relocation of the existing Ministry of Defence (MoD) aerial, however this is not mentioned in the ES or the draft DCO. The appointed ExA is likely to seek for the Applicant to confirm its intentions for the MoD aerial.

Paragraph 3.1.11 of the Flood Risk Assessment (Doc 5.2.8) and paragraph 6.3.2 of the Transport Assessment (Doc 5.2-15), in providing summaries of the works to be undertaken as part of the Proposed Development, refer to the relocation of the RAF Manston Museum. This is contradicted by paragraph 3.3.104 of the ES which states that the museum will be retained and proposals have been prepared for a new Spitfire and Hurricane Memorial Museum only. This in turn appears to be contradicted by the Planning Statement (Doc 7.2) which states at paragraph 3.85 that the RAF Manston Museum and the Spitfire and Hurricane Memorial Museum will remain on site, with an area of land being safeguarded for these facilities. The appointed ExA is likely to seek for the Applicant to confirm its intentions for the RAF Manston Museum and for the Spitfire and Hurricane Memorial Museum.

The Consultation Report (Doc 6.1 and Doc 6.2)

In respect of s42(1)(a) prescribed persons, it appears on the basis of the information provided by the Applicant that the potentially relevant persons identified in Box 6 of the Checklist were not consulted at the Pre-application stage.

Unless there is a good reason in each case why the Applicant considers that these persons are not relevant to the Proposed Development, the Applicant is advised to include these persons, or their appropriate successors, in its s56 notification exercise or to otherwise proactively draw their attention to the Relevant Representation period.

Electronic application documents

A number of RSP's application documents corrupted during the redaction process undertaken by the Planning Inspectorate prior to publication. This problem has previously been encountered with application documents submitted by other applicants. As an interim solution, those documents have been manually redacted, scanned, and exported to the website. In this format, crucially, the text comprising the documents is not searchable.

The corrupted documents are:

- ES Volume 1: Main Text – Chapters 1-10 (Doc 5.2-1).
- ES Volume 6: Appendices 1.4 – 7.2 (Doc 5.2-6).
- ES volume 7: Appendices 7.3 – 8.1 (2 of 3) (Doc 5.2-7).
- ES Volume 8: Appendices 8.2 – 9.1 Part A (2 of 3) (Doc 5.2-8).
- ES Volume 25: Appendices to the Transport Assessment (2 of 3) (Doc 5.2-25).

By **close of play on Friday 17 August 2018** can the Applicant please provide additional versions of the above documents in order that the Inspectorate may replace the corrupt versions on its website to allow unhindered inspection of their content?

I trust that this advice is useful to you and that it will aid your preparation for the examination of the application. If you have any questions about the content of this letter, please do not hesitate to contact me using the details provided.

Yours sincerely

Richard Price

Richard Price
National Infrastructure Case Manager

Tel. 0303 444 5654

BDB PITMANS

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Your Ref

Our Ref
ADW/166055.0003

Date
18 January 2019

Dear Richard

Proposed Manston Airport Development Consent Order
Application ref: TR020002

Deadline 1 submission - 18 January 2019 - document ref TR020002/D1/Cover

Please find the submission of the Applicant for Deadline 1 enclosed.

This submission consists of a number of separate enclosures and documents which are submitted in response to various requests from the Examining Authority ('ExA') as well as text in this covering letter itself responding to specific questions posed by the ExA. It comprises the following:

1. **Enclosure 1:** A timeline for the provision of the outstanding ecological survey data required to confirm the worst case ecological impact assessment, in response to the request on page F1 of the Rule 6 letter issued by the ExA on 11 December 2018 ('Rule 6 letter'). This is consistent with the oral update provided to the ExA at the Preliminary Meeting held on 9 January 2019. As requested by the ExA at the Issue Specific Hearing into the draft DCO ('dDCO') held on 10 January 2019, this document also includes a statement confirming the optimal period for the surveys being undertaken.

2. In response to the request on page F2 of the Rule 6 letter as to which version of the Construction Environmental Management Plan should be used, the Applicant responds as follows:

2.1 The Construction Environmental Management Plan (CEMP) as a stand-alone document, APP-011, is the correct version. The CEMP at Appendix 3.2 of the Environmental Statement (ES) Volume 6, APP-044 should be disregarded. The Applicant apologises for the confusion this may have caused, which resulted from a failure to update the ES Appendix when the application

was re-submitted. An updated APP-044 reflecting the correct CEMP is enclosed as part of the Deadline 1 submission (see paragraph 6 below).

3. **Enclosure 2:** The Applicant's statement in response to the Planning Inspectorate's s.51 advice dated 14 August 2018, requested on page F2 of the Rule 6 letter. This enclosure consists of two parts:

3.1 a statement in relation to environmental topics; and

3.2 a statement in relation to funding topics.

4. **Enclosure 3:** Revised Habitats Regulation Assessment matrices, in Word format, updated to reflect the full and accurate list of qualifying features of the designated sites and a full assessment of all relevant qualifying features. This is in response to the ExA's request on page F2 of the Rule 6 letter. These have also been provided as part of an updated Appendix 7.1 in APP-044.

5. **Enclosure 4:** Section 106 agreement between Thanet District Council and Kent International Airport plc in respect of Manston Airport, dated 26 September 2000. This is provided in response to the request on page F3 of the Rule 6 letter. We are unaware of any amendments to the agreement, but understand from Thanet District Council's input to the Issue Specific Hearing into the dDCO, (held on 10 January 2019), that it will confirm whether there have been any further revisions to the s.106 agreement and will submit any updated version(s).

6. **New versions of APP-005, 008, 037, 044, 048, 057, 061 and 072.** A tracked changed and clean version of the following application documents, which address certain inconsistencies and omissions identified on pages F3 and F4 of the Rule 6 letter. Each tracked change version is preceded by an explanation of the changes that have been made.

- APP-005: Application Document Tracker:
  - A revised version to reflect the amended documents in this list.

- APP-008: NSIP Justification:
  - Correcting inconsistencies with work numbers between this document and the dDCO (APP-006); and
  - Providing further clarity on which elements of the Proposed Development comprise the NSIP and which are associated development. This will also be reflected in the revised dDCO provided at Deadline 3.

- APP-037: Volume 4 of the ES, updating:
  - Figure 3.6 to more clearly show the development footprint within the Northern Grass area (further explanation is also provided below at paragraph 7). Note: there is no tracked change version of this document as only a figure has changed rather than any text.

- APP-044: Volume 6 of the ES, updating:
  - Appendix 3.2: CEMP (see paragraph 2.1 above);
  - Table 6.2 in Appendix 6.1;
  - Appendix 6.5 to provide full data sets for all pollutants discussed in paragraph 6.8.6 in Volume 1 of the ES (APP-033); and
  - Appendix 7.1: Report to Inform the Appropriate Assessment (Appendix 7.1 has also been provided in Word format as requested – see paragraph 4 above)

- APP-048: Volume 8 Part 1 of the ES, clarifying:
  - In paragraph 3.1.11 of the Flood Risk Assessment, that the RAF Manston Museum and the Spitfire and Hurricane Memorial Museum will remain on site, with an area of land being safeguarded for these facilities. This clarification is consistent with the statements made within all other application documents.

- APP-057: Volume 12 of the ES, providing:
  - An updated reference to the Wake Turbulence Policy which deals with noise mitigation and vortex strike issues, the correct reference being Appendix 2 of the Noise Mitigation Plan (APP-009). The previous reference in APP-057 to Appendix 12.5 was provided in error.

- APP-061: Volume 15 of the ES, updating:
  - Paragraph 6.3.2 to clarify that the RAF Manston Museum and the Spitfire and Hurricane Memorial Museum will remain on site, with an area of land being safeguarded for these facilities. This clarification is consistent with the statements made within all other application documents;
  - Table 7.103 to show the full range of annotations;
  - Figure 7.11 to correct a labelling error;
  - Tables in section 5 to provide full annotations; and
  - Figure 7.12, which was previously mislabelled as Figure 7.11.

- APP-072: Volume 25 of the ES clarifying:
  - In paragraph 6.5.4 of Appendix K, that Table 6.1 includes Year 2 construction traffic data. This was always the case but had not been explicitly stated. The title of Table 6.1 has also been updated to reflect this clarification.

An updated version of APP-006, the dDCO, will be provided at Deadline 3, and will include changes in relation to the development footprint of the Northern Grass (explained at paragraph 7 below).

7. In response to the request on page F4 of the Rule 6 letter to provide clarification in respect of the development footprint within the Northern Grass area, the Applicant responds as follows:

7.1 Permission is being sought for development on the Northern Grass area with a maximum gross floor area (GFA) of no more than 105,100m^2. The Applicant seeks a degree of flexibility in the way maximum area is delivered across the Northern Grass. To that end, it has sub-divided the

Northern Grass area into three zones identified in the works plans and in Schedule 1 to the dDCO as Works 15, 16 and 17. Each of those works is subject to constraints in terms of maximum height and GFA (specified in the relevant Works Numbers).

7.2 The GFA of each zone is limited as follows:

7.2.1 Zone 1: no greater than 30,000m^2

7.2.2 Zone 2: no greater than 60,000m^2

7.2.3 Zone 3: no greater than 26,000m^2

7.3 The Applicant acknowledges that these maxima total 116,000m^2, but it confirms that it is applying for total development across all three zones of no more than 105,100m^2. For example, if the GFA constructed in Zones 1 and 2 were to be the maximum allowed for those zones, i.e. 90,000m^2 combined, then that would limit the GFA development in Zone 3 to 15,100m^2. The Applicant considers that this has been appropriately explained within the ES, in particular in paragraphs 3.3.96 and 3.3.100. The dDCO will be updated at Deadline 3 to reflect this.

7.4 However, the Applicant agrees that this was not as clear as it could have been on Figure 3.6 of ES Volume 4, APP-037 and has therefore provided an updated APP-037 with an updated Figure 3.6. This updated Figure 3.6 provides an illustrative layout showing the total GFA to be 105,065m^2, i.e. within the maximum of 105,100m^2 for which permission is being sought. The table in the top left of Figure 3.6 has been updated to provide clarification on this point and the key has been updated to correct the error referring to a maximum of 28,000m^2, instead of 26,000m^2, for zone 3.

7.5 Schedule 1 of the dDCO (APP-006) will be updated for Deadline 3 to reflect that the maximum total GFA that permission is being sought for is 105,100m^2 and not 116,000m^2.

8. In response to the request on page F4 of the Rule 6 letter as to the proposed dimensions of the 'site gatehouse' shown in Figure 3.1 of the ES Volume 4 (APP-037) and referred to in Table 11.68 in ES Volume 2 (APP-034) and included as Work no.14 in the dDCO (APP-006) Schedule 1, the Applicant provides the following information (also included within Enclosure 2 to this letter) and confirms that this has been assessed in the ES as part of the assessment of the masterplan. Where a potentially significant impact is predicted to occur as a result of the inclusion of a specific feature of the masterplan, this is reported on in the relevant chapter of the ES. The proposed gatehouse will:

8.1 Be a one storey flat roofed gatehouse with a maximum volume of 4 metres cubed, with a maximum height of 4 metres above ground level; and

8.2 Have an overhead gantry with a clearance of 5.5 metres to the road surface, with a maximum height of 8 metres above ground level.

9. In response to the request on page F5 of the Rule 6 letter, the Applicant provides the following update on progress that has been made since 17 July 2018 on:

9.1 acquiring the land and rights and interests it requires by agreement:

9.1.1 The Applicant has made contact with all persons with an interest in land (PILs) in the Book of Reference (APP-014) – a total of 163. 25 PILs have responded and negotiations are ongoing, meetings having taken place with several of them, engagement will continue to be attempted with the remainder. A full schedule setting out the details of liaison with PILs will be submitted at Deadline 3.

9.2 liaison with Kent County Council, Thanet District Council, Nemo Link Limited and Stone Hill Park Limited in respect of land at plots 185b, 185c, 185d, and 185f identified in Part 5 of the Book of Reference (APP-014) as being subject to s.132 of the Planning Act 2008 (PA 2008):

9.2.1 The Applicant is seeking access over these four plots of land as a right of way for the purposes of maintaining the pipeline leading from the airport site to Pegwell Bay. This land is considered to be open space land. The Applicant's position is that the land will be no less advantageous to those PILs listed above, even if the Applicant obtains a right over the land. This is because the Applicant would simply require infrequent access on what is already an established right of way used by others and this would therefore not impact on the PILS' use of the land. As such, the Applicant considers that s.132 of the PA 2008 is not engaged. The Applicant has therefore not specifically raised this issue with any of these PILs but will include the issue in the Statements of Common Ground it is negotiating with each of them for Deadline 3.

9.3 liaison with the Secretary of State for Defence, the Government Legal Department, the Met Office and the Secretary of State for Housing, Communities and Local Government in respect of land at 65 plots identified in Part 4 of the Book of Reference (APP-014) as being Crown Land;

9.3.1 The Secretary of State for Defence has an interest in the majority of these plots. The Applicant's legal representatives first made contact with the Secretary of State for Defence on 31 October 2017 and subsequently there has been ongoing engagement, with a view to reaching agreement as to land issues and section 135 consent. A meeting was held between the parties on 18 October 2018 and since that date, the Applicant has sought to make progress to reach agreement, including agreeing a Statement of Common Ground ('SoCG'). An update will be submitted for Deadline 3.

9.3.2 The Applicant confirms that it has been in discussion with the remaining three bodies since January 2018 and a brief summary is set out below:

(a) The Government Legal Department have interests affecting two plots of land, plots 019c and plot 050b, through two dissolved companies. They have confirmed that they are satisfied that these assets are now vested in bona vacantia, but they are holding off making a decision on what to do with the assets.

(b) There is ongoing dialogue between the Applicant and the Met Office and a SoCG is being progressed.

(c) The Secretary of State for Housing, Communities and Local Government were identified as potentially having an interest in one plot of land, namely plot 027. The Applicant awaits a response and confirmation back on this issue and this has been chased.

9.3.3 A full schedule setting out the details of liaison with all these bodies will be submitted for Deadline 3.

9.4 identifying and liaising with Statutory Undertakers that have the potential to be affected by s.127 and/or s.138 of the PA 2008.

9.4.1 Through various iterations of the land referencing exercise dating back to May 2017, the Applicant has identified the statutory undertakers that it considers may be affected by the project. Section 127 of the PA 2008 relates to statutory undertakers that have made a representation in respect of the DCO application. The Applicant understands that two statutory undertakers have made representations in respect of this application, Network Rail and Southern Gas Networks, whose rights we do not intend to interfere with (as we are only acquiring the surrounding freehold).

9.4.2 The Applicant does not consider s.138 of the PA 2008 to be engaged as it is not intending to remove any relevant apparatus or extinguish any relevant right belonging to statutory undertakers.

9.4.3 In relation to the three statutory undertakers in respect of which the ExA requested updates on at the Preliminary Meeting, the Applicant responds as follows:

(a) British Gas: British Gas Limited is recorded in the Book of Reference (APP-014) as a category 2 interest in respect of Plots 124, 127, 128 and 129 by virtue of rights contained in a deed dated 8 July 1975. The Applicant has confirmed that Southern Gas Networks (SGN), which is already recorded in the Book of Reference in respect of these plots, is the only beneficiary of rights granted under this deed and British Gas Limited no longer has any interest. The updated Book of Reference to be provided at Deadline 3 will remove the interest of British Gas Limited from these plots. British Gas Limited therefore has no interest in any of the Order land. The Applicant does not propose to engage further with British Gas Limited and requests that the Inspectorate does not require a SoCG to be provided with British Gas Limited at Deadline 3.

(b) Nemo Link: the Applicant made contact with Nemo Link on 4 January 2019 and is currently in active discussions with this statutory undertaker and working towards a SoCG to be submitted for Deadline 3.

(c) Vattenfall: the Applicant has concluded a SoCG for Vattenfall (dated 7 December 2018). However, this did not include specific reference to the issue in hand and as such, the Applicant will conclude a new version of the SoCG for Deadline 3 that does deal with this issue. Vattenfall is not referred to in the Book of Reference and its Thanet Extension order limits do not overlap with those of this project so the Applicant is currently of the view that Vattenfall is not a statutory undertaker in relation to this project.

10. In response to the request on page F6 of the Rule 6 letter and item 3 at the Issue Specific Hearing into the dDCO on 10 January, the Applicant provides the following statement, in the form of a table, in relation to the progress of protective provisions. This is consistent with the oral update provided to the ExA at the Preliminary Meeting and the update given in response to item 3 at the Issue Specific Hearing on 10 January.

Party	**Update**
Southern Gas Networks (SGN)	The Applicant has been in discussions with SGN on the form of protective provisions to be included in the dDCO (APP-006) since 25 September 2018. The most recent position is that SGN provided further comments on the draft protective provisions, including proposed additional protective provisions, on 18 December 2018 and the Applicant is currently considering these.
Network Rail (NR)	The Applicant has been in discussions with NR on the form of protective provisions to be included in the dDCO (APP-006) since October 2018. The most recent position is that on 18 January 2019 NR's legal advisors provided the Applicant with a draft framework agreement, including draft protective provisions, for review and the Applicant is currently considering this.
Southern Water (SW)	The Applicant has been in discussions with SW in relation to the form of protective provisions to be included in the dDCO (APP-006), since September 2018. SW has not yet provided any comments on proposed changes to the protective provisions contained in the dDCO (APP-006).
UK Power Networks (UKPN)	The Applicant is in discussions with UKPN on the form of protective provisions to be included in the dDCO (APP-006) and first made contact with UKPN on 13 September 2018.

	Despite follow up emails, the most recent being 8 January 2019, UKPN has not yet provided any comments on proposed changed to the protective provisions contained in the dDCO (APP-006).
South Eastern Power Networks (SEPN)	SEPN and UKPN have jointly instructed lawyers as they are part of the same family of companies so the comments above apply equally to SEPN.

11. In response to the request on page F6 of the Rule 6 letter, the Applicant provides the following update, in the form of a table setting out progress made on other consents and licences needed (APP-087).

APP-087 paragraph	**Consent / Licence**	**Progress**
2(a)	Approvals from relevant highway authorities and the Secretary of State pursuant to the requirements contained in the development consent order.	Under the provisions of the dDCO, these would be secured once the DCO has been made.
2(b)	Licences from Natural England in relation to affected European Protected Species pursuant to regulation 53 of the Conservation of Habitats and Species Regulations 2010, in relation to bats.	The Applicant has been in regular contact with Natural England regarding licences but is of the view that these will not be secured before the grant of the DCO. The Applicant will endeavour to ensure that the agreed position on this issue with Natural England is set out in the SoCG which will be provided for Deadline 3.
2(c)	Licences from Natural England to affect protected species under section 16 of the Wildlife and Countryside Act 1981 in relation to bats.	
2(d)	Permits, including a possible Waste Management Licence, from the Environment Agency pursuant to the Environmental Permitting (England and Wales) Regulations 2010.	Such licences, permits and/or controls would not be secured before the grant of the DCO as they are reliant on detailed design. The approach to those consents required from the Environment Agency will be covered in the
2(e)	Consents from the relevant local authority pursuant	

	to section 61 of the Control of Pollution Act 1974.	SoCG with them.
2(f)	Consents from the relevant sewerage undertaker to discharge waste water to a sewer pursuant to section 118 of the Water Industry Act 1991.	
2(g)	Consent(s) from the Environment Agency to discharge treated water to a watercourse pursuant to s.166 of the Water Industry Act 1991.	
CAA 2(a)	The grant of an European Aviation Safety Agency (EASA) aerodrome certificate.	The Applicant has met with the Civil Aviation Authority (CAA) on a number of occasions, most recently in October 2018. The CAA has made it clear that it will not deal with the consents set out at (a), and (c) – (g) until after the grant of the DCO. In relation to consent (b), the Applicant submitted, in November 2018, an application to the CAA for a change of air space in the form of a Statement of Need, and is currently awaiting appointment of a case officer at the CAA before this application can progress any further. It is expected that the air space change process will take approximately two years. The Applicant will endeavour to ensure that a statement to this effect is included in the SoCG with the CAA submitted for Deadline 3.
CAA 2(b)	Permission for a change of air space.	
CAA 2(c)	Letter of Designation.	
CAA 2(d)	Certificate for the provision of Air Navigation Services in the UK.	
CAA 2(e)	Certification as a Training Organisation to provide an Air Traffic Control service.	
CAA 2(f)	Provision of commercial aeronautical information service and meteorological information.	
CAA 2(g)	Aeronautical radio licences, AGS fire licence, AGS air traffic control / ground movement control, AGS operations control licence, aeronautical navigation aid radio licence, aeronautical radar licence.	

3(a)	Premises licence from the local authority pursuant to the Licensing Act 2003.	Such licences would only be considered and procured once the DCO was granted and once there was greater certainty about the details of operational requirements.
3(b)	A walkie talkie licence from OfCom pursuant to article 5 of the Wireless Telegraphy (Licensing Procedure Regulations 2013).	
3(c)	A licence from the local planning authority pursuant to the Town and Country Planning (Control of Advertisements) Regulations 2009 to display advertisements on buildings.	

12. **Summary of Oral Submissions TR020002/D1/Sub:** a separate document is attached setting out a summary of oral submissions presented at the preliminary meeting, issue specific hearings on the dDCO and the open floor hearings held on 9-11 January 2019. In particular, this separate document contains as enclosures:

12.1 Evidence showing the Applicant's acquisition of the Jentex site; and

12.2 A table setting out how the Housing and Planning Act 2016 has amended the PA 2008 and how those amendments have been taken into account in the dDCO.

Yours sincerely

[redacted]

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Enclosure 1

Technical note:
Manston Airport – Ecological Surveys Programme

1. Introduction

This Technical Note has been prepared in response to the request on page F1 of the Rule 6 letter issued by the Examining Authority (ExA) on 11 December 2018 ('Rule 6 letter'), and is consistent with the oral update provided to the ExA at the Preliminary Meeting held on 9 January 2019.

2. On-Site surveys

2.1 Types of surveys

- **Bats:**
  - Activity surveys (static and manual) to be completed between April and July 2019. A dusk and pre-dawn survey will be undertaken on one of the survey occasions; and
  - Roost surveys: emergence/re-entry surveys will be undertaken for those buildings/structures identified with low, medium or high roost suitability in 2017. Closer inspection and survey will be conducted for those trees with potential roost features of moderate or high potential (see **APP-044** Volume 6 Appendix 7.11). Hibernation surveys will be conducted from January through to March 2019 inclusive;
- **Breeding birds:** Territory mapping surveys within the site and, where public access permits, a 100m buffer around it. These will be based upon the British Trust for Ornithology (BTO's) Common Bird Census (CBC) methodology and will comprise six visits to the entire site over the period March/April to June 2019 inclusive[i]. Survey for barn owl will follow Shawyer (2011)[ii]. Survey, using vantage points, for short-eared owl will follow Hardey *et al.* (2009)[iii];
- **Reptiles:** A small area[1] (c. 4ha) of the site was not surveyed in 2017 due to access restrictions and it is planned that these will be surveyed from April/May up to and including September 2019. If presence/likely absence survey in these unsurveyed areas reveal reptiles, a population size class survey (following Froglife guidelines[iv]) will be undertaken;
- **Terrestrial invertebrates:** Surveys will target those species/assemblages that the site is most likely to support over the main period of invertebrate activity (April to September 2019 inclusive (albeit focussing on the key activity period, May-July 2019));
- **Botanical Interest:** National Vegetation Classification[v] (NVC) survey methodology will be employed to identify grassland communities of botanical interest within the Site mid/late May to early July 2019; and

[1] The currently un-surveyed reptile survey areas are shown in Figure 2 of the reptile presence / absence survey report, November 2017 (Appendix 7.6).

- **Legally controlled species:** Survey in January/February 2019 for the invasive plant, winter heliotrope through systematic search, particularly in the northern part of the Site with records nearby.

2.2 Programme

The proposed schedule for ecological surveys on-site is provided in Table 2.1.

It is recognised that the duration of the surveys extend beyond the examination period, but this cannot be avoided as certain seasonal data needs to be captured as a result of access to the site not being granted by the current owners until late 2018. It is proposed that the survey information gathered, the assessment and any changes to the proposed mitigation are issued to the Examining Authority by May (Deadline 7), so that there is sufficient time for interested parties to comment upon it before the end of the examination.

RiverOak is confident that the worst-case scenario reported in the ES is robust and potential impacts adequately addressed by the Habitat Creation and Mitigation Plan (ES Appendix 7.13). The findings and proposed mitigation measures are expected to be confirmed by May, based on the suite of additional surveys that will have been completed by Deadline 7. The survey results are expected to be completed by September (subject to weather conditions). This approach has been discussed with Natural England (NE) and a draft Statement of Common Ground (SoCG) prepared. The draft SoCG will be submitted at Deadline 3 subject to any internal resourcing constraints that may delay NE's response.

Table 2.1 Proposed schedule for ecological surveys on-site

Survey	2019											
	Jan	Feb	March	April	May*	June	July	Aug	Sept	Oct	Nov	Dec
Bats: Activity surveys					50%**							
Bats: Hibernation surveys					100%							
Bats: Emergence/Re-entry surveys					10%**							
Breeding birds					70%**							
Reptiles: Presence/Absence survey					100%							
Population size class survey (if required)					75%**							
Terrestrial Invertebrates					34%**							
Botanical interest					5%**							
Legally controlled species: Winter heliotrope					100%							

* A package of biodiversity survey reports will be submitted in May 2019.
** Estimated percentages of survey data available to be submitted in the package of survey reports in May 2019 to support the examination process.
As noted during the Preliminary Meeting held on 9 January 2019, the schedule survey dates referred to above are the optimal periods for surveys to be carried out for each of the corresponding survey types.

3. Biodiversity Area Surveys

3.1 Introduction

A Mitigation and Habitat Creation Plan (MHCP) was submitted in Appendix 7.13 (**APP-046**) to describe the habitat creation and enhancement measures that mitigate the impacts upon the on-site ecological receptors. Much of this mitigation occurs off-site in what has been named the Biodiversity Area (BA). The BA will comprise a number of lowland terrestrial habitats delivered through habitat creation. Further surveys are required on the BA to determine existing habitats.

Section 3.2 describes the types of surveys to be undertaken and Section 3.3 details the indicative programme of works.

3.2 Types of surveys

- **Badgers:**
  - Surveys for badgers will need to be undertaken for provision of biodiversity compensation;
- **Breeding birds:**
  - Breeding bird surveys employing the same methodology as on-site has been undertaken and completed on the BA site;
- **Great Crested Newts:**
  - A desk study was undertaken in September 2018 to determine the likelihood of finding Great Crested Newts (GCNs) on the BA site.

    Surveys are scheduled to take place between March and June 2019 to determine which ponds in the BA are suitable;
- **Reptiles:**
  - Presence/absence surveys were undertaken from August to September 2018. Reptiles were found to be present so Population Size Class (PSC) surveys will be undertaken. The PSC surveys will take place during March to late May 2019. Refugia will be placed in March, with surveys commencing late March/early April, and completed in May 2019; and

3.3 Programme

Table 3.1 Biodiversity area programme

Survey	2019										
	Jan	Feb	March	April	May*	June	July	Aug	Sept	Oct	Nov
Breeding birds											
Reptiles			Population size class								
Great Crested Newt			Presence/Absence (if positive Habitat Suitability Index)								
			Population size class surveys (if present)								

*The BA survey results available will be submitted to the ExA in May.

[i] Natural England and Defra (2015) Wild birds: surveys and mitigation for development projects. Available online at: https://www.gov.uk/guidance/wild-birds-surveys-and-mitigation-for-development-projects [Accessed 21/03/18]

[ii] Shawyer, C. R. (2011) Barn Owl *Tyto alba* Survey Methodology and Techniques for use in Ecological Assessment: Developing Best Practice in Survey and Reporting. IEEM, Winchester.

[iii] Hardey, J., Crick, H., Wernham, C., Riley, H., Etheridge, B., & Thompson, D. (eds). 2009. Raptors. A Field Guide to Surveys and Monitoring (2nd edition). Scottish Natural Heritage, Inverness.

[iv] Froglife Advice Sheet 10 (1999). Reptile survey: an introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Froglife. Halesworth;

[v] Rodwell, J.S. (2006). *National Vegetation Classification: Users' Handbook*. Joint Nature Conservation Committee, Peterborough; and; Rodwell, J.S., (ed.) 1992. *British Plant Communities. Volume 3. Grassland and Montane Communities*. Cambridge University Press.

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Enclosure 2

Technical note:
Manston Airport – RiverOak responses to Examining Authority comments in s51 Advice

1. Introduction

This Technical Note is being provided in response to the request on page F2 of the Rule 6 letter issued by the Examining Authority (ExA) on 11 December 2018 ('Rule 6 letter'), and is consistent with the oral update provided to the ExA at the Preliminary Meeting held on 9 January 2019. It provides comments on the advice given by the Planning Inspectorate (The Inspectorate) under Section 51 of the Planning Act 2008. Comments relating to the Environmental Statement and the responses to them are shown in Table 2.1. Where relevant, the document or paragraph reference to which the comment relates has been included, along with information as to where changes, if any, have been made.

2. s51 advice

Table 2.1 s51 advice - responses

Item	Examining Authority Comment	RiverOak Response	Relevant Document
Appendix 7.1 in **APP-044**	*The Applicant has omitted the figures from the Report to Inform the Appropriate Assessment (Doc 5.2-6, Appendix 7.1). The appointed ExA is likely to request for the omitted figures to be provided early in the Pre-examination stage.*	Figures were omitted from the document submission by mistake but were available. Figures have been submitted for Deadline 1.	Appendix 7.1 in resubmitted **APP-044.**
Chapter 7 in **APP-033** and Appendix 7.1 in **APP-044**	*Chapter 7 of the Environmental Statement (ES) (Biodiversity) and the Report to Inform the Appropriate Assessment (Doc 5.2-6, Appendix 7.1) reference discussions with Natural England that have arisen since the s42 consultation. The Applicant is advised that the appointed ExA is likely to request, early in the Pre-examination stage, evidence of those subsequent discussions with Natural England and any other statutory body regarding the ecological effects of the Proposed Development that have been undertaken subsequent to the consultation.*	A technical note has been produced which details all correspondence with Natural England to date and this is included as Appendix A to this note.	Natural England Correspondence Tracker (Appendix A).
Chapter 7 of ES in **APP-033**	*The appointed ExA is likely to request for the Applicant to confirm its timeline for the provision of the outstanding ecological survey data required, and to confirm its worst case assessment of ecological effects arising from the Proposed Development and the extent of mitigation required.*	An indicative programme of further surveys has been produced and submitted for Deadline 1 as enclosure 1 to the cover letter.	Deadline 1 – Enclosure 1: Indicative Programme for Ecological Surveys and Reporting.
Figure 3.6 in **APP-037** and para 3.3.94 in **APP-033**	*The ES and draft DCO (Doc 2.2) provide a similar but inconsistent description of the development footprint within the Northern Grass area eg ES Figure 3.6 (106,125 sq m), ES Volume 1 paragraph 3.3.94 (105,100 sq m) and the draft DCO, Schedule 1 (116,000 sq*	The reference in ES Volume 1 paragraph 3.3.94 (105,100 sq m) is the correct area to be used.	Updated Figure 3.6 in resubmitted **APP-037.**

Item	Examining Authority Comment	RiverOak Response	Relevant Document
APP-006	*m). The appointed ExA is likely to seek clarification in respect of this inconsistency, and crucially confirmation about which figure is correct, early in the Pre-examination stage.*	Further clarification is provided at paragraph 8 of the Deadline 1 cover letter.	
Figure 3.1 in **APP-037** and Table 11.68 in **APP-034**	*The appointed ExA is also likely to request details regarding the proposed dimensions of the "site gatehouse" shown in ES Figure 3.1 and mentioned in Table 11.68 of the ES.*	Further information is provided at paragraph 9 of the Deadline 1 cover letter.	No further documents provided.
Figure 3.1 in **APP-041**	*Figure 3.1 of the ES (Doc 5.2-4) refers to the relocation of the existing Ministry of Defence (MoD) aerial, however this is not mentioned in the ES or the draft DCO. The appointed ExA is likely to seek for the Applicant to confirm its intentions for the MoD aerial.*	Relocation will be outside the red line boundary, to align with the MoD's electromagnetic propagation requirements. The permission for relocation will be sought separately.	No further documents provided.
Para 3.1.11 in **APP-048** Para 6.3.2 in **APP-061** Para 3.85 in **APP-080** Para 3.3.104 in **APP-033**	*Paragraph 3.1.11 of the Flood Risk Assessment (Doc 5.2.8) and paragraph 6.3.2 of the Transport Assessment (Doc 5.2-15), in providing summaries of the works to be undertaken as part of the Proposed Development, refer to the relocation of the RAF Manston Museum. This is contradicted by paragraph 3.3.104 of the ES which states that the museum will be retained and proposals have been prepared for a new Spitfire and Hurricane Memorial Museum only. This in turn appears to be contradicted by the Planning Statement (Doc 7.2) which states at paragraph 3.85 that the RAF Manston Museum and the Spitfire and Hurricane Memorial Museum will remain on site, with an area of land being safeguarded for these facilities. The appointed ExA is likely to seek for the Applicant to confirm its intentions for the RAF Manston Museum and for the Spitfire and Hurricane Memorial Museum.*	The museums are being *safeguarded* and not relocated. All references to the museums being relocated should be replaced with safeguarded. The following paragraphs of the application documents have been updated to clarify this: • Paragraph 3.1.11 of The Flood Risk Assessment (**APP-048**); and • Paragraph 6.3.2 of the Transport Assessment (**APP-061**).	Updated paragraph 3.1.11 of the Flood Risk Assessment (**APP-048**); Updated paragraph 6.3.2 of the Transport Assessment (**APP-061**).

Appendix A
Manston Airport – Natural England Correspondence

1. Meetings and Teleconferences

Table 2.1 details the consultation undertaken through meetings and teleconferences, including the dates and scope of the discussion.

Table 2.1 Consultation Meetings/teleconferences with NE

Date	Type / Participants	Meeting Scope
26/04/2016	Meeting - Natural England and Amec Foster Wheeler Environment & Infrastructure UK Limited (Amec Foster Wheeler)	Project outline; general overview of biodiversity issues including European sites; potential scope of the Evidence Plan process.
09/11/2016	Meeting - Natural England and Amec Foster Wheeler	Project update; use of third party data; HRA Screening Methodology; ornithological survey; assessment parameters.
05/09/2017	Meeting, NE Worthing - Natural England and Amec Foster Wheeler	Project update, baseline survey programme, HRA (air quality, water, noise issues) and European Protected Species; ornithological survey (bird flight line survey).
06/03/2018	Teleconference - Natural England and Wood (previously Amec Foster Wheeler)	Project update, bat survey and European Protected Species licencing, HRA (noise in relation to effects on birds, air quality and water).

2. Email Correspondence

Table 3.1 details the emails received by Mark Linsley (Wood) from Heather Twizell (NE Case Officer).

Table 3.1 Emails received from NE Case Officer

Date	Content
22/11/18	Confirmed the protocol for document sending was established. Not been able to fully review the updated SoCG. Following up with bat licencing issue. HT will be handing involvement in the Manston case to a colleague.
25/09/18	Still not heard back from the licencing team but the relevant information has been sent to the right coordinator. HT preparing relevant representation response but would like to know who the Environment Agency contact is, so they can liaise.
18/07/18	Extension of DAS contract. Mitigation and Habitat Creation Plan: when to discuss.
04/07/18	Acknowledging receipt of Mitigation and Habitat Creation Plan; indicating her liaison with NE's Amanda Fegan (AF) on the document.
14/06/18	Confirmation that HT had spoken to AF about progressing consultation on mitigation/compensation.

Date	Content
05/06/18	Asking whether HT had spoken with AF about mitigation/compensation.
22/05/18	Returned comments on SoCG v1. Also comment on consulting on bat mitigation, extending DAS contract, requirements for noise assessment wrt birds and the HRA work, and indicating that NE would provide no further specialist comment on ornithology.
17/05/18	HT to AF briefing on Manston and the Wood request to consult on bat mitigation.
07/03/18	HT's notes on the previous day's teleconference.
05/03/18	Confirming teleconference arrangements.
21/02/18	Responding to Mike Raven (MR) on dates for March teleconference and comment on AQ Technical Note wrt selection of non-human receptors.
13/02/18	Response to MR about teleconference dates.
29/01/18	Response to MR about teleconference dates with some comment on HRA (noise, ornithology, AQ).
16/01/18	Requesting a catch-up after the new Manston Airport Public Consultation on the PEIR.
20/10/17	Regarding dates to discuss ornithology (HRA).
10/10/17	Regarding dates to discuss ornithology (HRA).
02/10/17	Comments on minutes of meeting of 5 Sept 2017.

Table Note: there is correspondence pre-dating October 2017 but this is not shown above.

Table 3.2 details the emails sent by Mark Linsley (ML) to Heather Twizell, Amanda Fegan (EPS), Sarah Anthony (SA) (ornithology), and Marian Ashdown (MA) (AQ), NE.

Table 3.2 Emails sent to NE

Date	Content
29/11/18	Asked for progress on bats, the SoCG and identifying HT's replacement.
19/11/18	Asked if they had caught up with the SoCG and if they are happy that we establish the protocol with NE as per email of 31/10/18.
31/10/18	A clean and track changes SoCG sent to HT. Asked to agree protocol with Natural England that we will send each other copies of anything we or NE send to The Inspectorate.
18/09/18	Requested another date for telecon.
05/09/18	Confirmation of 25/09/18 as date the Wood team are available for teleconference.
30/08/18	Confirmation 04/09/18 for telephone call with HT.
22/08/18	Requested the availability of the NE team for discussion on Habitat Creation and Management Plan (HCMP) and SoCG from HT.
16/08/18	Request for dates to discuss HCMP and SoCG.
19/07/18	Request for a date in August to discuss the HCMP and a date in September to discuss the SoCG.

Date	Content
25/06/18	Issue of HCMP to HT and AF.
06/06/18	To inform of ML whereabouts for 'phone contact.
05/06/18	Confirming to HT that I had spoken with AF regarding bats and the need to discuss.
24/05/18	No contact as indicated from AF, so informing AF of ML contact numbers.
23/05/18	In response to HT email of 22/05 indicating agreement to speak with AF with regard to arranging a date for discussion on mitigation for EPS (bats) and other protected species.
22/05/18	To HT, in response to HT's email of 17/05, enquiring about a date to arrange a telecon on bats/mitigation.
17/05/18	To arrange phone call re HCMP.
16/05/18	Informing HT of the HCMP and requesting a telecon with HT and appropriate NE resource to discuss.
08/03/18	Commenting on HT's notes on minutes and indicating intention to send her a SoCG based on the telecon.
22/02/18	Invitation to telecon for 06/03.
17/01/18	Wood project team update and points for discussion on HRA work.
20/10/17	X2, Informing of a/l dates and arranging time for 'phone catch up.
12/10/17	Points for discussion on ornithology/HRA.
11/10/17	Providing ML availability to HT as SA unavailable.
10/10/17	To SA requesting call to discuss her comments on ornithology in minutes of meet of 05/09/17.
06/10/17	Amended minutes of 05/09 meet.
05/10/17	Request to discuss ornithology in telecon with HT and SA.
03/10/17	Provided a technical note containing the non-human receptors for the air quality assessment.
31/08/17	Agenda for meet of 05/09/17.

Table Note: there is correspondence pre-dating August 2017 but this is not shown above.

3. Phone calls

Tables 4.1 details phone calls held with Heather Twizell, Amanda Fegan and Claire Storey (CS) at NE.

Table 4.1 Phone calls with NE

Date	Content
12/12/18	ML and CS: discussed that CS will be dealing with bats and EPS licencing issue going forward, one of her colleagues will dead with the DCO/SoCG. CS was not up to speed with the relevant application documents and will get back to ML next week. CS was unaware of the Stone Hill Park application. CS said that with a deficient baseline we would need to provide evidence that we had tried to access the site to obtain it, which ML said we would be able to do.

Date	Content
11/09/18	ML and HT: HT unable to confirm 25/09/18 as suitable day for telecom. HT still trying to resource someone from NE with regards to bats and the MHCP (of the BA). No specialists on ornithology or air quality (with regard to HRA work and the RIAA) are available to join the telecon.
05/09/18	ML and HT: Discussed a tentative date for a telecom. Followed up with an email confirming 25/09/18 as the day fine for the Wood team.
04/09/18	ML attempted to call HT twice about a planned phone call for that day.
25/06/18	ML and AF to inform of situation wrt site access, bat surveys, worst-case assessment and mitigation and a request to discuss with her and HT Site mitigation/compensation measures and HRA from 04/06/18.
17/05/18	ML and HT informing of temporary withdrawal of application. HT indicates that NE will not see application docs until app. Accepted by The Inspectorate. HT indicates NE under-resourced although NSIPs have high priority.
26/10/17	ML and HT: Ornithology connected to minutes of 05/09/17 meet.
03/10/17	ML and HT: Ornithology connected to minutes of 05/09/17 meet.

MANSTON AIRPORT PROJECT

S51 ADVICE ON FUNDING

RESPONSE FOR DEADLINE 1 ENCLOSURE 1 TO MAIN LETTER

Funding statement comments

During the statutory consultation on the proposed application in 2017 and 2018 and the open floor hearings on 10 and 11 January 2019, there has been concern from some interested parties as to the corporate structure and funding of Riveroak Strategic Partners Ltd (the Applicant). In particular, concern has been expressed that 90% of shares in the Applicant company were owned by a Belize registered company whose ultimate beneficial owners are resident in Switzerland as well as the United Kingdom. This was said to give rise to an absence of transparency.

The Applicant has recognised that the lack of transparency in relation to the Belize entity in particular has given rise to a number of questions. As a consequence, a restructuring of the ownership of RSP is currently taking place with a view to simplifying its ownership. The intention is that RSP's parent company will be registered in the UK with full transparency as to its directors and shareholders. The restructuring is currently in process and is subject to commercial confidentiality but it is anticipated that it will be complete and that further details can be put into the public domain by Deadline 3 (8 February).

In its s.51 Advice of 14 August 2018 the ExA sought further information relating to the funding of the project. It was hoped that the restructure would be complete by Deadline 1 such that the full information sought by the ExA could be provided but unfortunately that has not proved to be the case. The requests from the ExA and the Applicant's responses are set out below. Where it is not yet possible to provide the full information, a note has been included to explain that this will be submitted by Deadline 3.

- *In the generality, further evidence that adequate funds will be available to enable the Compulsory Acquisition of land and rights within the relevant time period.*

This will be provided at Deadline 3.

- *Further information in respect of RiverOak Strategic Partner's (RSP) accounts, shareholders, investors and proof of assets.*

As a special-purpose vehicle, RSP does not generally have funds or assets and does not engage in transactions such that it has accounts. The owners of RSP are RiverOak Manston Ltd, a UK registered company of which Lawlor, Yerrall and Freudmann are directors and MIO Ltd, a Belize registered company. As mentioned above, following completion of the restructure, further information will be provided at Deadline 3.

- *Further clarification in respect of the term "completion of the DCO" (Funding Statement para 12, 13, 27).*

The Funding Statement (ref APP-013) refers to commitments that have been made to funding the completion of the DCO. This includes funding sufficient to cover any claims for blight, compulsory acquisition and noise mitigation.

- *Further details of RSP's Directors, staff, auditors etc.*

The current directors of RSP are Nicholas Rothwell, Rico Seitz and Gerhard Huesler - all residents of Switzerland, Niall Lawlor and George Yerrall, US residents and Anthony Freudmann, UK resident. They have been the directors since RSP was incorporated in August 2016.

The auditors of RSP are Calder & Co, 16 Charles II Street, London SW1Y 4NW.

- *Further details of the funders who have already expressed interest and others that are likely to come forward (Funding Statement, para 23).*

This is generally commercially sensitive particularly during the current restructure, but the funders will be approached for permission for their names to be made known. It is hoped that this information can be provided at Deadline 3.

- *Further justification as to why Article 9 of the draft DCO is appropriate and provides sufficient security for individuals in consideration of the provisions of the Human Rights Act 1998.*

The purpose of Article 9 is to make it a precondition of the development that funds to pay for compulsory acquisition are in place to the satisfaction of the Secretary of State, without which it cannot commence. The type of security that is likely to be proposed as that set out at Article 9(2)(f), a guarantee by a person (in fact a company). It is intended that once the reorganisation is complete by Deadline 3, this guarantee will be provided to the examination, which should provide security for individuals facing compulsory acquisition. As mentioned in the Funding Statement, this article is similar to other articles in other DCOs (e.g. Rookery South, Able Marine Energy Park and Swansea Tidal Lagoon) where the applicant was a similar entity and was felt to be sufficient in those cases. A draft parent company guarantee was provided to the examination in the case of the Able Marine Energy Park.

- *Further information on the sources and availability of funding for the Noise Mitigation Plan.*

This is the same as the funding for land acquisition and further details will be provided at Deadline 3.

- *Further information on the joint venture agreement (Funding Statement, para 19 etc).*

This will be superseded by the reorganisation mentioned above.

- *Further details of how the costs set out in the Funding Statement at paragraph 15 have been estimated.*

The costings have been put together by a major project manager with over thirty years' experience, who has been working with key advisors from RPS, Wood, Osprey and Northpoint as well as with major construction companies.

- *Further evidence to support various statements such as:*

o *"The investors are willing to underwrite the cost of any blight claims or eventual claims in compensation [...]" (Funding Statement, para 10).*

Statements from the investors will be provided once the restructure is complete.

o *"RiverOak anticipates that it will raise further equity and debt finance following the making of the DCO in order to develop the authorised development to completion" (Funding Statement, para 11).*

Interested parties will be approached to see if they agree to be named on an open or confidential basis by Deadline 3.

- *"[RiverOak] have drawn down £500,000 from their investors" (Funding Statement, para 20).*

The applicant will provide further evidence on this point by Deadline 3 when the restructure is complete.

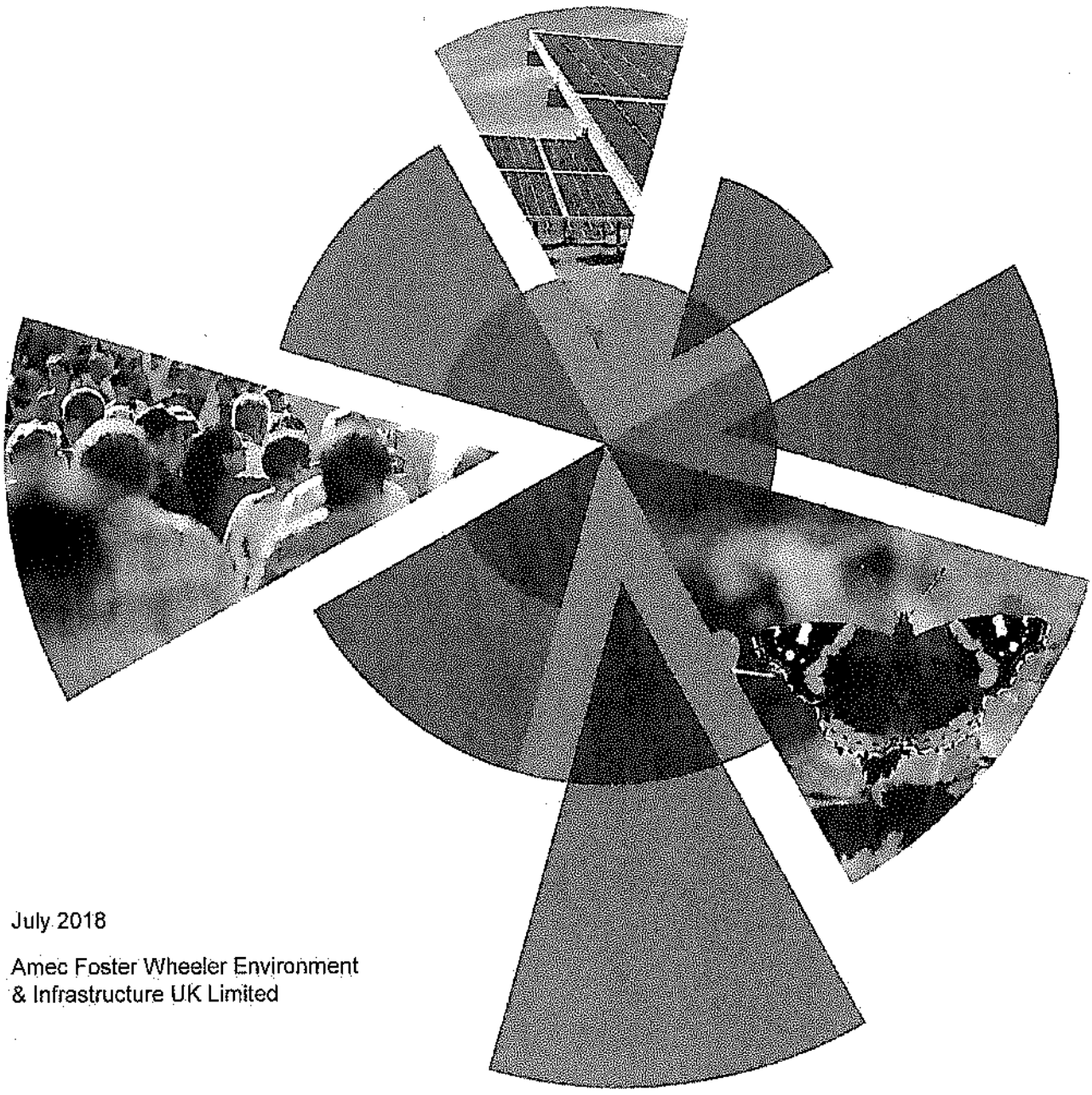
BDB PITMANS

Enclosure 3

RiverOak Strategic Partners Limited

Manston Airport

Report to Inform the Appropriate Assessment



July 2018

Amec Foster Wheeler Environment
& Infrastructure UK Limited

Report for

RiverOak Strategic Partners

Main contributors

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Management systems

This document has been produced by Amec Foster Wheeler Environment & Infrastructure UK Limited in full compliance with the management systems, which have been certified to ISO 9001, ISO 14001 and OHSAS 18001 by LRQA.

Document revisions

No.	Details	Date
1	Draft	09/10/2017
2	Draft (version 2)	04/01/2018
3	Draft (version 3)	16/02/2018
4	Final	March 2018
5	Final Issue 2	July 2018

Contents

1. Introduction

1.1 Background to and Purpose of this Report

1.1.1.1 This Report forms one of a suite of documents, which together support and explain in detail the content and nature of RiverOak Strategic Partners (hereafter referred to as 'RiverOak') Development Consent Order (DCO) application in respect of the Manston Airport Project (the 'Proposed Development'); the proposals and their policy context are more fully described in the Planning Statement (Environment Statement [ES] **Chapter 4: Planning Policy Context**) and related supporting documentation accompanying the DCO application. The description for the Proposed Development is provided in **ES Chapter 3: Description of the Proposed Development.** This report is an appendix **(Appendix 7.1)** to **ES Chapter 7: Biodiversity.**

1.1.1.2 RiverOak is seeking a DCO (incorporating powers of compulsory acquisition of interests and rights in land) to acquire, re-develop and re-open Manston Airport in Ramsgate, Kent. The proposal focuses on the provision of air cargo services. The proposal also includes the provision of passenger services and enable aircraft maintenance, repair, overhaul and end-of-life recycling amongst other things.

1.1.1.3 The project is a Nationally Significant Infrastructure Project (NSIP) under section14 (1)(i) and section23 of the *Planning Act 2008 (as amended)* (hereafter referred to as the 2008 Act). Development consent under the 2008 Act is required if a development is an NSIP. An application for a DCO will be examined by the Planning Inspectorate (PINS) who will make a recommendation to the Secretary of State for Transport as to whether the DCO is granted. The Secretary of State will then decide whether the DCO is made.

1.1.1.4 When considering the merits of the application, the Secretary of State and PINS must consider potential effects on European sites (Natura 2000 sites[1]). European sites are defined as Special Areas of Conservation (SACs), candidate SACs, Sites of Community Importance (SCI), Special Protection Areas (SPA) and European Marine Sites, which are marine areas designated as SACs and SPAs. UK policy extends the requirements pertaining to European sites to include Ramsar sites and potential SPAs, which would include proposed extensions or alterations to existing SPAs.

1.1.1.5 SPAs are sites classified in accordance with *Article 4 of Directive 2009/147/EC on the conservation of wild birds*, the codified version of *Directive 79/409/EEC as amended*. This is known as the Birds Directive.

1.1.1.6 SACs are designated under *Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora*, as amended. This is known as the Habitats Directive. Article 3 of the Habitats Directive requires the establishment of a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species identified in Annexes I and II respectively of the Habitats Directive.

1.1.1.7 The term 'European Marine Site' (EMS) (as defined by the *Conservation of Habitats and Species Regulations 2017, as amended* (SI 2017 No. 1012) and also known as the 'Habitats Regulations') refers to those marine areas of both SACs and SPAs, which are protected under the EC Habitats and Birds Directives. These areas range from entirely subtidal to exclusively intertidal. An EMS can be an entire SAC or SPA, or only part of one (the SAC/SPA may also include terrestrial areas). However, 'European Marine Site' is not a statutory site designation: these areas are essentially management units for those parts of Natura 2000 sites which extend beyond the SSSI designations in the UK.

1.1.1.8 SCIs are sites that have been adopted by the European Commission but not yet formally designated by the government of each country. Article 13(1) of the Habitats Regulations state that:

[1] Natura 2000 is a network of nature protection areas in the territory of the European Union.

> *"Once a site of Community importance in England or Wales has been adopted in accordance with the procedure laid down in Article 4(2) of the Habitats Directive (list of sites of Community importance), the appropriate authority must designate that site as a special area of conservation as soon as possible and no later than six years from the date of adoption of that site."*

1.1.1.9 Ramsar sites are wetlands of international importance, listed under the *Ramsar Convention*, which the UK ratified in 1976. The vast majority of Ramsar sites are also designated as a SPA. Though Ramsar sites are international / global sites, because of the UK national policy requirement to treat them as Natura 2000 sites, they are also referred to as 'European sites' within this document.

1.1.1.10 If a project is likely to have an effect on a European site, the applicant must provide a Habitats Regulations Assessment (HRA) report as part of the application documentation. The HRA report must show the European site(s) potentially affected, alongside sufficient information to enable the Secretary of State to make an appropriate assessment[2] if required.

1.2 Habitats Regulations Assessment

1.2.1.1 The Habitats Directive provides, *inter alia*, a framework for the protection of European sites. The Habitats Directive is transposed into the law of England and Wales by The *Conservation of Habitats and Species Regulations 2017, as amended* (SI 2017 No. 1012) and also known as the 'Habitats Regulations'.

1.2.1.2 Amongst other things, the Habitats Regulations define the process for the assessment of the implications of plans or projects on European sites. This process is termed the Habitats Regulations Assessment (HRA) and, in relation to Nationally Significant Infrastructure Projects (NSIPs), is specified by the Planning Inspectorate in its advice note entitled '*Habitats Regulations Assessment relevant to National Infrastructure Projects (Advice Note 10)*' (Version 8, November 2017). Further guidance on the HRA process is available at both the national[3] and European level[4].

1.2.1.3 In exercising its duty as Competent Authority, the Secretary of State must comply with Regulation 63 of the Habitats Regulations, as set out below:

- *"63(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which:*
  - *a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
  - *b) is not directly connected with or necessary to the management of that site,*
- *must make an appropriate assessment of the implications for that site in view of that site's conservation objectives."*

1.2.1.4 In undertaking the assessment under Regulation 63(1)(a) and, if required the appropriate assessment under Regulation 63(1)(b), the Secretary of State must consult Natural England and have regard to any representations that Natural England makes. The HRA is a staged process that is described in Advice Note 10 as:

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[2] Regulation 5 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.
[3] ODPM Circular 06/2005: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system
[4]European Commission (2001) Assessment of plans and projects significantly affecting Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC; European Commission (2000) Managing Natura 2000 Sites – the Provisions of Article 6 of Article 6 of the "Habitats" Directive 92/43/EEC.

- **Stage 1** – HRA Screening: Screening for Likely Significant Effects (LSEs or an LSE). If there are no LSE(s) identified for all the European sites considered, then the report should take the form of a No Significant Effects Report (NSER) and HRA Stages 2-4 will not be required.
- **Stage 2** - Appropriate Assessment: If there are LSEs, it is necessary to assess the implications of those LSEs on the affected site's or sites' conservation objectives.
- **Stage 3** - Assessment of Alternatives: A consideration of alternatives is required if it cannot be concluded that there will be no adverse effect on the integrity of the affected European site(s).
- **Stage 4** - Consideration of Imperative Reasons of Over-riding Public Important (IROPI): If there are no alternatives, an IROPI assessment is required.

1.2.1.5 Stages 1 and 2 are covered by Regulation 63 (as stated above), and Stages 3 and 4 are covered by Regulation 64 of the Habitats Regulations.

1.2.1.6 This document has been produced because the Proposed Development is located in close proximity to several European sites, notably the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar, and the Sandwich Bay Special Area of Conservation (SAC). It describes the methods employed (in **Section 2**) and results (in **Section 3**) of the HRA screening process (i.e. Stage 1), undertaken in connection with the Proposed Development, which has been informed through the consultation process. A number of LSEs are identified from the screening process, and taken forward for more detailed consideration in this report to inform an Appropriate Assessment (Stage 2), the details of which are also provided within this report (in **Section 4**), and concluded in **Section 5**.

1.3 Consultation

1.3.1.1 A consultation exercise has been undertaken with Natural England prior to the ES being issued to PINS for determination, to inform the HRA screening exercise (Stage 1) and provide input to inform the Appropriate Assessment (Stage 2). **Table 1.1** provides an overview of the meetings undertaken with Natural England.

Table 1.1 HRA Consultation

Date	Type / Participants	Meeting Scope
26/04/2016	Meeting - Natural England and Amec Foster Wheeler Environment & Infrastructure UK Limited (Amec Foster Wheeler)	Project outline; general overview of biodiversity issues including European sites; potential scope of the Evidence Plan process.
03/11/2016	Meeting - Natural England and Amec Foster Wheeler	Project update; use of third party data; HRA Screening Methodology; ornithological survey; assessment parameters.
05/09/2017	Meeting - Natural England and Amec Foster Wheeler	Project update, baseline survey programme, HRA (air quality, Water, noise issues) and European Protected Species; ornithological survey (bird flight line survey).
06/03/2018	Meeting - Natural England and Wood (previously Amec Foster Wheeler)	Project update, bat survey and European Protected Species licencing, HRA (noise in relation to effects on birds, air quality and water).

2. Methodology

2.1 HRA Screening (Stage 1)

2.1.1 Process Outline

2.1.1.1 It is the purpose of the HRA screening stage (Stage 1) to determine whether or not a plan or project is capable of resulting in LSEs on one or more European sites. If a LSE is identified, an Appropriate Assessment is required (Stage 2) to determine whether it can be concluded that the plan or project will not result in an adverse effect on the integrity of one or more European sites.

2.1.1.2 The HRA screening stage has been characterised by the European Commission in the guidance document '*Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*' as a four-step process. These steps are:

- **Step 1**: *"determining whether the project or plan is directly connected with or necessary to the management of the* European *site"*;
- **Step 2**: *"describing the project or plan and the description and characterisation of other projects or plans that in combination have the potential for having significant effects on the Natura 2000 site"*;
- **Step 3**: *"identifying the potential adverse effects on the European site"*; and
- **Step 4**: *"assessing the significance of any adverse effects on the European site"*.

2.1.1.3 The originator of the plan or project must provide sufficient information to the Competent Authority to enable LSEs to be identified, and if they are, to inform an Appropriate Assessment. The Appropriate Assessment is then carried out by the Competent Authority.

2.1.1.4 In order to determine whether a plan or project is capable of resulting in one or more LSEs on a European site, it is necessary to understand the activities associated with the construction, operation or decommissioning (if relevant) of the project (e.g. the take-off / landing of aircraft), the potential changes that may occur in the environment as a result (e.g. the production of aircraft noise and pollution) and the effects that this may have on designated features of European sites (e.g. disturbance of fauna resulting in increased energy expenditure and reduced energy intake resulting in lower survival and productivity rates). Through the use of this 'activity – change – effect' concept, it is possible to identify potential European sites (and their designated features) that may be subject to LSEs through the determination of a series of geographic parameters (see **Section 2.3**).

2.1.1.5 When each of the four steps has been worked through, there are two potential outcomes:

- One or more LSEs on designated features of European sites are identified and the project requires an Appropriate Assessment (Stage 2); or
- No LSEs on designated features of European sites are identified, either because there is no pathway by which such effects could occur or the potential effect can be discounted due to project design (see **Section 2.4**) and therefore, there is no requirement for an Appropriate Assessment.

2.1.2 Identifying In-Combination Effects, and Other Plans or Projects for Inclusion (Step 2, Stage 1)

2.1.2.1 Effects on European sites may result from a proposed development alone and/or in-conjunction with other plans or projects; these potential effects are described as 'in-combination effects' in the Habitats Regulations. Within the published literature, the main reference that provides relevant and current guidance is:

- *Planning Inspectorate [PINS] (2015). Advice Note 17 Cumulative Effects Assessment relevant to nationally significant infrastructure projects.*

2.1.2.2 This source informed the methods used for the separate in-combination assessment.

2.1.2.3 The identification of plans and projects to include within the in-combination assessment of effects, forms part of **Step 2** of the HRA screening process, and follows the same methodology as that outlined in **Section 2.1.3** for the identification of European sites relevant to the Proposed Development. Key to the inclusion of other plans and projects within the in-combination assessment are the spatial and temporal overlaps that may occur due to the scale of potential changes (e.g. overlaps in the zones of disturbance caused by simultaneous construction activity) or the areas over which potential receptors may travel (e.g. a bird may pass through several areas where development is proposed when moving between roosting and feeding grounds).

2.1.2.4 The same process for undertaking an Environmental Impact Assessment (EIA) Cumulative Effects Assessment (CEA) for a Nationally Significant Infrastructure Project (NSIP) as outlined in PINS Advice Note 17 (PINS, 2017) has been used for the HRA in-combination assessment.

2.1.2.5 Details of the approach taken in assessing in-combination effects, referred to as the cumulative impacts within the ES, is provided in **ES Chapter 5: Approach to the Environmental Statement** and in **Chapter 18: Cumulative Effects**. The outcome of this process, is a short-list of other developments and plans to include within the in-combination assessment.

2.1.3 Identification of the European Sites that Could Be Affected by the Proposed Development and Other Plans/Projects (Step 3, Stage 1)

2.1.3.1 Part of **Step 3** of the HRA screening stage is to identify the European sites that could potentially be affected by the Proposed Development, either alone and/or in-conjunction with other plans or projects. The European sites that should be considered within the HRA screening process are those where there is the potential for an effect to be realised. Key to determining which European sites are included is an understanding of the activities associated with the Proposed Development, the geographical scale over which changes due to the different activities may be detectable and the types of receptors (i.e. designated features) susceptible to them. An efficient way to determine these relationships in a structured and transparent way is through the use of the activity – change – effect model, which has been employed within this screening process.

2.1.3.2 Central to the identification of European sites for consideration within the HRA process is the ability to define evidence based geographic parameters. In order to achieve this, the following steps are followed (see **Table 3.1** for further detail):

- Identification of the activities of the Proposed Development and other plans/projects associated with the construction, operation or (if applicable) decommissioning phases that have the potential to result in changes to background environmental parameters (e.g. air quality, land take);
- Determination of the changes that could occur as a result of the activities identified;
- Determination of the scale over which these changes may occur, based on published literature, outputs from the ecological assessment process and/or professional judgement; and
- Identification of the potential receptors[5] (e.g. based on Annex 1 habitats and Annex II species in the Habitats Directive and Annex I birds listed in the Birds Directive, including any functionally linked habitat outside the boundaries of the SPA) that may be affected by the identified changes.

2.1.3.3 Functionally linked habitat in this context is defined as; Areas of land or sea outside of the boundary of a European site that may be important ecologically in supporting the populations for which the European site has been designated or classified. Occasionally impacts to such habitats

[5] Based on baseline environmental survey and desk-study information.

can have a significant effect upon the species interest of such sites, where these habitats are considered to be functionally linked to the site (Natural England, 2016).

2.1.3.4. The outcome of these steps is a series of geographic parameters based on potential pathways of effect that can then be used to determine both the European sites for inclusion within the HRA process due to their physical proximity to the Proposed Development, and those linked by way of mobile fauna and associated functionally linked habitat.

2.1.3.5. Information on European sites within the UK was gathered using the Joint Nature Conservation Committee (JNCC) website (www.jncc.gov.uk)[6] and the Defra GIS[7] mapping tool MAGIC (http://magic.defra.gov.uk/). Data on designations elsewhere within the European Union was available from the European Environment Agency's Natura 2000 network viewer (http://natura2000.eea.europa.eu/), in order to determine any potential transboundary impacts.

2.1.4 Determining LSEs (Step 4, Stage 1)

2.1.4.1 Step 4 of the HRA screening process is to assess the significance of any adverse effects on the European sites identified in **Step 3**. The HRA screening process uses the LSE threshold to determine whether effects on European sites should be the subject of further assessment. The Habitats Regulations do not define the term LSE. However, in the Waddenzee case (Case C-127/02), the European Court of Justice found that an LSE exists if it cannot be excluded on the basis of objective information that the plan or project will have significant effects on the conservation objectives of the site concerned, whether alone or in-combination with any other project. The Advocate General's opinion in relation to the Sweetman case (Case C-258/11) further clarifies the position by noting that, for a conclusion that an LSE exists to be made "*there is no need to **establish** such an effect, it is merely necessary to determine that there **may** be such an effect*" (bold font indicates original emphasis).

2.1.4.2 For the purposes of the screening stage, an LSE is defined as any identified effect that is capable of resulting in a change in the conservation status of one or more qualification features of a European site after all aspects of the plan or project have been considered alone and in-combination with other plans and projects.

2.1.4.3 In line with guidance and case law, a precautionary approach has been taken to the screening process. Only those qualification features and European sites where it can be demonstrated that there is no likelihood of a significant effect occurring have been screened out.

2.1.4.4 Within this screening assessment, each potential effect is considered using information from surveys undertaken as part of:

- The EIA process;
- Published literature (where available); and
- Other available baseline data, modelling outputs and professional judgement (informed by CIEEM, 2016).

2.1.4.5 Where a potential effect has been identified but no LSE is predicted, the reason for that finding is provided.

2.1.4.6 If the screening exercise (**Stage 1**) concludes that no LSEs are predicted, then a 'Non-Significant Effects Report' is produced and no further assessment is undertaken.

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[6] Designated features described within the results sections are those outlined in the SPA Review (Stroud *et al.* 2001) as per JNCC guidance (http://jncc.defra.gov.uk/page-5485)
[7] Geographic Information System

2.2 Appropriate Assessment (Stage 2)

2.2.1.1 For those European sites and their features for which LSE(s) has been identified in the Stage 1 screening process, further study is undertaken to permit an Appropriate Assessment (Stage 2) to be undertaken by the Competent Authority, using information provided by the applicant and its consultants and NE. This study includes a detailed assessment of the potential adverse effects on each feature identified, and concludes whether this would result in an adverse effect on the integrity of the European site.

2.2.1.2 The study to provide information for Appropriate Assessment is informed by results from the desk study (to provide contextual information) and baseline surveys undertaken for the Proposed Development, and through consultation with NE. The Favourable Conservation Status (FCS) of the qualifying features of the European sites, the current site conditions and any threats or vulnerabilities are also taken into consideration when assessing the effects as well as any mitigation and avoidance measures aimed at reducing/ avoiding the effects.

2.2.1.3 This follows the approach endorsed in the case of Peter Sweetman v Coillte Teoranta. (Judgement of 12 April 2018, C-323/17). The Judgement concerns the stage at which mitigation measures should be taken into account when undertaking an assessment under the Habitats Regulations. The High Court held that mitigation and avoidance measures should not be considered during Stage 1 (the screening stage during which LSEs are identified) and instead be considered during Stage 2 (Appropriate Assessment).

2.2.1.4 The Habitats Directive defines when the conservation status of the habitats and species it lists is to be considered as favourable. The definitions it uses for this are specific to the Directive; in summary, they require that the range and areas of the listed habitats, and the range and population of the listed species, should be at least maintained at their status when the Directive came into force in 1994 or, where the 1994 status was not viable in the long term, to be restored to a position where it would be viable (http://jncc.defra.gov.uk/page-4096, accessed 6 March 2018).

2.2.1.5 When assessing the conservation status of habitats, four parameters are considered. These are: range, area, structure and function (referred to as habitat condition) and future prospects. For species, the parameters are: range, population, habitat (extent and condition) and future prospects. Each of these parameters is assessed as being in one of the following conditions: Favourable, Unfavourable-inadequate, Unfavourable-Bad, or Unknown.

2.2.1.6 Details of the conservation status (including any pressures and threats) of each qualifying feature is reported in JNCC (2007) and can be obtained from the JNCC website: for habitats (http://jncc.defra.gov.uk/page-4064) and species (http://jncc.defra.gov.uk/page-4063).

2.2.1.7 If it cannot be concluded that there will be no adverse effect on the integrity of the affected European site(s), then **Stage 3** (Assessment of Alternatives) and **Stage 4** (Consideration of Imperative Reasons of Over-riding Public Important) are carried out.

3. HRA Screening (Stage 1)

3.1 Step 1: Relationship Between the Proposed Development and the Conservation Management of European Sites

3.1.1.1 **Step 1** seeks to determine whether or not the plan or project is directly connected or necessary for the management of a European site.

3.1.1.2 The European Commission guidance states that in order to conclude that a plan or project is directly connected or necessary for the management of a European site, it must relate solely to conservation actions and not be a direct or indirect consequence of other actions.

3.1.1.3 The Proposed Development is not connected to, or necessary for, the management of any European site, therefore it is necessary to proceed to **Step 2** (see **Section 3.2**).

3.2 Step 2: Description of the Proposed Development

3.2.1 Description of the Site and the Surrounding Area

The application site

3.2.1.1 The application site (referred to in this document as the Order Limits) is located on the existing site of the former Manston Airport, west of the village of Manston and north east of the village of Minster, in Kent. The town of Margate lies approximately 5km to the north of the Order Limits and Ramsgate approximately 1km to the east/ north-east. Pegwell Bay is located approximately 1km from the operational part of the airport, though the outfall (which, together with the outfall corridor, forms part of the Order Limits) discharges into Pegwell Bay. The northern part of the Order Limits is bisected by the B2050 (Manston Road), and the Order Limits is bounded by the A299 dual carriageway to the south and the B2190 (Spitfire Way) to the west. The existing access to the Order Limits is from the junction of the B2050 with the B2190.

3.2.1.2 The Order Limits covers an area of approximately 303.2 ha (749.2 acres) and comprises a combination of existing buildings and hardstanding, large expanses of grassland, and some limited areas of scrub and/or landscaping and the route of the existing outfall which flows into Pegwell Bay. This includes the 2,748m long, 60m wide runway, which is orientated in an east-west direction across the southern part of the Order Limits. The existing buildings are clustered along the east and northwest boundaries of the Order Limits

3.2.1.3 A network of hard surfacing, used for taxiways, aprons, passenger car parking, and roads connects the buildings to the runway and to the two main airport entrance points that are located to the east and west of the Order Limits. The buildings and facilities are generally surrounded by grassland; during the previous operation of the airport this was kept closely mown. Landscape planting is limited to lines of ornamental trees and shrubs along some sections of the boundary of the Order Limits such as the B2190, around some buildings and in car parking areas on the eastern edge. Post and wire security fencing of varying heights runs alongside most of the Order Limits' perimeter.

3.2.1.4 The part of the Order Limits to the north of Manston Road (B2050), which bisects the centre of the Order Limits in a roughly east to west direction, is referred to as the 'Northern Grass'. This part of the Order Limits is predominantly grassland, with some areas of hard standing, including a stretch of taxiway that formerly linked across to the main taxiway network. The two museums, the Spitfire and Hurricane Memorial Museum, and the RAF Manston Museum, are located in the southwestern corner of the 'Northern Grass'. A small number of other redundant buildings, such as the former RAF air traffic control tower, are also located on the 'Northern Grass'.

Site history

3.2.1.5 The Order Limits provided a variety of airport-related services from 1916 until it ceased operation in May 2014. It operated as RAF Manston until 1998, and was also a base for the United States Air Force for a period in the 1950s. From 1998 it operated as a private commercial airport with a range of services including scheduled passenger flights, charter flights, air freight and cargo, a flight training school, flight crew training and aircraft testing. More recently it operated as a specialist air freight and cargo hub. Much of the airport infrastructure, including the runway, taxiways, aprons, cargo facilities, and a passenger terminal still remains, with a number of the buildings still in use, including a helicopter pilot training centre, and the Spitfire and Hurricane and RAF Manston museums.

3.2.2 Summary Description of the Proposed Development

3.2.2.1 The aims and purpose of the Proposed Development are to reopen and develop Manston Airport into a dedicated air freight facility, which also offers passenger, executive travel, and aircraft engineering services. The proposed DCO will, amongst other things, authorise:

- Upgrading the runway and improving the parallel taxiway;
- Constructing 19 new air cargo stands;
- Constructing four new passenger aircraft stands and a new passenger terminal;
- Completely re-fitting the airfield navigation aids;
- Refurbishing or replacing the existing fire station;
- Building new air cargo facilities;
- Developing a new air traffic control service, demolishing the current Air Traffic Control tower;
- An aircraft recycling facility;
- A flight training school;
- A fixed-base operation for executive travel;
- Building new aircraft maintenance hangars and developing areas of the 'Northern Grass' for airport related businesses; and
- Highway improvement works to ensure improved access to and around Manston Airport, including a new, permanent, dedicated access on Spitfire Way which will help to reduce airport related traffic on the local road network.

3.2.2.2 A detailed description of the Proposed Development is provided in the **Chapter 3: Description of the Proposed Development** within the ES.

3.2.3 DCO Programme and Project Delivery

3.2.3.1 The submission of the DCO application is scheduled for the beginning of the second quarter of 2018. Based on this programme and the anticipated determination period, the DCO may be granted in the third quarter of 2019 and this timescale has been assumed when developing the construction/operational programme for this assessment.

3.2.3.2 The forecasting of the air freight and passenger movements for the airport, as discussed further below, has been conducted for the 20-year period from the granting of the DCO. This section outlines the programme for construction and then operation of the Proposed Development during this 20-year period.

3.2.3.3 The main activities to be undertaken during year 1 would be the construction activities required to return the Order Limits to full operational use. There may be some limited airport services, for example helicopter and heli-charter services, flight school and training services, and fixed base of

operation services; however, these will be dependent on the level of work required to restore the runway and to construct other essential services and utilities.

3.2.3.4 The full reopening of the airport would therefore take place in year 2, which would also see the start of the air freight services. Passenger services are anticipated to start in year 5.

3.2.3.5 Three further phases of construction, as described in more detail below, would follow in years 2-5, 5-12 and 12-18. During these three phases of construction, the airport would remain operational (see **Section 3.3, Chapter 3: Description of the Proposed Development** of the ES).

3.2.4 Other Developments and Plans

3.2.4.1 The short list of other developments and plans that has identified for which in-combination effects with the Proposed Development could potentially occur is presented in **Table 18.2** in **Chapter 18: Cumulative Effects** of the ES. The reasons for inclusion and exclusion of 'other developments', are included in **Appendix 18.1, Chapter 18: Cumulative Effects**. The location of the short list of 'other developments' is included in **Figure 18.1**.

3.2.4.2 Of these, 13 developments and 9 plans are wholly or primarily associated with new residential property, with the remaining developments including an offshore wind farm, overhead electricity transmission, road improvement and other non-residential developments.

3.2.4.3 The developments and plans involving the construction of new residential housing have the potential to result in additional disturbance to features of European sites (in particular, golden plover and turnstone) due to increased human visitor pressure to areas that these species utilise for foraging and roosting (e.g. coastal habitats and farmland).

3.2.4.4 There is also the potential for onshore works (such as cable-laying) for the proposed offshore wind farm extension to disturb turnstone and golden plover foraging and roosting on Pegwell Bay.

3.2.4.5 Construction and operation of the developments and plans also have the potential to effect features of European sites due to increased nitrogen deposition from vehicles, pollution from surface water runoff from the sites, and increased disturbance due to the visual presence of operatives and noise from vehicles and machinery.

3.3 Step 3: Identification of Potential Effects on European Sites from the Proposed Development and Other Developments and Plans

3.3.1 Scope of Screening Principles

3.3.1.1 In **Step 3**, the European sites that could be affected by the construction and operation of the Proposed Development, either alone or in-combination with other developments and plans, are identified. The following sections of this report outline the discussions and consultation which took place with interested parties (including PINS, NE, Kent County Council (KCC) and Minster Parish Council) to identify the potential effects of the Proposed Development on sensitive qualifying features (see **Appendix C**). The outcome of this HRA Screening stage is a list of SPAs, SACs, and Ramsar sites and associated qualifying features for which the potential for LSEs to arise (as a result of works associated with the Proposed Development) cannot be excluded.

3.3.1.2 In line with the ruling of the European Court of Justice in Waddenzee (c-127/02), an LSE is one which cannot be excluded on the basis of objective information, either individually or in-combination with other developments and plans.

3.3.1.3 In order to undertake a robust assessment, it has been essential to determine the functional linkages between qualification species, the Proposed Development, and relevant European sites. For wintering birds, for example, these linkages were determined based on dispersal from roost sites, an understanding of foraging range and movement between inland foraging sites and low tide roost sites.

3.3.2 European Sites Included for Assessment

3.3.2.1 Each European site is designated as a SAC, classified as an SPA, or listed as a Ramsar site in respect of specific 'qualifying features'. These 'qualifying features' (habitats, mosaics of habitats, species or assemblage of species, and combinations of these) are the reasons for which the site is to be protected and managed for conservation purposes. All receptors that are qualifying features of European sites or support such features, and which may potentially be affected by the Proposed Development and other developments and plans have been considered within this Screening process, as follows:

3.3.2.2 For SPAs, the qualifying features are the birds for which the SPA is classified, under either:

- *Article 4(1) of the Birds Directive* as rare and vulnerable species, species in danger of extinction or requiring particular attention because of their habitat needs, listed in Annex 1; or
- *Article 4(2) of the Birds Directive* as regularly occurring migratory species (e.g. on passage or over-wintering or an internationally important assemblage of birds) not listed in Annex 1.

3.3.2.3 All UK SPAs were reviewed in 2001 and 2016 by the UK government and numerous changes were made to their designated species. These are detailed on the JNCC website (http://jncc.defra.gov.uk/page-2545) and in published literature (Stroud *et al.* 2001, 2016). As a result of the 2001 review, golden plover and little tern no longer appear as qualifying features of the Thanet Coast and Sandwich Bay SPA. However, these changes have yet to be ratified and therefore, this is understood to mean that until such ratification, the old qualifying features as detailed in the most recent 2012 SPA Conservation Objectives, should be referenced until these SPAs are formally (re) designated.

3.3.2.4 For Ramsar sites, nine 'Criteria' are used to identify wetlands of international importance, these being based on the site supporting rare wetland habitat types (Criteria 1) or specific species or ecological communities (Criteria 2-9 inclusive).

3.3.2.5 For SACs, the qualifying features are the habitats listed in *Annex I of the Habitats Directive* and the species listed in *Annex II of the Habitats Directive*. The JNCC provides citations of SACs, indicating qualifying features (habitats and/or species) that are a primary reason for selection of the site, and those which are present as a qualifying feature, but not a primary reason for site selection. However, for the purposes of this assessment, and as indicated on the JNCC site selection webpage for each SAC, all the qualifying features (both primary and non-primary) need to be treated equally.

3.3.2.6 A 15km radius (from the perimeter of the Order Limits) was used as the initial search area and potential Zone of Influence (ZoI) for the Proposed Development. This initial search area took into consideration the potential aircraft flight paths and the environmental changes and effects (such as air quality) by which the European sites could be affected, such as disturbance from construction and operations on-site, and pollution derived from aircraft entering and leaving the airfield. It was considered that over 15km, these effects would be negligible, including the emissions due to aircraft moving to or from the airport.

3.3.2.7 Ten European protected sites are located within the initial search radius of 15km (see **Figure 5.1** within this report), the details of which (including their qualifying interest features) are presented in **Table B.1** in **Appendix B** (in order of their distance from the Order Limits). The sites are as follows:

- Thanet Coast and Sandwich Bay SPA;
- Thanet Coast and Sandwich Bay Ramsar;
- Thanet Coast SAC;
- Sandwich Bay SAC;
- Outer Thames Estuary SPA;
- Margate and Long Sands SAC;

- Stodmarsh SPA;
- Stodmarsh SAC;
- Stodmarsh Ramsar; and
- Blean Complex SAC.

3.3.2.8 As recommended by PINS Advice Note 10 (PINS, 2017), a full summary of the HRA screening process upon all the European sites potentially affected by the Proposed Development is provided in **Appendix A**: Screening Matrices.

3.3.3 Identification of Potential Impacts

3.3.3.1 To determine which of the qualifying features of the ten European sites require consideration within the HRA, it is necessary to understand:

- What types of activities may be associated with the Proposed Development;
- The receptor groups[8] that may be affected by the potential adverse effects identified (based on Annex I habitats and Annex II species[9] listed on the *Habitats Directive* and Annex I birds listed in the *Birds Directive*[10]); and
- The geographic extent over which the potential effects could manifest themselves.

3.3.3.2 A number of habitats and species' receptor groups are likely to be sensitive to activities undertaken during the construction and operational phases of the Proposed Development; the potential for adverse effects to arise on individual species will depend on that species' use of the area potentially impacted. It is necessary to consider the effects on both the qualifying species and the habitats they depend upon, both within the boundaries of European sites, but also on adjacent habitats, which qualifying bird species (such as golden plover) might use for foraging and resting. This habitat would then be considered functionally linked to the SPA, and could be located several kilometres from the SPA.

3.3.3.3 In view of this, a number of potential impacts have been identified which may arise as a result of each phase of the Proposed Development (it should be noted, that there is an overlap in the timing of parts of the construction and operational phases of the development), and which have the capacity to adversely affect habitats and species that are the qualifying interest of European sites, as described below.

Construction phase

- Removal of habitats (such as grassland) within the Proposed Development area to facilitate construction works. These habitats might be used for foraging/ nesting by qualifying species of birds (e.g. golden plover), and thus be considered 'functionally linked' to the SPA;
- Effects of aural and visual disturbance on qualifying species due to noise and vibration and movement of construction vehicles and site operatives;
- Loss of pollutants or fine material from the construction site due to surface water flows during rainfall events. This pollution may then find its way into European sites via watercourses or the outfall which discharges into Pegwell Bay;

[8] Note that all Annex II species that could be affected if they were present are included. At this stage, no determination of likelihood of presence based on distribution, habitat type etc. is made to avoid bias in the definition of geographic extent used to identify which European sites could potentially be adversely affected by the Proposed Development;
[9] Annex II species features of SACs in the UK are described at http://jncc.defra.gov.uk/ProtectedSites/SACselection/SAC_species.asp. Annex I habitat features of SACs in the UK are described at http://jncc.defra.gov.uk/ProtectedSites/SACselection/SAC_habitats.asp
[10] Annex I bird features of SPAs in the UK are described at http://jncc.defra.gov.uk/page-1418

- Deposition of oxides of nitrogen (NOx) from engine exhausts from construction vehicles and generators (on-Site) on habitats within European sites, or functionally linked habitats;
- Deposition of NOx and NOx concentrations in air from engine exhausts from construction vehicles travelling to and from the Order Limits (off-Site) on habitats within European sites, or habitats functionally linked to the European site; and
- Deposition of dust from the construction site onto functionally linked habitats and habitats within European sites.

Operational phase

- Disturbance to qualifying species (e.g. golden plover foraging on farmland adjacent to the Order Limits) due to noise and vibration and movement during ground activities, such as cargo loading, plane maintenance and airfield management;
- Disturbance to qualifying species due to the activities associated with bird-strike hazard management through use of bird scaring devices (e.g. pyrotechnics, distress call broadcast etc.);
- Disturbance to qualifying species (including the airport forming a barrier to the movement of birds between their foraging and roost sites) during aircraft take-off and landing, caused by noise and the visual presence of aircraft;
- Deposition of NOx from aircraft engines on habitats within European sites, or functionally linked habitats. Results from air quality modelling conclude that the effects of particulates and sulphur on vulnerable habitats are predicted to be negligible and have therefore not been considered further within this assessment (see **Chapter 6: Air Quality** of the ES);
- Deposition of NOx and NOx concentrations in air from engine exhausts from vehicles travelling to and from the Order Limits (off-Site) on qualifying habitats within European sites, or habitats functionally linked to the European site;
- Disturbance to qualifying species by ground vehicle usage outside the Order Limits (e.g. along roads used by vehicles accessing and leaving the Order Limits); and
- Effects on qualifying habitats due to pollutants held within surface water runoff from the Order Limits, entering European sites via the outfall or natural watercourses.

Decommissioning phase

- The potential effects during the decommissioning phase are considered to be similar to those identified during the construction of the Proposed Development.

3.3.4 Screening Opinion and Consultation

3.3.4.1 Since 2015 and throughout the undertaking of the survey and assessment work, RiverOak has engaged with consultees with an interest in the potential effects of the Proposed Development on biodiversity. An EIA scoping report (see **Appendix 1.1, ES Chapter 1: Introduction**), including a chapter covering biodiversity, was produced and submitted to PINS who provided a Scoping Opinion (see **Appendix 1.2, Chapter 1: Introduction**).

3.3.4.2 Organisations that were consulted include:

- PINS;
- NE;
- Environment Agency (EA);
- KCC;
- Thanet District Council (TDC);

- The Royal Society for the Protection of Birds (RSPB); and
- The Kent Wildlife Trust (KWT).

3.3.4.3 Meetings have been held with NE and KWT[11]. RSPB confirmed (by email[12]) that they did not wish to meet or participate in the HRA screening process for this project other than responding (or not) to the public consultation materials and/or application documents as these are released. KWT indicated that, although they would still like to be consulted, they would not participate in meetings due to resource constraints. Information and an opportunity to engage in the HRA screening process has been provided to KCC and TDC. Consultation was also undertaken with the Kent Downs Area of Outstanding Natural Beauty Unit[13].

3.3.4.4 A summary of the consultee comments and responses received on the Scoping Report and the 2017 Preliminary Environmental Information Report (PEIR), with regard to the HRA is provided in **Table C.1** in **Appendix C**, and for the 2018 PEIR provided in **Table C.2** in **Appendix C.**

3.3.5 Evidence Base

Desk study and literature review

3.3.5.1 A Desk Study was carried out in order to obtain contextual data and to gain further information on European sites within 15km of the Order Limits and their qualifying interests that are likely to be affected by the Proposed Development, the results of which are provided in the **Appendix 7.2 of ES Chapter 7: Biodiversity**. Primary sources of contextual data identified included:

- The Government's Multi-Agency Geographic Information for the Countryside (MAGIC) website (http://magic.defra.gov.uk/) and the JNCC website (www.jncc.defra.gov.uk): details of the locations and reasons for designation of European sites;
- The Kent and Medway Biological Records Centre (KMBRC): priority habitats, and records of legally protected and priority species;
- Studies commissioned by NE into the numbers and distribution of golden plover in the Sandwich Bay and Thanet area, the results of which are reported in Griffiths (2003) and Henderson & Sutherland (2017);
- Kent Ornithological Society (KOS): bird records were extracted from their online database, for all species within 5km of the Order Limits (http://birdgroups.co.uk/kos/default.asp, accessed in August 2016);
- Kent Bird Reports 2013 and 2014: annual reports published by KOS, containing notable bird records in Kent (Privett [ed.] 2015, 2016);
- Kent Breeding Bird Atlas 2008-13 (Clements *et al.*, 2015): results from a county-wide survey, mapping the distribution of all breeding bird species at a tetrad (2x2km National Grid Reference square) resolution;
- British Trust for Ornithology (BTO): Wetland Bird Survey (WeBS) core count data for 1995/96-2014/15 inclusive, and low tide data for 2002/03 and 2008/09 (the most recent winters for which data was available) were purchased from the BTO, for their Pegwell Bay count sector. In addition, further core count and low tide data for Pegwell Bay was from obtained from the BTO website (www.bto.org);
- Civil Aviation Authority (CAA) bird strike data for Kent International Airport (the previously operational airport at Manston) and CAA documents and guidance (e.g. CAP 772); and

[11] The contact at KWT was Vanessa Evans.
[12] Dated 09/11/2016, from Dora Querido, Conservation Officer, South-east Regional Office.
[13] The Kent Downs AONB Unit is based in Ashford, Kent. http://www.kentdowns.org.uk/

- Data derived from ESs for other proposed and consented developments for which information is publicly available, including:
  - Stone Hill Park (OL/TH/0550), a proposed residential development that shares a common boundary with the Order Limits over much of its area;
  - Land East of Haine Road (OL/TH/14/0050), adjacent to the east of the Order Limits;
  - Land south of Great West Autos (F/TH/12/0722), a now built solar farm, adjacent to the north of the Order Limits;
  - Land east of Worlds Wonder (F/TH/14/0645), a proposed solar farm adjacent to the north of the Order Limits; and
  - Land North of Thorne Farm (F/TH/13/0596): a now built solar farm adjacent to the south of the Order Limits.

3.3.5.2 A literature review was undertaken into studies related to the reaction of birds to visual and aural disturbance caused by aircraft, the results of which are provided in **Appendix 7.4, Chapter 7: Biodiversity** of the ES. This information was used to identify the lateral distance at ground level and the altitude beyond which birds are unlikely to be disturbed by over-flying aircraft. This review focussed on the qualifying species (or closely related species / species-groups) potentially affected by the Proposed Development.

Field surveys

3.3.5.3 Wintering bird surveys were undertaken due to the proximity of the Thanet Coast and Sandwich Bay SPA and Ramsar site, and the Sandwich Bay to Hacklinge Marshes SSSI, all of which are important or designated for their wader and waterfowl interest. Two stand-alone survey methodologies were employed, the results of which are provided in **Appendix 7.5 in Chapter 7: Biodiversity** of the ES as follows:

- Functional habitat surveys, involving the survey of farmland up to 2km from the boundary of the Order Limits (at the time of survey commencement in September 2016). The functional habitat surveys targeted golden plover (as well as other farmland/ notable bird species) and were carried out once per month from September 2016 to March 2017; and
- Pegwell Bay distribution bird surveys were undertaken one day per month, from October 2016 to March 2017, over a six-hour diurnal period capturing a partial tidal cycle within each visit. When possible, survey dates coincided with daytime high tides.

3.3.6 Identification of Geographical Parameters to Screen European Sites

3.3.6.1 A set of geographic distance criteria and rules (geographic parameters) have been used to define the ZoI within which to identify those European sites within 15km of the Order Limits that might be adversely affected by the Proposed Development. The parameters provide a filter for the identification of European sites using the JNCC website (www.jncc.gov.uk) and the Defra GIS mapping tool MAGIC (http://magic.defra.gov.uk/)[14]. These geographic parameters have been derived from guidance, best practice, modelling and studies for that particular effect and activity (i.e. air quality from road traffic, noise from aircraft etc). The activities, changes, receptors and potential adverse effects that have been identified are outlined in **Table 3.1**, alongside the geographic parameters. It should be noted that from Year 2 of the Proposed Development, the construction and operational phases are planned to occur coincidentally.

3.3.6.2 In-combination effects for the activities identified in **Table 3.1** will include developments and plans (listed in **Table 18.2, Chapter 18: Cumulative Effects** of the ES) that, if the same search area was

[14] The geographic extent of the parameters described in **Table 3.1** excludes the potential for transboundary effects (i.e. effects that might impact European sites located outside of the UK).

imposed upon their site boundaries, would overlap with any European Site(s) that could be affected by the Proposed Development alone.

Table 3.1 Identification of Geographic Parameters for HRA Screening of the Proposed Development

Activity	Potential Change	Potential Effect	Geographic Extent
CONSTRUCTION PHASE			
Construction activity including use of plant and presence of workforce	Production of aural and visual stimuli due to noise and vibration and movement of construction vehicles and engineers	Disturbance / displacement of birds (designated features of SPA) resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates.	European sites (designated for ornithological features) and functionally linked habitats (for European sites supporting designated features such as golden plover that may rely on the functionally linked habitats) within **750m** of the construction site. This is a precautionary distance based on information reported on disturbance in the literature (e.g. Cutts, Phelps & Burdon 2009, Ruddock & Whitfield 2007).
Use of chemicals (e.g. fuels, solvents etc.) and the liberation of fine material (e.g. through excavation).	Loss of pollutants or fine material from the construction site due to surface water flows during rainfall events.	The introduction of toxic pollutants or sediments resulting in loss of, or damage to terrestrial or freshwater environments leading to effects on habitats, flora, invertebrates, amphibians, bats, otters (as designated features of SACs) and birds (as designated features of SPAs).	European sites supporting terrestrial habitats or species within **100m** of the construction site, including the outfall. This geographic parameter is based on professional judgement following a review of the Environment Agency Pollution Prevention Guidance 5 (which suggests control of impacts can be managed within a distance of 50 m), alongside experience of the extent of sediment deposition and pollutant escapes from construction projects. European sites supporting aquatic habitats or species downstream (and within the catchment area) of any watercourse or drainage channel within 100m of the construction site or at any greater distance where a direct drainage outfall is located. This geographic parameter, for pollutants entering watercourses / drainage systems is based on the justification outlined immediately above and the potential for mobile pollutants to then disperse downstream.
Use of construction vehicles and generator sets.	Deposition of oxides of nitrogen and NOx in air from engine exhausts.	Deposition of oxides of nitrogen and concentrations of NOx in air from vehicle emissions resulting in enrichment and/or acidification of the environment leading to alteration of the plant community through changes in baseline conditions resulting in effects on habitats, flora, invertebrates, amphibians, bats, otters (as designated features of	European sites within **200m** of the construction site and/ or wider road network. This geographic parameter is based on Department for Transport (2005) Interim Advice Note 61/04: Guidance for Undertaking Environmental Assessment of Air Quality for Sensitive Ecosystems in Internationally Designated Nature Conservation Sites and SSSIs.

Activity	Potential Change	Potential Effect	Geographic Extent
		SACs) and birds (as designated features of SPAs)	
Dust creation during construction activity	Deposition of dust in areas neighbouring the construction site.	Deposition of dust resulting in loss of or damage to terrestrial or freshwater environments from smothering or enrichment resulting in effects on flora vegetation, invertebrates, amphibians, bats, otters (as designated features of SACs) and birds (as designated features of SPAs)	European sites within **200m** of the construction area, and **500**m of the Order Limits entrance. IAQM guidance (http://iaqm.co.uk/guidance) is to assess ecological receptors which are within 50m of the construction site and within 500m of the Order Limits entrance. Natural England have requested that the 50m parameter be increased to 200m for designated sites.
OPERATION PHASE			
Operation (ground based activities including presence of workforce)	Production of aural and visual stimuli due to noise and vibration and movement during ground activities such as cargo loading, plane maintenance, airfield management (not including bird scaring devices).	Disturbance / displacement of birds (designated features of SPA) resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates.	European sites (designated for ornithological features) and functionally linked habitats (for European sites supporting designated features such as golden plover that may rely on the functionally linked habitats) within **750m** of the construction site. This is a precautionary distance based on information reported on disturbance in the literature (e.g. Cutts, Phelps & Burdon 2009, Ruddock & Whitfield 2007).
Operation (aircraft take-off and landing)	Production of aural and visual stimuli due to noise, aircraft presence and shadow cast.	Disturbance / displacement of birds (designated features of SPA), including the barrier effects (the airport may form a barrier to the movement of birds between foraging and roost sites), resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates.	Results from the literature review (**Appendix 7.4 in Chapter 7**) indicate a precautionary Lateral Disturbance Distance of **1km** from flight paths at altitudes up to **500m**. This review also indicates that above altitude of **500m**, there would be negligible levels of visual disturbance to birds on the ground due to the visual presence and shadow cast from the overflying aircraft. The review also indicates that at ground level, noise levels below 70 dB LAmax (see **Table 12.1 in Chapter 12**) are unlikely to result in disturbance to birds (see **Figures 4.1a and 4.1b**).

Activity	Potential Change	Potential Effect	Geographic Extent
Operation (aircraft take-off and landing, and ground-based activities)	Deposition of oxides of nitrogen and NOx in air from aircraft engines, road traffic within the Order Limits, and along roads used by vehicles entering and leaving the Order Limits.	Deposition of oxides of nitrogen and concentrations of NOx in air from vehicle emissions resulting in enrichment and/or acidification of the environment leading to alteration of the plant community through changes in baseline conditions resulting in effects on habitats, flora, and invertebrates (as designated features of SACs) and birds (designated feature of SPAs)	The EA guidance note "*Air emissions risk assessment for your environmental permit*" (EA, 2016)[15] indicates that the impact of the installation should be evaluated at protected conservation areas that meet the following criteria: SPAs, SACs or Ramsar sites within **10km** of the installation (or within 15km of coal or oil-fired power stations). The geographic extent for the potential effects of nitrogen deposition from aircraft and ground-based traffic has been determined from the results of air quality modelling, the details of which are provided in **Chapter 6**. European sites within **200m** of the construction site and/ or wider road network should also be included for consideration for ground-based activities. This geographic parameter is based on Department for Transport (2005) Interim Advice Note 61/04: Guidance for Undertaking Environmental Assessment of Air Quality for Sensitive Ecosystems in Internationally Designated Nature Conservation Sites and SSSIs.
Management of bird strike risk	Use of bird scaring devices (e.g. pyrotechnics, distress call broadcast etc.).	Disturbance / displacement of birds (designated features of SPA) resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates.	A precautionary distance of **1km** from the runway area has been used, beyond which the effects of disturbance to birds is considered negligible. This distance has been based on trials undertaken at London Ashford Airport at Lydd in Kent[16] and reference to CAA (2014)[17].
Management of surface water run-off and mobile pollutants (e.g. fuels and lubricants)	Loss of pollutants from road surface due to surface water flows during rainfall events.	The introduction of toxic pollutants (and the effects of scouring by fluid emitted from the outfall) resulting in loss of or damage to terrestrial or freshwater environments leading to effects on habitats, flora, invertebrates, amphibians, bats, otters (as designated features of SACs) and birds (designated feature of SPAs).	European sites supporting terrestrial habitats or species within **100m** of the operational site, including the outfall. This geographic parameter is based on professional judgement following a review of the Environment Agency Pollution Prevention Guidance 5* (which suggests control of impacts can be managed within a distance of 50 m), alongside experience of the extent of sediment deposition and pollutant escapes from construction projects. European sites supporting aquatic habitats or species downstream (and within the catchment area) of any watercourse or drainage channel within **100m** of the construction site or at any greater distance where a direct drainage outfall is located. This geographic parameter, for pollutants entering watercourses / drainage systems is based on the justification outlined immediately above and the potential for mobile pollutants to then disperse downstream.

[15] EA (2016) 'Air emissions risk assessment for your environmental permit'. https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit, dated 2 August 2016.
[16] www.39essex.com/docs/cases/lydd_final_judgment_15_may_14.pdf.
[17] Provides details of a range of portable systems developed specifically for bird control extending beyond 1.5 km from the airport runway. The measures to be employed at the Proposed Development are unlikely to disturb golden plover foraging in fields beyond 1km.

Activity	Potential Change	Potential Effect	Geographic Extent
Ground vehicle usage (including on major routes accessing the airport)	Deposition of oxides of nitrogen from engine exhausts.	Deposition of oxides of nitrogen from vehicle emissions resulting in enrichment and/or acidification of the environment leading to alteration of the plant community through changes in baseline conditions resulting in effects on habitats, flora, invertebrates, amphibians, bats, otters (as designated features of SACs) and birds (designated feature of SPAs).	European sites within **200m** of the airport boundary and/or major road links with Manston Airport (the wider road network). This geographic parameter is based on Department for Transport (2005) Interim Advice Note 61/04: Guidance for Undertaking Environmental Assessment of Air Quality for Sensitive Ecosystems in Internationally Designated Nature Conservation Sites and SSSIs.

3.3.7 Screening Summary

3.3.7.1 By applying the geographic parameters for the potential effects identified in **Table 3.1** to the initial search list of European sites within 10km of the Order Limits (provided in **Appendix B**), a total of four European sites have been identified as being potentially affected by the Proposed Development, and other developments and plans for which in-combination effects could occur, as follows (full designation information and their conservation objectives is provided in **Appendix D**):

- Thanet Coast and Sandwich Bay Ramsar Site;
- Thanet Coast and Sandwich Bay SPA;
- Thanet Coast SAC; and
- Sandwich Bay SAC.

3.3.7.2 By applying the geographic parameters identified in **Table 3.1**, together with consideration to the conservation objectives of the site's qualifying features (see **Appendix D**) and the lack of connectivity and the likely impacts pathways resulting from the Proposed Development, none of the qualifying features for the following European sites have been considered for further assessment:

- Stodmarsh SPA;
- Stodmarsh Ramsar Site;
- Stodmarsh SAC;
- Outer Thames Estuary SPA;
- Margate and Long Sands SAC; and
- Blean Complex SAC.

3.4 Step 4: Screening Assessment of Likely Significant Effects

3.4.1.1 The following screening of potential impacts presented in **Table 3.2** identifies each of the (potentially affected/ screened in) qualifying interest features of the four European sites listed previously. Each qualifying feature is listed with the potential adverse effects associated with that feature, together with the relevant conservation objectives. Each qualifying feature is then screened in or out, based on whether it is concluded that they are likely to be significantly affected or not by the Proposed Development (and other developments and plans in combination). The rationale for these conclusions are outlined in the table, based on the geographic parameters provided in **Table 3.1**, and taking into consideration the conservation objectives of the qualifying features and their condition status. Results from the ornithological desk study (**Appendix 7.2, Chapter 7: Biodiversity** of the ES) and field survey (**Appendix 7.5, Chapter 7: Biodiversity** of the ES) also inform the rationale, as well as the assessment of effects included within the separate ES chapters for:

- **Chapter 6: Air Quality;**
- **Chapter 8: Freshwater Environment;**
- **Chapter 12: Noise and Vibration;**
- **Chapter 16: Climate Change; and**
- **Chapter 18: Cumulative Effects.**

3.4.1.2 If no LSE is identified from this screening exercise, the effect is 'screened out' and the conclusion is reached that the proposed re-opening of Manston Airport will have a negligible effect both alone and in-combination with other developments and plans. For those effects that cannot be 'screened out' at this stage, further detailed consideration into LSEs is provided within the information to permit Appropriate Assessment in **Section 4**.

3.4.1.3 As recommended by PINS Advice Note 10 (PINS, 2017), a full summary of the HRA screening process upon all the European sites potentially affected by the Proposed Development is provided in **Appendix A**: Stage 1, Screening Matrices.

Climate change

3.4.1.4 The release of greenhouse gases from vehicles, machinery and aircraft (in particular) has the potential to contribute to climate change which could affect all of the designated features of European sites considered in this report. For example: climate change may lead to crop management changes resulting in the loss of foraging habitat for golden plover. Climate change may also lead to changes in the distribution of wintering golden plover and turnstone due to other areas within the UK and abroad becoming more suitable for the species, leading to decline in the SPA/ Ramsar populations. Climate change has the potential to affect the habitats that red data book invertebrates depend upon (i.e. for the Thanet Coast and Sandwich Bay Ramsar), and to result in changes to the vegetation/ species compositions of the qualifying (sand dune) habitats of the Sandwich Bay SAC.

3.4.1.5 An in-combination climate change impacts assessment is provided in **Chapter 16: Climate Change** of the ES. One of the primary aims of the assessment in terms of potential effects on biodiversity is to determine where climate change increases the exposure of environmental receptors to an extent that a new significant effect is found. The assessment of likely significant effects associated with the Proposed Development considers the construction and operational phases of the Proposed Development. The significance level attributed to each effect will be assessed based on the magnitude of the climate change impact and the sensitivity of the affected receptor to resulting changes.

3.4.1.6 Results from the climate change assessment (provided in **Chapter 16: Climate Change** of the ES) concludes that the Proposed Development is likely to provide a very small input/ contribution to overall global climate change. In view of this, the effects of climate change on the qualifying features listed in **Table 3.1** can effectively be scope out for further, more detailed assessment.

Table 3.2 Screening Assessment

Site Name (distance from Order Limits)	Designated Features[18]	Conservation objectives of qualifying feature	Potential Effects	Current Baseline	Screening rationale	Conclusion
Thanet Coast and Sandwich Bay Ramsar site[19] (0m)	Turnstone (non-breeding) (Criterion 6)	Maintain and restore the extent, distribution, structure and function of habitats turnstone reply upon, and their supporting processes. Maintain and restore the population and distribution of turnstone[20]	**Construction phase (outfall):** The introduction of toxic pollutants or sediments resulting in loss of or damage to (including scouring) intertidal habitats that turnstone depend upon, due to run-off entering the Ramsar site from the currently operational outfall.	Results from the desk study and field survey indicate that turnstone regularly use the northern shores of Pegwell Bay (within the Ramsar/SPA) for roosting and foraging.	There is the potential for adverse effects to the habitat utilised by foraging and roosting turnstone (mudflats and rocky shoreline) from the discharge of treated water to Pegwell Bay, through scour at the point of discharge during construction of the proposed development. In view of this, further assessment has been provided in order to determine any adverse effects on the integrity of the Ramsar site.	**Screened in**
			Construction phase (noise): Noise, vibration and physical activity within the Order Limits from earthworks, fixed and mobile plant during the construction phase provides potential for foraging/ resting turnstone to be displaced from any suitable habitat close to the Order Limits. Increased noise and vibration may also occur due to an increase in construction road traffic.	Evidence from the desk study and survey indicate that turnstone do not utilise any habitats within the 750m of the Order Limits. This is a precautionary disturbance distance is based on information reported on disturbance in the literature (e.g. Cutts, Phelps & Burdon 2009, Ruddock & Whitfield 2007).	In view of the lack of presence of turnstone within 750m of the Order Limits: no adverse effects are predicted on the extent and structure of the habitats turnstone rely upon, or the numbers and distribution of this species due to the construction works. No LSE is predicted.	Screened out

[18] Full designation information is provided in **Appendix B.**
[19] Conservation objectives for all sites are listed in **Appendix D.**
[20] The conservation objectives for turnstone for the Ramsar site have been taken as being the same as for the SPA of the same name, with which it shares a common boundary over much of its area.

Site Name (distance from Order Limits)	Designated Features[18]	Conservation objectives of qualifying feature	Potential Effects	Current Baseline	Screening rationale	Conclusion
			Operation Phase (noise/visual presence from aircraft): Disturbance / displacement of turnstone resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates due to noise and shadow created by planes on take-off and landing.	Results from the desk study and field survey indicate that turnstone regularly use the northern shores of Pegwell Bay (within the Ramsar/SPA) for roosting and foraging.	Turnstone are known to utilise intertidal habitats close to the inward and outward flight paths of planes to the east of the Order Limits. Therefore, noise and visual presence of aircraft has the potential to adversely affect the population and distribution of turnstone. In view of this, further assessment has been provided in order to determine any adverse effects on the integrity of the Ramsar site.	**Screened in**
			Operation Phase (air quality): Deposition of oxides of nitrogen from aircraft and vehicle emissions resulting in enrichment and/or acidification of the environment leading to alteration of the plant community and the invertebrates that turnstone forage upon.	Results from the desk study and field survey indicate that turnstone regularly forage on rocky shores and mudflats within the Ramsar/SPA in Pegwell Bay.	Turnstone primarily forage along shorelines and on rocky beaches, neither of which are identified as habitats vulnerable to nitrogen deposition (www.apis.ac.uk/indicative-critical-load-values). APIS have not assigned a critical load value for NOx deposition to these habitat types (see www.apis.ac.uk/indicative-critical-load-values, and **Chapter 6**). In addition, a critical load value >34 kg N ha^{-1} y^{-1} has been assigned to 'mudflats and sandbanks not covered by seawater at low tide' in an analysis of sensitive Natura 2000 habitats in the Netherland (van Dobben *et al.*, 2012). This habitat was one of the least sensitive to nitrogen deposition in the analysis of 75 different habitat types. In view of this, no adverse effects on the habitats turnstone reply upon are predicted. No LSE is predicted.	Screened out
			Operation phase (bird scaring): Disturbance / displacement of turnstone resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates due to noise	No suitable habitat for foraging/roosting turnstone exists within the ZOI (within 1km of the Order Limits). The desk study and field survey also provided no evidence to indicate that turnstone utilise habitats within the ZOI (1km of the Order Limits).	The nearest point within the Ramsar site which provides suitable foraging/ resting habitat (rocky beaches/ intertidal sand and mud) for turnstone is approximately 1.4km south-east of the fringes of the airfield where bird scaring methods would be deployed. In view of this, no adverse effects on the population and distribution of turnstone are predicted. No LSE is predicted.	Screened out

Site Name (distance from Order Limits)	Designated Features[18]	Conservation objectives of qualifying feature	Potential Effects	Current Baseline	Screening rationale	Conclusion
			created by bird scaring activity.			
			Operation phase (barrier effect): Disturbance / displacement of turnstone due to the Proposed Development forming a barrier to the movement of birds between foraging and roosting sites, resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates.	Studies undertaken by Hodgson (Hodgson, 2016) conclude that turnstone flight paths are likely to closely follow the coastline, and are therefore unlikely to be cross the Order Limits.	There is no evidence to indicate that the flight paths of turnstone cross or will cross the Order Limits. In view of this, no adverse effects on the population and distribution of turnstone are predicted. No LSE is predicted.	Screened out
			Operation phase (outfall): The introduction of toxic pollutants or sediments resulting in loss of or damage to (including scouring) intertidal habitats that turnstone depend upon, due to run-off entering the Ramsar site from the currently operational outfall	Results from the desk study and field survey indicate that turnstone regularly forage and roost on rocky shoreline and mudflats within close vicinity of the outfall in Pegwell Bay.	There is the potential for adverse effects to the habitat utilised by foraging and roosting turnstone (mudflats and rocky shoreline) from the discharge of treated water to Pegwell Bay, through scour at the point of discharge during operation of the proposed development In view of this, further assessment has been provided in order to determine any adverse effects on the integrity of the Ramsar site.	**Screened in**
	15 British Red Data Book invertebrate species (Criterion 2)	Maintain and restore the extent, distribution, structure and function of habitats the qualifying feature invertebrate species reply upon, and their supporting processes. Maintain and restore the populations and distributions of the	**Operation Phase (air quality):** Deposition of oxides of nitrogen from aircraft emissions resulting in enrichment and/or acidification of the environment leading to alteration of the plant community through changes in baseline conditions resulting in direct or indirect effects on listed invertebrates.	The wetland habitats support 15 British Red Data Book invertebrates.	Air quality modelling indicates that habitats upon which the invertebrate species are likely to depend are located within the ZOI in which adverse effects could occur due to NOx, and that these habitat types (including freshwater marshes and sand dunes) are sensitive to nitrogen deposition (see **Chapter 6**). In view of this, further assessment has been provided in order to determine any adverse effects on the integrity of the Ramsar site.	**Screened in**

Site Name (distance from Order Limits)	Designated Features[18]	Conservation objectives of qualifying feature	Potential Effects	Current Baseline	Screening rationale	Conclusion
		qualifying feature invertebrate species.				
			Construction phase (outfall): The introduction of toxic pollutants or sediments resulting in loss of or damage (including scouring) to habitats that the invertebrates depend upon, due to run-off entering the Ramsar from the outfall.	The wetland habitats support 15 British Red Data Book invertebrate species.	None of the 15 British Red Data Book invertebrate species are known to be associated with the mudflat habitats that could be potentially adversely affected by discharge from the outfall (due to scour). All the habitats likely to support the invertebrate species (sand dunes, grassland and other freshwater wetland habitats) are located well beyond 100m of the outfall, beyond which, no LSE is predicted (see **Table 3.1**). In view of this, no adverse impacts on the invertebrate species are predicted.	Screened out
			Operation phase (outfall): The introduction of toxic pollutants or sediments resulting in loss of or damage (including scouring) to habitats that the invertebrates depend upon, due to run-off entering the Ramsar from the outfall.	The wetland habitats support 15 British Red Data Book invertebrates.	None of the 15 British Red Data Book invertebrate species are known to be associated with the mudflat habitats that could be potentially adversely affected by discharge from the outfall (due to scour). All the habitats likely to support the invertebrate species (sand dunes, grassland and other freshwater wetland habitats) are located well beyond 100m of the outfall, beyond which, no LSE is predicted (see **Table 3.1**). In view of this, no adverse impacts on the invertebrate species are predicted.	Screened out
Thanet Coast and Sandwich Bay SPA (0m)	Golden plover (non-breeding)	Maintain and restore the extent, distribution, structure and function of habitats golden plover reply upon. Maintain and restore the population and distribution of golden plover	**Construction phase (outfall):** The introduction of toxic pollutants or sediments resulting in loss of or damage (including scouring) to intertidal habitats that golden plover depend upon, due to run-off entering the SPA from the currently operational outfall.	Evidence from the desk study and survey indicate that golden plover utilise the mudflats and adjacent saltmarsh within close proximity to the outfall for roosting.	There is the potential for adverse effects to the habitat utilised as a roosting site by golden plover from the discharge of treated water to Pegwell Bay, through scour at the point of discharge during construction of the proposed development. In view of this, further assessment has been provided in order to determine any adverse effects on the integrity of the SPA.	**Screened in**
			Construction phase (noise): Noise, vibration and physical activity within the Order Limits	Evidence from the desk study and survey indicate that golden plover utilise the arable farmland within	Due to the presence of golden plover within 750m of the Order Limits, there is the potential for construction noise to adversely impact on the population and distribution of golden plover. In view	**Screened in**

Site Name (distance from Order Limits)	Designated Features[18]	Conservation objectives of qualifying feature	Potential Effects	Current Baseline	Screening rationale	Conclusion
			from earthworks, fixed and mobile plant during the construction phase provides potential for foraging/ resting golden plover to be displaced from any suitable farmland adjacent to the Order Limits. Increased noise and vibration may also occur due to an increase in construction road traffic.	750m of the Order Limits albeit in low numbers. 750m is a precautionary disturbance distance is based on information reported on disturbance in the literature (e.g. Cutts, Phelps & Burdon 2009, Ruddock & Whitfield 2007).	of this, further assessment has been provided in order to determine any adverse effects on the integrity of the SPA.	
			Operation Phase (air quality): Deposition of oxides of nitrogen from aircraft emissions resulting in enrichment and/or acidification of habitat and a reduction in the invertebrate prey that golden plover depend upon.	Evidence from the desk study and survey indicate that golden plover utilise the arable farmland adjacent to the Order Limits in low numbers. The intertidal habitat (saltmarsh and mudflats) in Pegwell Bay are used as a roost site by important numbers of golden plover.	The intensively managed, arable farmland utilised by golden plover for foraging, which would receive a high level of input from herbicides and pesticides, is unlikely to be vulnerable to the effects of acidification and/or enrichment due to nitrogen deposition. The saltmarsh and mudflats used by roosting birds in Pegwell Bay are washed by tidal seawater on a regular basis and therefore the structure of the vegetation and suitability as a roost site is unlikely to be changed to such a degree as to be rendered unsuitable, as a result of nitrogen deposition. These habitats have low levels of sensitivity to nitrogen deposition, with values of 21-23 kg N ha^{-1} y^{-1} for *Salicornia/ Spartina* covered saltmarsh and >34 kg N ha^{-1} y^{-1} for mudflats/ sandflats (van Dobben *et al.*, 2012). In view of this, no adverse impacts to habitats golden plover rely upon are predicted, due to air quality during operation. No LSE is predicted	Screened out
			Operation phase (outfall): The introduction of toxic pollutants or sediments resulting in loss of or damage (including scouring) to intertidal habitats that golden plover depend upon, due to run-off entering the SPA from	Evidence from the desk study and survey indicate that golden plover utilise the mudflats and adjacent saltmarsh within close vicinity to the outfall for roosting.	There is the potential for adverse effects to the habitat utilised as a roosting site by golden plover from the discharge of treated water to Pegwell Bay, through scour at the point of discharge during operation of the proposed development. In view of this, further assessment has been provided in order to determine any adverse effects on the integrity of the SPA.	**Screened in**

Site Name (distance from Order Limits)	Designated Features[18]	Conservation objectives of qualifying feature	Potential Effects	Current Baseline	Screening rationale	Conclusion
			the currently operational outfall.			
			Operation Phase (noise/visual presence from aircraft): Disturbance / displacement of golden plover resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates due to noise and shadow created by planes on take-off and landing.	Results from the desk study and field survey indicate that golden plover regularly use areas of saltmarsh and mudflats in Pegwell Bay (within the SPA) for roosting. Low numbers of golden plover also forage in farmland surrounding the Order Limits.	Golden plover are known to utilise intertidal and farmland habitats close to the inward and outward flight paths of planes. Therefore, noise and visual presence of aircraft have the potential to adversely affect the population and distribution of golden plover. In view of this, further assessment has been provided in order to determine any adverse effects on the integrity of the SPA.	**Screened in**
			Operation phase (bird scaring): Disturbance / displacement of birds resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates due to noise created by bird scaring activity.	The desk study and surveys indicate very low levels of use by golden plover in farmland within the ZOI (within 1km of the Order Limits).	Potentially suitable habitat for golden plover is located within the ZIO. Therefore, the bird scaring activities have the potential to adversely affect the population and distribution of golden plover. In view of this, further assessment has been provided in order to determine any adverse effects on the integrity of the SPA.	**Screened in**
			Operation phase (barrier effect): Disturbance / displacement of golden plover due to the Proposed Development forming a barrier to the movement of birds between foraging and roosting sites, resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates.	Desk study and survey data indicate that golden plover roost primarily on Pegwell Bay and forage in the wider areas of farmland to the south-west.	Desk study and surveys indicate low level of use of farmland around the Order Limits, though it is not known what levels of flight activity by golden plover occur over the now disused airfield at Manston. Therefore, barrier effect has the potential to adversely affect the population and distribution of golden plover. In view of this, further assessment has been provided in order to determine any adverse effects on the integrity of the SPA.	**Screened in**

Site Name (distance from Order Limits)	Designated Features[18]	Conservation objectives of qualifying feature	Potential Effects	Current Baseline	Screening rationale	Conclusion
	Little tern (breeding)	Maintain and restore the extent, distribution, structure and function of habitats little tern reply upon. Maintain and restore the population and distribution of little tern.	**Operation Phase (noise from planes):** Little tern may be prevented from recolonising the SPA due to disturbance/ displacement due to noise and shadow created by planes on take-off and landing.	Little tern no longer breed within the Thanet Coast and Sandwich Bay SPA (Clements *et al.*, 2015). Little terns previously bred in summer at Shell Ness (north of Sandwich Bay) and near Plumpudding on the North Thanet coast. When the tide is in the little tern colony at Shell Ness would feed in the shallow coastal waters of Pegwell/Sandwich Bay and in the lower part of the Stour River.	Given the absence of this qualifying interest species from the SPA, no LSEs are considered during either construction or operation of the Proposed Development. However, consideration is given to adverse effects on the SPA due to the potential of the Proposed Development preventing re-colonisation of the SPA by little tern.	**Screened in**
	Turnstone (non-breeding)	Maintain and restore the extent, distribution, structure and function of habitats turnstone reply upon and their supporting processes. Maintain and restore the population and distribution of turnstone.	**Construction phase (outfall):** The introduction of toxic pollutants or sediments resulting in loss of or damage to (including scouring) intertidal habitats that turnstone depend upon, due to run-off entering the SPA site from the currently operational outfall.	Results from the desk study and field survey indicate that turnstone regularly use the northern shores of Pegwell Bay (within the Ramsar/SPA) for roosting and foraging.	There is the potential for adverse effects to the habitat utilised by foraging and roosting turnstone (mudflats and rocky shoreline) from the discharge of treated water to Pegwell Bay, through scour at the point of discharge during construction of the proposed development. In view of this, further assessment has been provided in order to determine any adverse effects on the integrity of the SPA.	**Screened in**
			Operation phase (outfall): The introduction of toxic pollutants or sediments resulting in loss of or damage to (including scouring) intertidal habitats that turnstone depend upon, due to run-off entering the SPA from the currently operational outfall.	Results from the desk study and field survey indicate that turnstone regularly forage and roost on rocky shoreline and mudflats within close vicinity of the outfall in Pegwell Bay.	There is the potential for adverse effects to the habitat utilised by foraging and roosting turnstone (mudflats and rocky shoreline) from the discharge of treated water to Pegwell Bay, through scour at the point of discharge during operation of the proposed development. In view of this, further assessment has been provided in order to determine any adverse effects on the integrity of the SPA.	**Screened in**

Site Name (distance from Order Limits)	Designated Features[18]	Conservation objectives of qualifying feature	Potential Effects	Current Baseline	Screening rationale	Conclusion
			Operation Phase (noise/visual presence from aircraft): Disturbance / displacement of turnstone resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates due to noise and shadow created by planes on take-off and landing.	The SPA and Ramsar site largely share common boundaries.	Noise and the visual presence of aircraft in flight have the potential to adversely affect the population and distribution of turnstone. In view of this, further assessment has been provided in order to determine any adverse effects on the integrity of the SPA.	**Screened in**
					All other effects identified for this SPA feature have been screened out (see rationale as for Ramsar site above).	Screened out
Sandwich Bay SAC (0m)	Annex I habitats	Maintain and restore the extent, distribution, structure and function of the qualifying habitats (and their typical flora), and the supporting processes they rely upon.	**Construction Phase (outfall):** The introduction of toxic pollutants or sediments resulting in loss of or damage to terrestrial or freshwater environments leading to direct or indirect effects on designated features due to run-off entering the SAC site from the currently operational outfall.	Annex I (sand dune) habitats occur at their closest, 2.5km south of the Order Limits.	All the qualifying habitats (dunes) are located well beyond 100m of the outfall, beyond which, no LSE is predicted (see **Table 3.1**). In view of this, no adverse impacts on the qualifying habitats and their plant species are predicted. No LSE predicted.	Screened out
			Operation Phase (air quality): Deposition of oxides of nitrogen from road vehicles and aircraft emissions resulting in enrichment and/or acidification of the environment leading to alteration of the plant communities within the Annex I habitats.	Annex I (sand dune) habitats occur at their closest, 2.5km south of the Order Limits.	Air quality modelling indicates that sensitive (sand dune) habitats are located within the ZOI in which adverse effects could occur due to air-borne and deposition of nitrogen (see **Chapter 6**). There is therefore the potential for air pollution to adversely impact the extent, distribution and structure of these habitats. In view of this, further assessment has been provided in order to determine any adverse effects on the integrity of the SAC.	**Screened in**

Site Name (distance from Order Limits)	Designated Features[18]	Conservation objectives of qualifying feature	Potential Effects	Current Baseline	Screening rationale	Conclusion
			Operation phase (outfall): The introduction of toxic pollutants or sediments resulting in loss of or damage to (including scouring) terrestrial or freshwater environments leading to direct or indirect effects on designated features due to run-off entering the SAC from the currently operational outfall.	Annex I (sand dune) habitats occur at their closest, 2.5km south of the Order Limits.	All the qualifying habitats (dunes) are located well beyond 100m of the outfall, beyond which, no LSE is predicted (see **Table 3.1**). In view of this, no adverse impacts on the qualifying habitats and their plant species are predicted. No LSE predicted.	Screened out
Thanet Coast SAC (330m SE)	Annex 1 habitats	Maintain and restore the extent, distribution, structure and function of the qualifying habitats (and the typical species they support), and the supporting processed they rely upon.	**Construction Phase (outfall):** The introduction of toxic pollutants or sediments resulting in loss of or damage to terrestrial or freshwater environments leading to direct or indirect effects on designated features due to run-off entering the SAC site from the currently operational outfall.	The Annex I habitats (reefs and submerged or partially submerged sea caves) are located, at their closest, 330m from the Order Limits.	The qualifying habitats are located well beyond the ZOI (the 100m geographic parameter, see **Table 3.1**). In view of this, no adverse impacts on the qualifying habitats are predicted. No LSE predicted.	Screened out
			Operation Phase (air quality): Deposition of oxides of nitrogen from aircraft emissions resulting in enrichment and/or acidification of the environment leading to alteration of the plant and animal communities that form the designated features.	The Annex I habitats (reefs and submerged or partially submerged sea caves) are located at their closest, 330m from the Order Limits.	The Annex I habitat features are submerged by tidal sea water on a daily basis, and therefore unlikely to be adversely affected by pollution derived from aircraft emissions. APIS have not assigned a critical load value for NOx deposition to these habitat types (see www.apis.ac.uk/indicative-critical-load-values, and **Chapter 6**). In addition, a critical load value >34 kg N ha^{-1} y^{-1} has been assigned to 'reefs' in an analysis of sensitive Natura 2000 habitats in the Netherland (Van Dobben *et al.*, 2013). This habitat was one of the least sensitive to nitrogen deposition in the analysis of 75 different habitat types. In view of this, no adverse impacts on the qualifying habitats are predicted. No LSE predicted.	Screened out

Site Name (distance from Order Limits)	Designated Features[18]	Conservation objectives of qualifying feature	Potential Effects	Current Baseline	Screening rationale	Conclusion
			Operation phase (outfall): The introduction of toxic pollutants or sediments resulting in loss of or damage to terrestrial or freshwater environments leading to direct or indirect effects on designated features due to run-off entering the SAC from the currently operational outfall.	The Annex I habitats (reefs and submerged or partially submerged sea caves) are located, at their closest, 330m from the Order Limits.	The qualifying habitats are located well beyond the ZOI (the 100m geographic parameter, see **Table 3.1**) within which there is potential for water emitted from the outfall to damage the habitats due to scour. Therefore, no adverse impacts on the extent, distribution, structure and function of these qualifying habitats is predicted. No LSE predicted.	Screened out

4. Appropriate Assessment (Stage 2)

4.1.1.1 For those effects and qualifying features that cannot be 'screened out' during the Stage 1, screening exercise, further detailed assessment into whether these effects will result in an adverse impact on the integrity of the European sites is provided this section (**Section 4**). This information will be provided to the Competent Authority to enable them to undertake an Appropriate Assessment. The assessments in **Section 4** will draw upon the information obtained from the desk study (**Appendix 7.2, Chapter 7: Biodiversity** of the ES), literature review (**Appendix 7.4, Chapter 7: Biodiversity** of the ES) and surveys (**Appendix 7.5, Chapter 7: Biodiversity** of the ES), together with guidance and the consultation exercise. The conclusions reached will also take account of the conservation objectives and condition status of the qualifying features concerned.

4.1.1.2 The European sites and features 'screened in' for detailed assessment are provided in **Table 4.1**, together with the effect and its pathway.

4.1.1.3 As recommended by PINS Advice Note 10 (PINS, 2017), a summary of the assessments into the potential adverse effects on integrity, for all the European sites and their features taken through to Stage 2 is provided in **Appendix E**: Stage 2: Matrices.

Table 4.1 European Sites and their Qualifying Features, Taken Forward for Detailed Assessment

Site Name (distance from Order Limits)	Designated Features[21]	Conservation objectives of qualifying feature	Potential effects and pathway
Thanet Coast and Sandwich Bay SPA (0m)	Turnstone (non-breeding)	Maintain and restore the extent, distribution, structure and function of habitats turnstone reply upon. Maintain and restore the population and distribution of turnstone.	**Construction and Operational Phases (outfall):** The introduction of toxic pollutants or sediments resulting in loss of or damage to (including scouring) intertidal habitats that turnstone depend upon, due to run-off entering the SPA from the currently operational outfall. **Operation Phase (noise/visual presence from aircraft):** Disturbance / displacement of turnstone resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates due to noise and shadow created by planes on take-off and landing.
	Golden plover (non-breeding)	Maintain and restore the extent, distribution, structure and function of habitats golden plover reply upon. Maintain and restore the population and distribution of golden plover.	**Construction and Operational Phases (outfall):** The introduction of toxic pollutants or sediments resulting in loss of or damage to (including scouring) intertidal habitats that golden plover depend upon, due to run-off entering the SPA from the currently operational outfall. **Construction phase (noise):** Noise, vibration and physical activity within the Order Limits from earthworks, fixed and mobile plant during the construction phase provides potential for foraging/ resting golden plover to be displaced from any suitable farmland adjacent to the Order Limits. Increased noise and vibration may also occur due to an increase in construction road traffic. **Operation Phase (noise/visual presence from aircraft):** Disturbance / displacement of golden plover resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates due to noise and shadow created by planes on take-off and landing. **Operation phase (bird scaring):** Disturbance / displacement of birds resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates due to noise created by bird scaring activity. **Operation phase (barrier effect):**

[21] Full designation information is provided in **Appendix B.**

Site Name (distance from Order Limits)	Designated Features[21]	Conservation objectives of qualifying feature	Potential effects and pathway
			Disturbance / displacement of golden plover due to the Proposed Development forming a barrier to the movement of birds between foraging and roosting sites, resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates.
	Little tern (breeding)	Maintain and restore the extent, distribution, structure and function of habitats little tern reply upon. Maintain and restore the population and distribution of little tern.	**Operation Phase (noise from planes):** Little tern may be prevented from recolonising the SPA due to disturbance/ displacement due to noise and shadow created by planes on take-off and landing.
Thanet Coast and Sandwich Bay Ramsar (0m)	Turnstone (non-breeding)	Maintain and restore the population and distribution of turnstone. Maintain and restore the extent, distribution, structure and function of habitats turnstone reply upon. Maintain or restore the supporting processes on which the habitats of turnstone rely.	**Construction and Operational Phases (outfall):** The introduction of toxic pollutants or sediments resulting in loss of or damage to (including scouring) intertidal habitats that turnstone depend upon, due to run-off entering the Ramsar site from the currently operational outfall. **Operation Phase (noise/visual presence from aircraft):** Disturbance / displacement of turnstone resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates due to noise and shadow created by planes on take-off and landing.
	15 Red Data Book Invertebrate species (Criterion 2)	Maintain and restore the populations and distributions of the qualifying feature invertebrate species. Maintain and restore the extent, distribution, structure and function of habitats the qualifying invertebrate species rely. Maintain or restore the supporting processes on which the habitats rely.	**Operation Phase (air quality):** Deposition of oxides of nitrogen from aircraft emissions resulting in enrichment and/or acidification of the environment leading to alteration of the plant community through changes in baseline conditions resulting in direct or indirect effects on listed invertebrates.
Sandwich Bay SAC (0m)	Annex I habitats	Maintain and restore the extent, distribution, structure and function of the qualifying habitats (and their typical flora), the supporting processed they rely upon.	**Operation Phase (air quality):** Deposition of oxides of nitrogen from road vehicles and aircraft emissions resulting in enrichment and/or acidification of the environment leading to alteration of the plant communities within the Annex I habitats.

4.2 Thanet Coast and Sandwich Bay SPA - Golden Plover (non-breeding)

4.2.1.1 The Stage 1 screening exercise identified the potential for the Proposed Development alone and/or in-combination with other developments and plans, to have an adverse effect on the SPA population of golden plover, due to:

- adverse effects on habitats used by foraging and roosting golden plover in Pegwell Bay due to scouring from water emitted from the outfall during construction and operation;
- disturbance from construction;

- visual and auditory disturbance caused by aircraft flights;
- noise from bird-scaring activities; and
- the potential barrier effect of the Proposed Development to the movement of golden plover between roost and foraging areas.

4.2.1.2 A detailed assessment of these effects on the SPA population of golden plover is provided as follows.

4.2.2 Current Baseline

4.2.2.1 Golden plover is listed in Annex 1 of the Birds Directive[22] (see **Appendix B**). The Thanet Coast & Sandwich Bay SPA was originally designated (under Article 4.1 of the Birds Directive) in part, for the internationally important non-breeding population of golden plover that it supported (during the five-year period 1985/86 – 1989/90, an average peak count of 1,980 golden plover was recorded). Nationally important numbers of non-breeding golden plover are also a notified feature of the Sandwich Bay to Hacklinge Marshes SSSI (which forms one of the two constituent SSSIs of the SPA). However, as part of the third JNCC SPA review (Stroud *et al.*, 2016), golden plover was removed as a designated species from the SPA (likely due to declining numbers), although this change is to date unratified.

4.2.2.2 The UK wintering population of golden plover was estimated to be 420,000 birds in winter 2006/07 of which 400,000 were in Britain (Musgrove *et al.*, 2013). The wintering population of golden plover in Great Britain increased by 263% from 1984/54 to 2009/10, though has undergone a short-term decline of 41% in the last five years of this period (Cook *et al.*, 2013). Numbers increased substantially from the 1980s until around 2005, after which there has been a steep decline.

4.2.2.3 Golden Plover is a qualifying feature of the Thanet Coast and Sandwich Bay SPA, as the SPA regularly supported 0.2% of the population of Great Britain over the five-year peak mean 1991/92-1995/96 (Article 4.1 qualification)[23]. For the purposes of understanding European and National context and in order to determine significance, with respect to effects on the SPA population[24], **Table 4.2** presents a breakdown of population sizes and selection/significance thresholds[25].

Table 4.2 Golden plover Populations and Selection Thresholds

Golden Plover	Population sizes (individuals)	1% Selection/ Significance thresholds
International population	930,000	9,300
GB population	400,000	4,000
1985/86-1989/90, an average peak count	1,980	N/A

[22] *Directive 2009/147/EC (known as the Birds Directive) on the conservation of wild birds* (the codified version of Council Directive 79/409/EEC as amended provides for the identification and classification of Special Protection Areas (SPAs) for rare or vulnerable species listed in Annex I of the Directive, as well as for all regularly occurring migratory species

[23] Natura 2000 Standard Data Form: Thanet Coast and Sandwich Bay SPA. http://jncc.defra.gov.uk/

[24] The international and national thresholds of importance for golden plover have been obtained from https://www.bto.org/volunteer-surveys/webs/data/species-threshold-levels, accessed 4 December 2017

[25] There is no fundamental biological reason to take 1% of a population as the threshold level for establishing the level of importance of a site. Nevertheless, this percentage is widely considered to be of value in developing measures that give an appropriate level of protection to populations, and has gained acceptance on this basis throughout the world. The criterion was, for example, adopted by parties involved in the *Ramsar Convention 1971*. Thereafter, the 1% level of national species totals has been taken as the basis of assessment in various countries, including Britain (Stroud, Mudge & Pienkowski, 1990)

Thanet Coast and Sandwich Bay SPA	1998/99 to 2002/03 five-year mean peak Pegwell Bay 'roost' count	6,332	N/A
	An average of 1.6% of the GB population (5-year mean peak 1998/9-2002/3)	4,190	N/A
	2010/11 to 2014/15 five-year mean peak Pegwell Bay 'roost' count	**3,285**	**33**

4.2.2.4 The five-year mean peak count of golden plover of 3,285 birds for 2010/11-2014/15 (obtained from WeBS core count data for the Pegwell and Sandwich Bays WeBS count sector) has been used as the basis for this assessment. The numbers of golden plover over-wintering in the area has clearly, varied greatly over the period since the SPA was designated, and therefore, this figure represents the most up-to-date value for the likely population size of golden plover for the SPA.

4.2.2.5 The conservation objectives for the SPA golden plover population are provided in **Appendix D**, and are in summary: to maintain and restore the population and distribution of golden plover, and the habitats and supporting processes they depend upon.

4.2.2.6 Golden plover winter on coastal and inland habitats around Sandwich Bay and Pegwell Bay. Their main feeding habitat is on arable fields and grazing marsh located inland of the dunes of Sandwich Bay (to the south of the Order Limits) and roosting on intertidal areas of Pegwell Bay. The birds using the farmland adjacent to the Order Limits are considered part of the SPA population and thus, this habitat is considered to be a functionally linked to the SPA.

4.2.2.7 A peak count of 530 golden plover was recorded during the Functional Habitat Survey in 2016/17 (**Appendix 7.5** in **Chapter 7: Biodiversity** of the ES) in a field adjacent to the southwest of the Order Limits (see **Figure 4.3**). However, this peak count was exceptional during the survey, with the next largest flock being of 33 birds and the remaining records involving just 1-6 individuals.

4.2.2.8 During the Pegwell Bay Distribution Survey (**Appendix 7.5** in **Chapter 7: Biodiversity** of the ES), golden plover were primarily recorded in November and December 2016, and in February 2017, when 500-850 birds were counted. No foraging birds were observed, with all records relating to flocks of golden plover resting (roosting or loafing) on intertidal habitat close to the high-water mark along the northern and western fringes of Pegwell Bay during low, mid and the high tide periods (see **Figure 4.4**).

4.2.2.9 No golden plover were recorded within the Order Limits during bird surveys undertaken for the proposed Stone Hill Park development in winter 2015/16 (WSP PB, 2016), or during the Functional Habitat Surveys in 2016/17.

4.2.2.10 Henderson & Sutherland (2017) and Griffiths (2003) and data provided by the Sandwich Bay Bird Observatory (SBBO) and KOS show that golden plover occur on both intertidal and inland areas around Pegwell Bay in winter. A range of roost sites have been identified, including Pegwell Bay, but also inland on farmland.

4.2.2.11 Henderson & Sutherland (2017) divided their survey area into a number of Recording Areas, with the only records of golden plover within 2km of the Order Limits being those in their Recording Area 15 to the east of the Order Limits (see **Figure 4.5**). In that area (despite parts in the east being unsuitable for foraging due to the presence of tall Brassica[26] crops), fields of ploughed and fallow land close to Pegwell Bay were used for feeding and roosting in the first half of the winter, as follows:

- A flock of 402 birds was roosting and foraging in a field adjacent to the south-east of the Order Limits on 13 November 2016;

[26] A common brassica crop is oil-seed rape.

- This was followed by 53 birds roosting in a different field (1.3km west of the Order Limits) on 27 November 2016;
- An additional 43 birds were roosting in the same field as the early November record on 31 December 2016; and
- No golden plover were recorded in Recording Area 15 in January and February 2017 (a March survey was not undertaken in this Area). These birds also used Pegwell Bay.

4.2.2.12 Henderson & Sutherland (2017) identified a number of other localities frequently used by golden plover. The highest numbers of roosting and foraging golden plover were to the south of the Order Limits, approximately 3.5km from the Order Limits on arable farmland in the Ash Levels Recording Area 7 where a peak count of 1,030 birds was recorded in January 2017.

4.2.2.13 The mudflats at Pegwell Bay formed a roost site, used intermittently at low tide, with a peak count of 1,000 birds noted there in February 2017. Disturbance caused by bait-diggers and other sources was identified as a continued problem in this area and the likely reason for its intermittent use by golden plover.

4.2.2.14 Unit 3 of the Sandwich Bay to Hacklinge Marshes SSSI (the main location for the roosting golden plover) is in an 'Unfavourable – Recovering' condition. The bird disturbance undertaken at Pegwell Bay in winter 2010/11 (Swandale & Waite, 2012) provides strong evidence indicating that recreational and commercial activities (including dog walking, walking without dogs, bait digging and kite surfing) are having a detrimental impact on bird populations in Pegwell Bay. The report states that:

> *"The most disturbing activity, particularly in the north section of the bay, is dog walkers with dogs off leads. This is being addressed through a dog management strategy which aims to provide alternative open space for dogs off leads. The voluntary agreement over kite surfing also needs to be reviewed given disturbance levels associated with this recreational activity. Continued monitoring is required particularly with regard housing development within Dover and Thanet Districts. Mitigation measures are being sought with regard these development plans including monitoring and possible wardening if monitoring indicates increased disturbance activity."*

4.2.2.15 Other areas of farmland used by roosting and/or foraging birds included:

- Sandwich Marshes (Recording Area 4), with up to 610 birds roosting by the flood-relief pools for the River Stour (4-5km south of the Order Limits);
- Goshall Valley (Recording Area 8, 4-7km south, peak 810 birds); and
- Worth Marshes (Recording Area 1, 8-9km south, peak count 242 birds).

4.2.2.16 Results from the surveys in 2002/03 (Griffiths, 2003) and 2016/17 (Henderson & Sutherland, 2017) show similar patterns of golden plover distribution across the Thanet and Sandwich Bay areas, and indicate that numbers have declined during the intervening years, from a high tide peak count of 4,962 birds (in January 2003) to only 1,536 (in late January 2017).

4.2.2.17 BTO Wetland Bird Survey (WeBS) core count data[27] for Pegwell Bay also shows a general decline in the peak counts of golden plover in Pegwell Bay over the period 2000/01 to 2014/15. A summary of the WeBS data is provided in **Table 4.3** (the figures in parenthesis include additional data obtained for Pegwell Bay outside the standardised WeBS core count dates, obtained from https://app.bto.org/webs-reporting/).

[27] There are two types of WeBS count: Core Counts undertaken at high tide, involving a large number of sites (around 2,800), and Low Tide Counts involving a relatively much smaller number of counts of feeding birds at low tide.

Table 4.3 Peak Monthly Counts of Golden Plover in Pegwell Bay, from Winters 2000/01-2014/15

Winter	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Peak count	Month
2000/01	196	414	41	950	3,160	4,000	1070	1,404	4,000	Feb
2001/02	0	840	2,680	6,000	7,000	2,000	3750	3,711	7,000	Jan
2002/03	0	1,350	2,450	190	5,800	4,710	150	2,441	5,800 (7,229)	Jan
2003/04	62	1,410	6,240	5,500	8,000	1,125	14	3,193	8,000	Jan
2004/05	95	0	3,830	5,200	5,330	4,500	920	3,312	5,330	Jan
2005/06	79	2,070	550	7,000	1,900	2,500	595	2,099	7,000	Dec
2006/07	11	663	3,730	945	2,900	4,170	80	1,785	4,170	Feb
2007/08	25	1,500	4,500	5,500	5,000	4,200	0	3,454	5,500	Dec
2008/09	0	0	2,000	3,500	3,230	3,150	5	2,377	3,500	Dec
2009/10	0	700	1,200	60	753	1,100	410	703	1,200 (3,150)	Nov
2010/11	132	160	3,400	51	2,000	0	0	1,148	3,400 (4,000)	Nov
2011/12	1	1100	1,350	3,000	3,500	0	0	2,237	3,500 (3,640)	Jan
2012/13	1	180	2,000	2,820	4,330	2,820	285	2,072	4,330	Jan
2013/14	16	530	820	1,050	1,093	0	0	701	1,093 (2,000)	Jan
2014/15	1	0	1,147	2,456	0	760	0	1,454	2,456	Dec

Current baseline (noise levels)

4.2.2.18 To characterise the baseline noise environment/ levels in the wider area around the Order Limits (which is dominated by noise from road traffic), measurements and observations were undertaken at 14 locations during both daytime and night-time periods as described in Table 12.2 in **Chapter 12: Noise and Vibration** (of the ES) and shown in Figure 12.1 in **Chapter 12: Noise and Vibration** (of the ES). An ambient noise level has also been identified to represent each location observed, based on the following:

- Site observation;
- Short-term measurements; and

- Sound propagation modelling of the major sources of sound, namely road traffic movements for locations where the short-term noise level is uncertain; and *Directive 2002/49/EC*[28] Round 2 noise mapping data where road traffic modelling is not possible or rail is the dominant noise source.

4.2.2.19 The baseline noise levels measured from Observation Point 13 (OBS13) located on the northern fringe of Pegwell Bay (the most relevant measurement point in terms of the SPA), showed daytime noise levels of 40-45 dB $L_{Aeq,5min}$[29] and night time noise levels of 40 dB $L_{Aeq,5min}$, primarily due to road traffic. The ambient day and night noise level for OBS13 is 42 dB $L_{Aeq,\ 16hr}$ (see **Table 12.2 in Appendix 12**).

Current baseline (drainage and discharge into Pegwell Bay)

4.2.2.20 The Proposed Development is on relatively high ground, mainly at an elevation between 45-50 mAOD (metres above ordnance datum). The southern portion is located at an elevation of approximately 50mAOD, along the length of the existing runway, but rises to approximately 55mAOD in the westernmost corner of the site. North of the runway the site level declines to approximately 40mAOD in the west, at the Spitfire Way Junction (crossroads of the Manston Road (B2050) and Spitfire Way (B2190) carriageways), forming the start of the headwater valley for the Brooksend Stream, while remaining at 45-50 mAOD in the northernmost part of the site. The Site red line boundary (RLB) also encompasses the line of the buried pipeline to Pegwell Bay, which extends from the southern portion of the site at about 50 mAOD to the outfall point in Pegwell Bay.

4.2.2.21 The average annual rainfall recorded at Manston between 1981 and 2010 was 592.5mm30.

4.2.2.22 There are no river watercourses on or adjacent to the Proposed Development, partly due to the high permeability of the underlying Chalk. A series of water channels and streams that form part of the Minster Marshes are located more than 1 km to the south of the main site. The buried pipeline lies in closer proximity to the north-western extent of this system, but aerial photography indicates that it does not cross any surface water features. Minster Marshes drain south into the River Stour, 3km south of the Proposed Development, which flows east into Sandwich and Pegwell Bays. Currently, runoff from the Proposed Development infiltrates locally and, due to the highly permeable nature of the underlying geology, is unlikely to reach these surface water systems via overland flow routes.

4.2.3 Future Baseline

4.2.3.1 In the absence of development, it is assumed that the Order Limits will remain principally as grassland and hard standing and its immediate vicinity will remain primarily as arable farmland. As a result, the management of this area would be unlikely to change in the foreseeable future and therefore the baseline with respect to the golden plover population of the Thanet Coast and Sandwich Bay SPA would not be altered significantly.

4.2.4 Predicted Adverse Effects

4.2.4.1 Distribution data from the locality of the Order Limits indicate that golden plover utilising farmland to the south, north and west are likely to be connected with the Pegwell Bay (Thanet Coast and Sandwich Bay SPA) wintering population i.e. they disperse from Pegwell Bay at high tide to forage

[28] *Directive 2002/49/EC* of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise - Declaration by the Commission in the Conciliation Committee on the Directive relating to the assessment and management of environmental noise [online] Available at http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32002L0049 [Accessed 14/02/2018]

[29] L_{Aeq} indicates average exposure noise level over a measured period, in this case 5 minutes (BS 7445-1:2003 Description and measurement of environmental noise – Part 1: Guide to quantities and procedures' BS7445-1:2003). BS 7445 provides guidance for describing and measuring noise from all sources. The standard recommends equivalent continuous A-weighted sound pressure level (L_{Aeq}) as the most appropriate basic noise indicator.

[30] Meteorological Office (Met. Office): http://www.metoffice.gov.uk/public/weather/climate

on farmland in the wider area. As a result of the likely movements of birds between high-tide foraging areas around the Order Limits and Pegwell Bay at low tide, and their use of the surrounding farmland for foraging and roosting, there is potential for adverse effects on the golden plover population, due to:

- Auditory, visual, and vibration stimuli caused by vehicles, machinery and their operatives during construction and operation of the Proposed Development;
- Auditory disturbance caused by any onsite pyrotechnical bird scaring methods during operation of the Proposed Development;
- Auditory and visual disturbance caused by over-flying aircraft, and aircraft departing from and arriving at the airport;
- The potential barrier effect of the airport to the movements of birds between foraging and roost sites; and
- Damage to habitats (primarily mudflats) used by roosting golden plover in Pegwell Bay due to scouring caused by water emitted from the outfall in Pegwell Bay, during construction and operation.

Construction displacement - habitat loss due to disturbance

4.2.4.2 Noise, vibration and physical activity within the Order Limits from earthworks, fixed and mobile plant, and the visual presence of operatives during the construction phase has the potential for foraging and resting golden plover to be displaced from any suitable farmland within 750m of the Order Limits (see **Table 3.1**). Increased noise and vibration may also occur due to an increase in construction road traffic. As construction noise, vibration and activity within the Order Limits is currently lacking and also likely to be unpredictable, it has a greater potential to cause disturbance than an increase in road traffic noise and vibration. This is because birds in the vicinity of the airport are likely to be habituated to current road traffic noise and vibration and its more predictable pattern.

4.2.4.3 Survey of golden plover in northeast Kent, including the area surrounding the Order Limits in winter 2003/04 (Griffiths, 2004) identified no concentrations of golden plover within 750m of the Order Limits; the data for this work was collected whilst Manston Airport was still operational.

4.2.4.4 Survey of farmland habitat around the Order Limits in 2016/17 has also shown limited use by foraging and roosting golden plover of these areas within 750m of the Order Limits (**Appendix 7.5, Chapter 7: Biodiversity** of the ES, Henderson & Sutherland 2017). Between September 2016 and February 2017 inclusive, few golden plover were recorded, with generally five or less birds noted within 1km of the Order Limits. An exception to this, was during the November survey, when a flock of 530 golden plover was recorded in an arable field immediately to the south of the Order Limits at its eastern end (**Appendix 7.5** in **Chapter 7: Biodiversity** of the ES). Soon after this record, the field was cultivated and no further records were obtained from that location. This flock was also recorded during the surveys reported in Henderson & Sutherland (2017).

4.2.4.5 The desk study and winter bird surveys indicate that golden plover do not make regular use of farmland within 750m of the Order Limits, although birds may use it opportunistically, depending upon suitability of crop type. Golden plover rarely remain faithful to a single site throughout the winter but tend to use a number of sites dependant on food availability and weather conditions (Percival, 2007). The Order Limits is located adjacent to an extensive area of arable farmland (to the west, north and south), and therefore any birds displaced by the Proposed Development are likely to find alternative foraging sites within their usual foraging ranges. This is supported by the desk study and survey results in that birds were generally recorded at any one location during only part of the non-breeding season period, suggesting that they were foraging widely, moving to alternative feeding sites in response to changing crop structure, food availability and weather conditions.

4.2.4.6 Golden plover are very much dependent upon the presence of suitable foraging areas during autumn and winter. Mason & MacDonald (1999), in their study of wintering populations of golden plover in north-east Essex, found that the former species showed a strong association for winter cereals. Much of the foraging activity of golden plover in their study was recorded in fields of cereal less than 100mm in height, with golden plover rarely recorded on other crop or habitat types such as cereal stubble and rape. Kirby (1997) identified many other factors that might influence the changing use of a site by golden plover. One of the main food sources are earthworms, which occur in much higher densities in the early stages of an arable crop rotation, with very few present in fields that have been under continuous arable cultivation for three or more years (Kirby, 1997). Large open fields are most favoured (Kirby 1997, Mason & MacDonald 1999) and during prolonged periods of hard weather, when the ground has been frozen for at least three days, lapwing and golden plover move from arable fields to grassland, where invertebrate prey remains more accessible. Where grassland is not present, the birds often leave the area for warmer climes such as in France and on the Iberian Peninsula (Kirby, 1997).

4.2.4.7 It should also be noted that these studies focus on the use of habitats during the day, and that golden plover are known to use different habitats to forage in during the night (Gillings *et al.*, 2005). A study of plovers on Thanet during 2016 (M. Sutherland, unpublished data) involving eight paired visits by day and night, provided little evidence one way or the other as to whether the nocturnal distribution differed substantially from the diurnal. It was thought that, while locally, birds may be more dispersed at night, it is unlikely that the broad distribution patterns across the various survey areas would be substantially different from that recorded by day (Henderson & Sutherland, 2017).

4.2.4.8 To conclude, any presence of golden plover on farmland adjacent to the Order Limits is likely to be strongly influenced by crop management, in particular, the rotation and relative proportions of rape and winter cereal, the latter providing the bare ground habitat favoured for foraging birds in autumn and early winter. Results from the desk study and surveys indicate that the area within 750m of the Order Limits, which is the area identified within which any disturbance and displacement would occur, does not form an important part of the foraging grounds for the SPA population of golden plover.

4.2.4.9 Given that the functional habitat surveys and other desk study data (e.g. Henderson & Sutherland, 2017) indicate that farmland within 750m of the Order Limits is not used on a regular basis by important numbers of golden plover (with a count of 530 birds in a single month) and with the availability of extensive alternative inland feeding habitat within the vicinity, the effects of displacement on the SPA golden plover population during construction are considered negligible. The main roost site for the species (on Pegwell Bay) is located more than 1km from the Order Limits, and thus is predicted not to be adversely affected by construction works for the Proposed Development.

4.2.4.10 To conclude, there would be no adverse effect on the integrity of the SPA due to disturbance effects on the golden plover population during the construction phase of the Proposed Development.

Operational displacement - habitat loss due to bird scaring activities

4.2.4.11 Once the Proposed Development is operational, there is potential for foraging and roosting golden plover to be displaced from arable land, grazing marshes and intertidal habitats (used for roosting) due to disturbance caused by methods employed at the Proposed Development to reduce/ prevent collision risk by deterring hazardous birds from using the aerodrome and adjacent land. These bird scaring activities may deter golden plovers from using otherwise suitable habitat up to a distance of 1km from the Order Limits (see **Table 3.1**).

4.2.4.12 Trials undertaken to inform the now consented London Ashford Airport expansion concluded that bird scaring activities at the airport might have some disturbance effects up to 0.6-1km away, but

that there was no indication that there would be any impacts on the populations[31]. The recommended methods for bird scaring at London Ashford Airport included the use of audio and pyrotechnics, together with virtually continuous patrolling of the airport site.

4.2.4.13 Results from the desk study and surveys also indicate that golden plover do not utilise farmland or intertidal habitats within 1km of the Order Limits on a regular basis. In view of this, the effects of displacement to golden plover by bird scaring activities are considered negligible.

4.2.4.14 To conclude, there would be no adverse effect on the integrity of the SPA due to disturbance/ displacement of golden plover, as a result of bird scaring activities.

Operational displacement - habitat loss due to aircraft flights

4.2.4.15 Once the Proposed Development is operational, there is potential for foraging and roosting golden plover to be displaced from arable land, grazing marshes and intertidal habitats (used for roosting) below or near to the flight paths of planes. The altitude, lateral distance and noise of the aircraft are all factors involved in potential disturbance, although separating the effect of aircraft noise from that of visual disturbance is difficult.

4.2.4.16 There is limited documented evidence on the visual and auditory disturbance effects of aircraft on birds and much of this comes from studies that have focussed on geese, ducks, swans and seabirds. Those studies involving waders (such as golden plover) have looked at the effects of microlights and jets. Also, these studies have mainly been based upon effects associated with aircraft altitude rather than lateral distance.

4.2.4.17 A literature review was undertaken by Amec Foster Wheeler on bird disturbance by aircraft (**Appendix 7.4** in **Chapter 7: Biodiversity** of the ES). Results from this literature review and other studies indicate that beyond distances of 500m in altitude and 1km ground-level, lateral distance, golden plover are unlikely to be disturbed by the visual presence of flying aircraft.

4.2.4.18 An indicative figure of locations overflown by aircraft below 500m is shown in **Figure 4.6**. It should be noted that no aircraft (other than helicopters) are currently operating from the Order Limits and therefore the figure is based on indicative vertical climb profiles, operating procedures and flight paths. The actual procedures and flight paths will be consulted on after the DCO through the CAA's Airspace Change Process (ACP) and the ACP will provide opportunities for engagement with local communities and other stakeholders. The ACP will likely follow the process outlined in the draft ACP guidance CAP1520 (CAA, 2017). However, given the relatively close proximity of Pegwell Bay to the dis-used airfield at Manston, the options for the flight routes to the east of the airfield, just north of Pegwell Bay are very limited. In view of this, the proposed routes of the flights are very unlikely to deviate from those shown in **Figure 4.6,** once agreed with the CAA.

4.2.4.19 The roosting areas for golden plover in Pegwell Bay are located outside the area where aircraft are predicted to fly over at altitudes of less than 500m (see **Figures 4.4 and 4.6**) and are at their closest, 1.5km from the proposed routes for aircraft flights to the east of the airfield (beyond the 1km, lateral disturbance distance). Desk study and survey data also indicate that use of the farmland by golden plover in these areas is also low (see **Figure 4.3**).

4.2.4.20 Results from the literature review in **Appendix 7.4 in Chapter 7: Biodiversity** (of the ES) indicates that noise levels in excess of 80 dB[32] L_{Amax}[33] (peak noise levels) have been recorded as causing the more severe disturbance incidents in a number of studies, primarily in duck species. However, golden plover has been identified as a species of moderate sensitivity to noise disturbance, being

[31] London Ashford Airport, Lydd, Kent. File Refs: APP/L2250/V/10/2131934 and 2131936. Report to the Secretary of State for Communities and Local Government and the Secretary of State for Transport by K D Barton BA(Hons) (an Inspector appointed by the Secretary of State for Communities and Local Government and the Secretary of State for Transport). Date: 9 March 2012.

[32] The ratio between the quietest audible sound and the loudest tolerable sound is a million to one in terms of the change in sound pressure. Due to this wide range, a scale based on logarithms is used in noise level measurement. The scale used is the decibel (dB) scale which extends from 0 to 140 dB corresponding to the intensity of the sound pressure level.

[33] L_{Amax} is maximum recorded noise level during the measurement period.

tolerant of peak noise levels of up to 72 dB L_{Amax} (Cutts *et al.*, 2013). Therefore, a more precautionary peak noise level of 70 dB L_{Amax} has been used for the purposes of this assessment, below which, noise from aircraft flights is very unlikely to elicit a more severe disturbance response (such as taking flight), and thus any effects of noise levels below 72 dB L_{Amax} would be negligible.

4.2.4.21 In addition to the relatively high levels of noise generated from nearby road traffic in the area (as indicated by the baseline noise measurements in **Chapter 12: Noise and Vibration** of the ES), golden plover using farmland adjacent to the Order Limits will also experience regular disturbance from agricultural activities including the high noise levels generated from gas guns[34] (used to scare wood pigeons from fields of oilseed rape, which is widely cultivated in the area), and from organised game shoots, and shooting for pest control purposes.

4.2.4.22 During operation of the Proposed Development, the average daytime noise levels across Pegwell Bay (during the period when peak numbers of aircraft flights will occur), are predicted to be between 50-63 dB $L_{Aeq16,}$ (see **Figure 12.6 in Chapter 12: Noise and Vibration** of the ES), and at night, generally less than 40 dB $L_{Aeq,8hr}$ (see **Figure 12.7 in Chapter 12: Noise and Vibration** of the ES).

4.2.4.23 In terms of disturbance to birds, the peak noise levels are likely to elicit more of a 'measurable' behavioural response by birds rather than the average noise levels over a period of time (e.g. over the course of a day)[35].

4.2.4.24 The area of land (at ground level) where noise levels in excess of 80 dB L_{Amax} are predicted (during peak periods of operation of the Proposed Development) during the day (07:00 to 23:00 hrs) and night (23:00 to 07:00 hrs) are shown in **Figures 4.1a and 4.1b** respectively, and where noise levels are in excess of 70 dB L_{Amax} shown on **Figures 4.2a and 4.2b** respectively. The different coloured shaded areas denote the mean number of events per day (due to aircraft movements), where peak noise levels of 80 and 70 dB L_{Amax} will be exceeded (respectively), taking into account the proposed flight paths, and combination of different aircraft types/ models that are planned to be in operation in Year 20 when the number of flights will have reached their anticipated peak (worst case scenario). For example, in Figure 4.2a, any birds foraging on land within the outermost shaded area (in light pink) are predicted to experience an average of 10-19 single noise events per day (due to aircraft flights) that exceed 70 dB L_{AMAX} during Year 20.

4.2.4.25 Results from the desk study (**Appendix 7.2** in **Chapter 7: Biodiversity** of the ES) and the Functional Habitat and Pegwell Bay Distribution surveys (**Appendix 7.5** in **Chapter 7: Biodiversity** of the ES) indicate infrequent use by golden plover of areas of farmland within the area where 70 dB L_{Amax} is exceeded (see **Figures 4.3 and 4.5**). In addition, the desk study and survey data also indicate that the main area of Pegwell Bay used by roosting golden plover is not located within the area where noise levels in excess of 70 dB L_{Amax} are predicted (see **Figures 4.2a, 4.2b and 4.4**).

4.2.4.26 As stated previously, there is limited research and studies on the auditory disturbance effects of aircraft on birds in the UK and therefore, it is important that any case studies into effects on birds at currently operation airports in the UK are also considered in this assessment.

4.2.4.27 There are a number of operational airports in the UK that are located adjacent or close to SPAs designated for their congregations of non-breeding waterfowl and waders, including internationally important numbers of waders utilising mudflats for foraging. These include the civil airports at Belfast, Liverpool, Southampton, Bournemouth, Lydd (London Ashford Airport) and Blackpool (amongst others), and military aviation activities/ operations.

4.2.4.28 **Table 1.2** in **Appendix 7.2** of **Chapter 7 Biodiversity** (of this ES) presents a summary of results of a review of case studies related to the effects of aircraft flights from military and civil airports in the

[34] These are portable devices that are located at the edge of fields to disturb birds from feeding and damaging crops, in particular, rape seed oil. They are setup to typically emit, 3-4 short, loud bursts of noise (bangs) at intervals of c.15 seconds.

[35] NE have indicated their preference for the assessment to be determined on the basis of using the LAmax (peak noise level) metric

UK on nearby SPAs. This study was undertaken to inform the now consented expansion of London Ashford Airport, south of Lydd in Kent (Parsons Brinckerhoff, 2007).The case studies highlighted, show that despite the visual and noise disturbance from civil and military aircraft flights over the SPAs, there have been no recorded adverse effects on their qualifying populations of waders and wildfowl, including non-breeding populations of golden plover on the Ribble Estuary, Wash, North Norfolk Coast, Dungeness to Pett Levels and Lough Foyle SPAs.

4.2.4.29 In addition, there is no evidence to indicate that the numbers of golden plover have increased since airport operations ceased at Manston Airport in May 2014 (see **Table 4.3**), and conversely, numbers appear to have declined.

4.2.4.30 To conclude, evidence from the literature review and case studies indicates that golden plover using Pegwell Bay for roosting, and the farmland surrounding the Order Limits for foraging will very likely habituate to the visual presence and noise from regular aircraft flights from the Proposed Development. Existing levels of noise in these areas are relatively high, primarily due to road traffic but also agricultural activities. The predicted peak noise levels (due to aircraft flights) that would be experienced by golden plover using Pegwell Bay and the surrounding farmland are unlikely to result in high levels of disturbance to these birds. Any golden plover displaced from farmland surrounding the Order Limits would be able to locate other more extensive areas of suitable foraging habitat to the south and west. In view of this, the effects of disturbance to the SPA population of golden plover are predicted to be negligible, and there would be no adverse effect on the integrity of the SPA.

Operational - displacement (barrier effects)

4.2.4.31 Unlike turnstone (the other qualifying/notification wader species of the Thanet Coast and Sandwich Bay SPA and Ramsar Site), golden plover frequently move to inland farmland areas to forage. Movements to and from inland areas and the coast result in the Proposed Development forming a barrier to the movement of golden plover between these sites. If the birds have to undertake flights of greater distance due to the presence of the Proposed Development, this could result in increased energy expenditure and lost foraging time, leading to increased mortality. Therefore, it is important to know the distribution of golden plover surrounding the airport and their likely flight paths between roosting and foraging areas.

4.2.4.32 Results from the desk study (in particular, Henderson & Sutherland 2017) and surveys indicate that much of the golden plover population roosts at Pegwell Bay, and forages on farmland to the south and south-west (more than 3km to the south of the Order Limits). The likely flights of golden plover between their main roost site and foraging areas is thus unlikely to take them across the Order Limits, or the vicinity of flight paths of low flying aircraft. In addition, CAA data obtained during part of the previous operational period for Manston Airport (2007-13) revealed only one record of golden plover collision with aircraft, indicating that the airport did not form part of the regular flight paths for this species.

4.2.4.33 In view of the lack of CAA records of golden plover and the likely flight paths of birds, the levels of flight activity by this species over the Order Limits and adjacent areas are predicted to be low, and as a consequence, the impacts of barrier effect are considered negligible.

4.2.4.34 To conclude, there would be no adverse effect on the integrity of the SPA due to barrier effects on golden plover caused by the presence of the Proposed Development.

Construction displacement - habitat loss due to damage to roosting site caused by outfall

4.2.4.35 This assessment of effects takes into account the environmental measures provided in **Table 7.7 in Chapter 7**, and also **Section 8.5 and Table 8.6 in Chapter 8: Freshwater Environment**).

4.2.4.36 The existing drainage arrangements at the Site, divert rainfall to a sea outfall at Pegwell Bay. This outfall is of sufficient size to accept peak flows without surcharging.

4.2.4.37 The Site drainage network will be put in place during Construction Phase 1. During all phases, any discharges not entering the Site drainage network will be contained on-Site and discharged to the

Site sewer network, following treatment by silt-busters or similar, or taken off-Site. Additional measures, which are detailed in the Construction Environmental Management Plan (CEMP) and put in place to protect the groundwater environment during the construction phase, will also ensure that no potential pollutants reach Pegwell Bay (see **Section 8.5 in Chapter 8**).

4.2.4.38 Only when the Site drainage network is put in place, will discharges be allowed into Pegwell Bay via the outfall. All discharges will only take place once silt and any other potential pollutants (e.g. hydrocarbons) have been removed from Site discharge. The discharge is therefore of clean water.

4.2.4.39 Paragraphs 4.2.4.44 to 4.2.4.47 inclusive present the detailed design strategy for the Site drainage network to ensure that measures are put in place to protect the qualification/notification features of Pegwell Bay's designated sites. These measures will be confirmed with the EA and NE prior to the commencement of works.

4.2.4.40 The drainage strategy is based upon a 150l/s pump capacity. The outfall structure, with a series of four incomplete barriers that reduce the flow rate of the discharge to Pegwell Bay, is a robust structure designed with scour protection to prevent scour to intertidal habitat.

4.2.4.41 Following the incorporation of the environmental measures, it is concluded that all effects on Pegwell Bay will be negligible. Therefore, it is concluded that there will be no adverse effects on the habitats utilised by roosting golden plover in Pegwell Bay, and no adverse effect on the integrity of the SPA due to the outfall during construction.

Operational displacement - habitat loss due to damage to roosting site caused by outfall

4.2.4.42 The operational phase has the potential to have a significant effect on water quality at Pegwell Bay through the following mechanisms:

- The generation of sediment laden run-off entering the Site's drainage system in an uncontrolled manner; and
- Pollution from the spillages of concrete, oils, fuels or other chemicals entering the Site's drainage system or reaching Pegwell Bay through groundwater inflows.

4.2.4.43 Environmental measures incorporated into the Proposed Development (see **Table 7.7 and Section 7.5, Chapter 7**) will be included in the CEMP.

4.2.4.44 As described in **Section 3.4, Chapter 3**: Description of the Proposed Development, the Outline Drainage Strategy for the Site (Appendix A in **Appendix 8.2 of Chapter 8**) provides for positive drainage following the Site's natural contours, discharging into two adjacent attenuation ponds, one for 'dirty' water and one for 'clean' water. Prior to discharging into the ponds, the water will flow through interceptors (existing and new). The 'dirty' pond will treat de-icer contaminated runoff through the use of aerators, before discharging into the second pond. Flow into the 'clean' pond will be limited; the spillway will have a storage capacity of greater than a 1 in 30-year flood event. From the second pond, the clean water will be transported through the existing pumping system to be discharged from the Site. Discharge will only take place from the clean water pond once silt and any other potential pollutants (e.g. hydrocarbons, de-icer) have been removed from Site discharge.

4.2.4.45 A maximum discharge rate of 150 l/s has been assumed in designing the on-site attenuation ponds which been sized to attenuate site run off for the 1% Annual Exceedance Probability (AEP) storm plus a 40% climate change allowance. At the detailed design stage, the Site drainage network design will include consideration of the impact of the peak rate of discharge on the qualification/notification features of Pegwell Bay's designated sites in the construction phase. Further consultation on this point with NE and the EA is also expected to occur at the detailed design stage to ensure that appropriate scour protection is in place. The proposed pumping rate represents a maximum worst case scenario and lower rates could be achieved by using a variable rate pump or further attenuating water on-Site. If further attenuation is required this could be achieved by increasing the surface area of the ponds, by providing limited infiltration of clean run off (e.g. roof drainage), by providing addition attenuation tanks elsewhere on-Site, by providing additional storage capacity with the drainage network by oversizing pipes, by utilising any spare

capacity in the Southern Water drainage network or by using clean run-off water elsewhere on-Site. The work to refine and improve attenuation and therefore reduce peak discharge rates is expected to be investigated during the detailed design stage of the project which will come after the order is made.

4.2.4.46 The Fuel Farm site will have its own separate drainage system which will connect to the drainage outfall pipe at Pegwell Bay (see Appendix G of Appendix A in **Appendix 8.2 of Chapter 8**). This drainage system will be fitted with an oil separator and an anti-pollution non-return control valve to ensure that no hydrocarbons enter the drainage outfall to Pegwell Bay and any pollution incident does not leave the Fuel Drainage system.

4.2.4.47 The regulation of Site discharges has been discussed with the Environment Agency [EA] (see **Table 8.6 and Table 8.14 of Chapter 8**) and NE. The EA have indicated that they do not normally permit surface water drainage discharges to sea, however, it is acknowledged that the sensitivity of the features at Pegwell Bay does require appropriate mitigation. It is possible that a permitting approach could be used which combined the use of a Water Discharge Activity Permit to regulate discharges from the 'dirty' to 'clean pond, combined with the anti-pollution non-return valve on the Fuel Farm drainage system and appropriate monitoring of the clean pond outflow. The regulation of the quality of all discharges to Pegwell Bay will be discussed with the EA and NE prior to the commencement of works.

4.2.4.48 The appropriate design of the Site drainage system, the regulation of the Site discharge through an environmental permit and the design of the outfall discharge mean that all effects on Pegwell Bay from the Site discharge are concluded to be negligible during the operation phase. Therefore, it is envisaged that there will be no adverse effects on the habitats golden plover utilise for roosting in Pegwell Bay, and therefore no adverse effects on the integrity of the SPA due to the outfall during operation.

4.2.5 In-combination Effects

4.2.5.1 Other developments and plans within the local area also have the potential to adversely affect the SPA population of golden plover due to habitat loss through land-take and disturbance. None of the developments and plans identified in the shortlist in **Chapter 18: Cumulative Effects** of this ES are predicted to lead to the loss of potentially important areas of suitable foraging and roosting habitat (farmland) for golden plover that might be considered as functionally linked habitat to the SPA, due to land-take or disturbance to birds foraging/ resting adjacent farmland. These developments are not located in close vicinity to areas where important concentrations of golden plover are known to utilise farmland and therefore are not predicted to cause high levels of disturbance.

4.2.5.2 A number of developments and plans identified within the short list in **Chapter 18: Cumulative Effects** (of this ES) however, include new residential housing, in particular: Manston Green (OL/TH/14/0050) and Land off New Haines Road (OL/TH/11/0910) which each propose the construction of several hundred new homes. In addition, TDC have identified land for a further 4,875 dwellings in nine separate areas (IDs A-I, see **Figure 18.1** and **Table 18.2** in **Chapter 18: Cumulative Effects**). These developments and plans have the potential to have an adverse effect on the four European sites identified in **Table 4.1** due to increased disturbance from residents visiting these sites for recreational purposes. Disturbance to birds by dog walkers using Pegwell Bay has been highlighted as a major issue for the Thanet Coast and Sandwich Bay SPA. This increased human disturbance also has the potential to adversely impact on golden plover roosting in Pegwell Bay.

4.2.5.3 The Competent Authority must comply with Regulation 63 of the Habitats Regulations, as set out below:

> "63(5). *In the light of the conclusions of the assessment, and subject to regulation 64, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).*"

4.2.5.4 If a project is likely to have an adverse effect on a European site (for example, due to disturbance to qualifying bird species due to increased numbers of residents visiting the SPA from a proposed new housing development), to comply with the Habitats Regulations, the applicant must provide a HRA report as part of the application documentation (see **Sections 1.1 and 1.2**). The HRA report must show the European site(s) potentially affected, alongside sufficient information to enable the Secretary of State to make an appropriate assessment, if required. If applicable, this would need to include measures to mitigate against the effects of increased human disturbance to birds. Typically, such measures would include the provision of on-site green space (for dog walking etc) and/or contribution to management measures within the SPA to reduce disturbance or control access.

4.2.5.5 The Hacklinge Marshes to Sandwich Bay SSSI is also notified for its non-breeding population of golden plover and forms a constituent SSSI of the Thanet Coast and Sandwich Bay SPA. Paragraph 118 of the National Planning Policy Framework (NPPF)[35] states:

- *"When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*
  - *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
  - *Proposed Development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;"*

4.2.5.6 In view of the requirements of the NPPF and Habitats Regulations, any planning applications for development, including those for new residential housing (such as those identified in the short list in **Chapter 18: Cumulative Effects** of this ES) would be required to provide suitable mitigation as detailed above. For example, the Manston Green development, includes a strategy to contribute towards SPA management and Monitoring; and provide additional natural green space / Suitable Alternative Natural Green Space (SANGS) within the site to mitigate against the effects of human disturbance to the Thanet Coast and Sandwich Bay SPA.

4.2.5.7 To conclude, no adverse effects on the integrity of the SPA is predicted due to the in-combination effects of other developments and plans on the SPA golden plover population.

4.3 Thanet Coast and Sandwich Bay SPA – Little Tern (Breeding)

4.3.1 Current Baseline

4.3.1.1 Little tern is a qualification feature of the Thanet Coast & Sandwich Bay SPA. It qualifies under Article 4.1 of the *Birds Directive* as during the breeding season, the area regularly supports 0.3% (five-year mean, 1992-1996) of the breeding population of Great Britain. Following the third JNCC review (Stroud *et al.* 2016) of the SPA designated species, it was suggested little tern be removed, due to recent absence from the SPA, although this change is as yet unratified.

4.3.1.2 The conservation objectives for the SPA little tern population are provided in **Appendix D**, and are in summary: to maintain and restore the population and distribution of little tern, and the habitats and supporting processes they depend upon.

[36] Communities and Local Government (CLG) (2012) *National Planning Policy Framework*, CLG, London.

4.3.1.3 Little tern almost exclusively occurs in coastal habitats, nesting and foraging along shorelines and beaches. The Order Limits and surrounding farmland provides no opportunities for foraging, resting or nesting little tern, and therefore the species is unlikely to occur in this area.

4.3.1.4 Little tern no longer breeds within the Thanet Coast & Sandwich Bay SPA. The species has also ceased to breed on a regular basis in Kent, with no records of nesting mentioned in the latest Kent bird report, in 2014 (Privett [ed.], 2016). Little tern previously bred at a number of locations along the Kent coast, including on the Swale Estuary and on Shellness (on the Isle of Sheppey), Dungeness (on the south coast), near Plumpudding Island on the North Thanet coast and on Shell Ness in Sandwich Bay (Taylor *et al.*, 1984). During high tide, little terns from the colony at Shell Ness, in Sandwich Bay (at its closest 2.5km south of the airport runway) were known to forage in the shallow coastal waters of Pegwell/ Sandwich Bay and in the lower part of the River Stour.

4.3.2 Future Baseline

4.3.2.1 In the absence of development, it is assumed that the Order Limits will remain principally as grassland and hard standing and the land in the immediate vicinity will remain primarily as arable farmland. As a result, the management of this area would be unlikely to change in the foreseeable future and therefore the baseline with respect to the little tern population of the Thanet Coast and Sandwich Bay SPA and Ramsar site, and its potential recolonization, would not be altered significantly.

4.3.3 Predicted Adverse Effects

Operational disturbance - breeding failure due to the noise from aircraft flights

4.3.3.1 Although little tern no longer breeds around Pegwell Bay, assessment is made in order to determine whether the Proposed Development could prevent little tern from re-establishing itself as a breeding species within the SPA. Once the airport is operational, there is potential for any nesting little terns to be displaced from coastal habitats (used for nesting and foraging) below or near to the flight paths of planes. The altitude, lateral distance and noise of the aircraft are all factors involved in potential disturbance, although separating the effect of aircraft noise from that of visual disturbance is difficult.

4.3.3.2 Most of the documented evidence on the visual and auditory disturbance effects of aircraft on birds comes from studies that have focussed on geese, ducks, swans and seabirds. Also, these studies have mainly been based upon effects associated with aircraft altitude rather than lateral distance.

4.3.3.3 A literature review was undertaken by Amec Foster Wheeler on bird disturbance by aircraft (**Appendix 7.4** in **Chapter 7: Biodiversity** of this ES). Results from this literature review and other studies indicate that beyond distances of 500m in altitude and 1km ground-level, lateral distance, little tern is unlikely to be disturbed by the visual presence of flying aircraft other than helicopters (see **Table 3.1**).

4.3.3.4 An indicative figure of locations overflown by aircraft below 500m is shown in **Figure 4.6**. It should be noted that no aircraft are currently operating from the Order Limits and therefore the figure is based on indicative vertical climb profiles, operating procedures and flight paths. The actual procedures and flight paths will be consulted on after the DCO through the CAA's Airspace Change Process (ACP); the ACP will provide opportunities for engagement with local communities and other stakeholders. The ACP will likely follow the process outlined in the draft ACP guidance CAP1520 (CAA, 2017). Given, the very limited options for any change in the flight routes to the east of the airfield, north of Pegwell Bay, it is inconceivable that the routes would pass within 1km of potentially suitable nesting habitat for little tern.

4.3.3.5 Results from the literature review (**Appendix 7.4, Chapter 7: Biodiversity** of this ES) indicate that noise levels in excess of 80 dB[37] L_{Amax}[38] (peak noise levels) have been recorded as causing the more severe disturbance incidents in a number of studies, primarily in duck species. There is also evidence from the literature review to indicate that breeding terns are relatively tolerant of aircraft flights. The information provided for the application to expand London Ashford Airport, highlighted no evidence to indicate that the colony of Sandwich and common terns breeding on Burrowes Pits, close to the operational airport had been adversely affected by high noise levels from over-flying aircraft, of 90-95 dB LAmax (London Ashford Airport, 2012). The review of case studies presented in **Table 1.2 in Appendix 7.4**, shows that there has been no recorded adverse effects on the breeding populations of little tern on the Wash, North Norfolk Coast or Firth of Tay and Eden SPAs, despite the close proximity of airports, and regular over-flight by military aircraft.

4.3.3.6 The area of land (at ground level) where noise levels in excess of 80 dB L_{Amax} are predicted (during peak periods of operation of the Proposed Development) during the day (07:00 to 23:00 hrs) and night (23:00 to 07:00 hrs) are shown in **Figures 4.1a and 4.1b** respectively, and where noise levels are in excess of 70 dB L_{Amax} shown on **Figures 4.2a and 4.2b** respectively. The different coloured shaded areas denote the mean number of events per day (due to aircraft movements), where peak noise levels of 80 and 70 dB L_{Amax} will be exceeded (respectively), taking into account the proposed flight paths, and combination of different aircraft types/ models that are planned to be in operation in Year 20 when the number of flights will have reached their anticipated peak (worst case scenario). For example, in **Figure 4.2a**, any birds foraging on land within the outermost shaded area (in light pink) are predicted to experience an average of 10-19 single noise events per day (due to aircraft flights) that exceed 70 dB L_{AMAX} during Year 20.

4.3.3.7 Little tern is a coastal species and does not use farmland and as such, available nesting areas do not occur within the area where 70 dB L_{Amax} is exceeded. Potentially suitable habitat (shingle/stony beaches) available for nesting for little tern, the closest of which is on Shell Ness on the southern edge of Pegwell Bay are located outside the area where aircraft are predicted to fly over at altitudes of less than 500m (see **Figure 4.6**) and are at their closest, 2.5km from the airport runway (well beyond the 1km ground-level, lateral disturbance distance). In view of this, the effects of noise and visual presence from aircraft in deterring little tern from re-colonising the SPA are considered negligible and would not adversely affect the integrity of the SPA.

4.3.4 In-combination Effects

4.3.4.1 Other developments and plans within the local area also have the potential to adversely affect little tern to breed within the SPA due to disturbance from aircraft. None of the proposed or consented developments and plans identified and listed in **Table 18.2** in **Chapter 18: Cumulative Effects** of this ES are sufficiently close to potential little tern nesting sites to directly result in disturbance.

4.3.4.2 A number of developments and plans identified within the shortlist in **Chapter 18: Cumulative Effects** of this ES however, include new residential housing, in particular: Manston Green (OL/TH/14/0050) and Land off New Haines Road (OL/TH/11/0910) which each propose the construction of several hundred new homes. In addition, TDC have identified land for a further 4,875 dwellings in nine separate areas (IDs A-I, see **Figure 18.1** and **Table 18.2** in **Chapter 18: Cumulative Effects** of this ES). These developments and plans have the potential to have an adverse effect on the nearby European sites (and constituent SSSI) with bird interest due to increased disturbance from residents visiting these sites for recreational purposes. Disturbance to birds by dog walkers using Pegwell Bay has been highlighted as a major issue for the Thanet Coast and Sandwich Bay SPA. This increased human disturbance also has the potential to adversely impact on little tern should the species attempt to breed around Pegwell Bay.

[37] The ratio between the quietest audible sound and the loudest tolerable sound is a million to one in terms of the change in sound pressure. Due to this wide range, a scale based on logarithms is used in noise level measurement. The scale used is the decibel (dB) scale which extends from 0 to 140 dB corresponding to the intensity of the sound pressure level.
[38] L_{Amax} is maximum recorded noise level during the measurement period.

4.3.4.3 In view of the NPPF and Habitats Regulations (detailed in **Section 4.2.5**), no in-combination effects due to increased visitor disturbance preventing little tern from re-colonising the SPA are predicted. In view of this, no in-combination adverse effects on the integrity of the SPA due to effects on little tern are anticipated.

4.4 Thanet Coast and Sandwich Bay SPA/ Ramsar - Turnstone (Non-Breeding)

4.4.1 Current Baseline

4.4.1.1 The Thanet Coast and Sandwich Bay SPA and Ramsar site are designated for their internationally important non-breeding numbers of turnstone. The SPA qualifying population of turnstone (of 940 individuals, 5-year peak mean counts from 1991/2-1995/6) represent 1.4% of the Western Palearctic population.

4.4.1.2 The two constituent SSSIs for the SPA are: the Thanet Coast SSSI and the Sandwich Bay to Hacklinge Marshes SSSI. The Thanet Coast SSSI is partly notified for its nationally important non-breeding population of turnstone. Turnstone is not a notified feature of the Sandwich Bay to Hacklinge Marshes SSSI though the intertidal habitats in Units 1 and 4 of the SSSI are known to be used by roosting turnstone. Both units are described by Natural England as being in a 'Favourable' condition, with Unit 1 containing undisturbed littoral habitat (rocky beach) in good condition.

4.4.1.3 The conservation objectives for the SPA turnstone population are provided in **Appendix D** and are in summary: to maintain and restore the population and distribution of turnstone and the habitats and supporting processes they depend upon.

4.4.1.4 Turnstone occur almost exclusively in coastal habitats, foraging and resting on rocky shorelines and beaches, and will also forage along the tidelines on sandy beaches and on mudflats. The Order Limits and surrounding farmland provide no opportunities for foraging or resting turnstone, and therefore the species is unlikely to occur in these areas on a regular basis.

4.4.1.5 The Thanet Coast Turnstone Monitoring Report (Hodgson, 2016) concluded from six surveys undertaken between 2001 -2010 that the population of turnstone within the SPA varied from 1,087 to 1,335 birds, with a mean of 1,227. A coordinated count in 2013 showed a marked decline, with 620 turnstone counted. Further coordinated counts in winter 2013/14 (two counts) and latterly in 2016 (single count) confirmed this decline, with 583, 664 and 537 birds recorded respectively.

4.4.1.6 It was suggested in Hodgson (2016) that prior to high tide, the turnstones from the Thanet Coast and Sandwich Bay SPA flew to join a roost, 2.5km west of Whitstable Harbour on the north Kent coast, within the Swale SPA and some 18km north-west of the Order Limits. This suggestion was based on results from coastal survey plots. It would therefore appear that the birds, as would be expected for this species, are following the coastline around Thanet and not undertaking any overland movements.

4.4.1.7 WeBS Core Count Survey results indicate that turnstone concentrations within the Thanet Coast and Sandwich Bay SPA occur mainly across the northern extremities of the SPA, heading west toward Whitstable, with Pegwell Bay supporting only a small proportion of the numbers mentioned here. **Table 4.4** shows the peak counts of turnstone each winter, obtained from the WeBS core count data, including additional counts obtained outside the standardised WeBS visit dates. Data for the Thanet Coast WeBS count sectors is very incomplete for the two most recent seasons for which data is available (2013/14 and 2014/15) and has therefore not been included (Frost *et al.* 2017, and https://app.bto.org/webs-reporting/, accessed 4 December 2017).

Table 4.4 Peak Counts of Turnstone from 2008/09 – 2012/13 for Pegwell Bay and the Thanet Coast

	2008/09	2009/10	2010/11	2011/12	2012/13

Pegwell Bay	130	927	90	65	70
Thanet Coast	722	624	529	396	360

NB: Pegwell Bay includes the WeBS count sector 22412 (which also includes Sandwich Bay). Thanet Coast includes data for WeBS count sectors: 22417, 22418, 22420, 22431 and 22432[39].

4.4.1.8 During the Pegwell Bay Distribution Survey (**Appendix 7.5** in **Chapter 7: Biodiversity** of this ES), relatively low numbers of turnstone were recorded, with flocks of roosting and foraging birds primarily seen on intertidal habitat along the northern and north-western fringe of Pegwell Bay, near the high-water mark. The largest count of foraging turnstone was of 54 individuals on the northern fringe of Pegwell Bay on 13 October 2016, and of roosting birds, 28 on the western fringe on 14 March 2017. **Figure 4.7** shows the location of the peak counts of turnstone recorded in each 500m grid square.

4.4.2 Future Baseline

4.4.2.1 In the absence of development, it is assumed that the Order Limits will remain principally as grassland and hard standing and the land in the immediate vicinity will remain primarily as arable farmland. As a result, the management of this area would be unlikely to change in the foreseeable future and therefore the baseline with respect to the turnstone population of the Thanet Coast and Sandwich Bay SPA and Ramsar site would not be altered significantly.

4.4.3 Predicted Adverse Effects

Operational displacement - habitat loss due to aircraft flights

4.4.3.1 There is the potential for foraging and roosting turnstone in Pegwell Bay to be adversely affected by auditory and visual disturbance caused by over-flying aircraft, and aircraft departing from and arriving at the airport.

4.4.3.2 Results from the desk study (**Appendix 7.2** in **Chapter 7: Biodiversity** of this ES) and the Pegwell Bay Distribution Survey (**Appendix 7.5** in **Chapter 7: Biodiversity** of this ES) indicate that turnstone do not utilise intertidal habitats for foraging and roosting within the area where 70 dB L_{Amax} is exceeded (see **Figures 4.2a and 4.2b**), or where aircraft fly over at altitudes of less than 500m (see **Figures 4.6 and 4.7**). In addition, the main foraging and roosting areas for turnstone in Pegwell Bay are located more than 1km from the airport runway. There is no historical evidence to suggest that turnstone were displaced from areas of Pegwell Bay close to the flight paths during the period when Manston airport was operational, and conversely, numbers of turnstone have declined since operation ceased (Hodgson, 2016).

4.4.3.3 It is acknowledged that there is very little information within the literature review (**Appendix 7.4 in Chapter 7: Biodiversity** of this ES) related specifically to the visual and auditory effects of aircraft flights on turnstone. In view of this, the assessment has drawn on information from case studies and from studies relating to the effects of human disturbance (for example, from dog walkers) on this species.

4.4.3.4 The review of case studies presented in **Table 1.2 in Appendix 7.4**, shows that there have been no recorded adverse effects on the non-breeding populations of turnstone on the Wash, North Norfolk Coast or Belfast Lough SPAs, despite the close proximity of civil airports, and/or regular over-flight by military aircraft. In addition, in the water bird disturbance mitigation toolkit in (Cutts *et al.*, 2013), turnstone is described as a species with a low sensitivity to disturbance that is extremely tolerant to disturbance and that habituates rapidly. This study also cites, amongst others, turnstone

[39] Details of the locations and coverage of the WeBS count sectors can be found at https://app.bto.org/websonline/sites/vacant/vacant-sites.jsp?wide_region=3#wide_region=3

not reacting to noise levels in excess of 90 dB L_{AMAX} due to piling during construction works, indicating a tolerance to high noise levels.

4.4.3.5 There is also evidence to indicate that turnstone will readily habituate to other types of disturbance, in particular, to the presence of humans (Cutts *et al.*, 2009) and that this species does not flush (fly away) until approached at very close distance (Borgmann 2010, Smith & Visser 1993, Holloway 1997). Borgmann (2009) recorded an average distance at which wintering turnstone were flushed due to walkers of only 12m (the equal lowest value of all the species studied). Smit & Visser (1993) in their studies on the effects of human-related disturbance on waders and wildfowl in the Wadden Sea found that turnstone were flushed due to human presence at an average distance of 47m (compared to 211m for curlew), the lowest value of the nine species studied. Results from disturbance studies on waders in Findhorn Bay (Scotland) also found that turnstone reacted to human disturbance (such as the presence of dog-walkers) at much shorter distances (in this case an average of 14m) than most other wader species (Holloway, 1997).

4.4.3.6 To conclude, there is no evidence to suggest that turnstone will be disturbed by noise or the presence of aircraft in flight from the Order Limits; the effects of displacement on this species are considered negligible. In view of this, no adverse effect on the integrity of the Thanet Coast and Sandwich Bay SPA and Ramsar Site due to disturbance/ displacement of turnstone as a result of disturbance from aircraft flights is predicted.

Construction and Operational displacement - habitat loss due to damage to roosting site caused by outfall

4.4.3.7 There is the potential for direct effects to the foraging habitat and roosting sites of turnstone from the discharge of treated water to Pegwell Bay during the construction and operational phase of the Proposed Development. There is also potential for the discharge to adversely affect the habitats that turnstone rely upon, through scour at the point of discharge.

4.4.3.8 Following the incorporation of the environmental measures (as set out for golden plover, in Paragraphs 4.2.4.35 to 4.2.4.41 inclusive (during construction) and Paragraphs 4.2.4.42 to 4.2.4.48 inclusive (during operation), it is concluded that all effects on Pegwell Bay due to the outfall will be negligible. Therefore, it is concluded that there will be no adverse effects on the habitats utilised by turnstone in Pegwell Bay, and no adverse effect on the integrity of the SPA or Ramsar site due to the outfall during construction and operation of the Proposed Development.

4.4.4 In-combination Effects

4.4.4.1 None of the proposed or consented developments and plans identified and shortlisted in **Table 18.2** in **Chapter 18: Cumulative Effects** of this ES are predicted to lead to the loss of potentially important areas of suitable foraging and roosting habitat (intertidal mudflats and rocky shores) for turnstone. These developments and plans are either not located in close vicinity to areas where important concentrations of turnstone are known to occur, or are of a sufficiently small-scale (for example, ID127 in **Table 18.2, Chapter 18: Cumulative Effects** of this ES), and therefore are not predicted to cause high levels of disturbance.

4.4.4.2 In view of the NPPF and Habitats Regulations (detailed in **Section 4.2.5**), no in-combination effects due to increased visitor or other sources of disturbance to turnstone are predicted. To conclude, no adverse effects on the integrity of the SPA or Ramsar site are predicted due to the in-combination effects of other developments and plans on the turnstone population.

4.5 Sandwich Bay SAC – Annex I habitats

4.5.1 Current Baseline

4.5.1.1 The Sandwich Bay SAC is designated for the presence of five Annex I habitats (see **Appendix B**). The land coverage for each habitat within the SAC at its designation (in ha) has been obtained from the Natura 2000 data form (http://jncc.defra.gov.uk/ProtectedSites/SACselection/n2kforms/UK0013077.pdf), as follows:

- Embryonic shifting dunes (5.68ha);
- White dunes, shifting dunes along the shoreline (9.09ha);
- Grey dunes, fixed coastal dunes with herbaceous vegetation (223.93ha);
- Dunes with *Salix repens ssp. Argentea* (11.37ha); and
- Dune slacks (7.96ha).

4.5.1.2 The conservation objectives for the qualifying Annex I habitat features of the SAC are provided in **Appendix D**, and are in summary: to maintain and restore the extent, distribution, structure and function of these habitats (including the typical species of plant they comprise) and supporting processes they depend upon.

4.5.1.3 The precise locations of each of the five Annex I habitat types within the SAC is not known, though the description for the SAC indicates the presence of the embryonic and white dunes to be primarily along the seaward side within the northern half of the Order Limits. However, the overall extent of the 'sand dune' Habitat of Principal Importance [HPI]' (covering approximately 368ha) has been obtained from http://magic.defra.gov.uk/ and is shown on **Figure 4.8**. In view of this, the sand dune features of the SAC have been treated 'as a whole', rather than separately within the assessment. A worst-case scenario has been adopted in terms of the distance of each sand dune feature to the Order Limits (i.e. the distance of all the sand dune features has been taken to be the nearest point of the sand dune HPI to the Order Limits). Given the adoption of a worst-case scenario, the treatment of the different SAC sand dunes features (as a whole, rather than separately) does not affect the overall conclusions reached in this assessment.

4.5.1.4 The Sandwich Bay SAC is legally underpinned by the Sandwich Bay to Hacklinge Marshes SSSI which covers the entirety of the SAC, plus areas of adjacent and nearby land. The SSSI is notified for a total of 31 separate features, which include a range of vegetation types, species/ species groups and habitats, including nine coastal sand dune/ adjacent strandline vegetation communities, as follows:

- SD11 - *Carex arenaria - Cornicularia aculeata* dune community;
- SD12 - *Carex arenaria - Festuca ovina - Agrostis capillaris* dune grassland;
- SD14 - *Salix repens - Campylium stellatum* dune-slack community;
- SD2 - *Honkenya peploides - Cakile maritima* strandline community;
- SD4 - *Elymus farctus ssp. Boreali-atlanticus* foredune community;
- SD6 - *Ammophila arenaria* mobile dune community;
- SD7 - *Ammophila arenaria - Festuca rubra* semi-fixed dune community;
- SD8 - *Festuca rubra - Galium verum* fixed dune grassland; and
- SD9 - *Ammophila arenaria - arrhenatherum elatius* dune grassland.

4.5.1.5 Together with a further seven vegetation communities associated with wetland, intertidal and coastal habitats:

- S4 - *Phragmites australis* swamp and reed-beds;
- SM14 - *Atriplex portulacoides* saltmarsh;
- SM16a - *Festuca rubra saltmarsh Puccinellia maritima* sub-community;
- SM18 - *Juncus maritimus* saltmarsh;
- SM21 - *Suaeda vera - Limonium binervosum* saltmarsh;
- SM24 - *Elytrigia atherica* saltmarsh; and

- SM9 - *Suaeda maritima* saltmarsh.

4.5.1.6 The SSSI covers an area of 1,790ha, of which: 94% is in a 'Favourable' (50%) or 'Unfavourable - recovering' (46%) condition. The SSSI is divided into 62 units of which at least 12 Units (numbered 13-15, 17-19, 21-23, and 25-27 inclusive) contain sand dune habitat: ten in a 'Favourable' Condition, and two in an 'Unfavourable – Recovering' Condition (Units 18 and 22).

Current baseline (air quality)

4.5.1.7 The overall air quality baseline is detailed in **Chapter 6: Air Quality** of this ES, with a summary provided here.

4.5.1.8 Thanet's measured annual mean nitrogen dioxide (NO_2) monitoring programme between 2007 and 2016 showed that concentrations above 20 µg m^{-3} are confined to roadside and urban centre locations. There is a modest decreasing trend at most monitors, averaging roughly 1 µg m^{-3} per year, which is consistent with trends elsewhere in the UK.

4.5.1.9 For context, the legal limit for annual mean NO_2 concentrations is 40 µg m^{-3}. The monitoring shows that at rural and urban background locations, concentrations are well below the legal limit. There are some exceedances of the legal limit alongside busy roads. These results are typical of such locations in England.

4.5.1.10 Measured annual mean NO_x concentrations from Thanet's monitoring programme between 2007 and 2016 and monitor locations are detailed in **Appendix 6.2** in **Chapter 6: Air Quality** of this ES.

4.5.1.11 Measured annual mean PM_{10} concentrations from Thanet's monitoring programme between 2007 and 2016 are detailed in **Appendix 6.2** in **Chapter 6: Air Quality** of this ES. These are both roadside sites. The monitoring shows that at the monitoring locations, concentrations are well below the legal limit of 40 µg m^{-3}.

4.5.1.12 The Department for Environment, Food and Rural Affairs (Defra) maintains a nationwide model (the Pollution Climate Mapping (PCM) model) of existing and future background air quality concentrations at a 1km grid square resolution. The datasets include annual average concentration estimates for NO_x[40], NO_2, PM_{10} and $PM_{2.5}$[41], as well as other pollutants. The datasets were updated in 2016.

4.5.1.13 Measured NO_2 concentrations at non-roadside monitors are compared with the Defra concentrations (both for 2016) for the corresponding grid square (see **Chapter 6: Air Quality** of this ES). The measured concentrations are consistently higher than the Defra concentrations, by 3 to 9 µg m^{-3}. This is partly because the monitoring results for 2016 were unusually high, due to prevailing meteorological conditions, something which cannot be taken into account in the forecasting models. The magnitude of this difference is broadly consistent with comparisons in other parts of the country for similar air quality assessments, although the Margate urban background monitor (ZH2) shows an unusually large discrepancy.

APIS background mapped deposition rates

4.5.1.14 The Air Pollution Information System (APIS) website[42] provides information on background deposition of nitrogen and sulphur at sensitive ecological sites in the UK. APIS is widely recognised as the primary source of this information and will be used for the air quality assessment.

[40] Nitrogen oxides were taken to be nitrogen dioxide (NO_2) + nitrogen/nitric oxide (NO). NO and NO_2 are collectively known as NOx

[41] PM_{10} is particulate matter 10 micrometres or less in diameter, $PM_{2.5}$ is particulate matter 2.5 micrometres or less in diameter. $PM_{2.5}$ is generally described as fine particles.

[42] www.apis.ac.uk

4.5.2 Future Baseline

4.5.2.1 There is a slight trend in the air quality monitoring data for concentrations to reduce over the years. This trend will be ignored for conservatism. The future baseline will therefore be assumed to be the same as the current baseline. For near-road locations, the projected Defra maps will be used for consistency across the roads methodology.

4.5.2.2 No information is available on future deposition rates, so these too will be assumed to be the same as the current baseline.

4.5.2.3 Committed developments have been reviewed to identify additional sources of emissions that are likely to arise in future. The main new developments of relevance are residential, which may generate additional road traffic. These have been included in the traffic model. No other developments have been identified which are likely to have an adverse effect on air concentrations at receptors close to the Proposed Development.

4.5.3 Predicted Adverse Effects

4.5.3.1 There is potential for direct effects resulting from a deterioration in air quality. Plant and equipment used during construction, as well as road traffic generated during the construction phase, will produce emissions. During operation, emissions will result from aircraft and airside plant and equipment; and road traffic generated during the operation phase.

4.5.3.2 The principal pollutant of concern associated with emissions that might affect sensitive habitats is nitrogen oxide[43] (NO_x). Road and air traffic emissions may increase the ambient NO_x concentrations in the air to which vegetation is exposed. The air quality standard measurement used for NO_x concentrations in air is the annual mean and the daily mean.

4.5.3.3 In addition to NO_x concentrations in air, NO_x emissions may also, following chemical conversion in the air, form NO_2, which is then deposited. This nitrogen deposition may affect plant communities (with the consequent potential to alter habitats) by causing:

i. Nutrient enrichment of soils; and

ii. Acidification of soils.

4.5.3.4 The strongest effect of NO_x emissions is through their contribution to nitrogen deposition (either through nutrient enrichment or acidification) rather than through the NO_x concentrations in air. Furthermore, there is substantial evidence to suggest that the effects of ambient nitrogen are much more likely to be negative in the presence of equivalent concentrations of SO_2, with the ratio of SO_2 to NO_2 having decreased greatly in the UK over the past 30 years[44]. Ozone (O_3) has a similar effect to SO_2. Ozone has also decreased and in 2016 for the UK "*all zones and agglomerations met the target values for health and for protection of vegetation*"[45]. There is also a long-term objective for the protection of vegetation from O_3. In 2016 the south-east of England was below this long-term objective for the protection of vegetation[46]. In terms of potential impacts upon ecological receptors this means that any elevated levels of NO_x concentrations in air are unlikely to have negative impacts when levels of SO_2 and O_3 are also low.

4.5.3.5 The EA and Institute of Air Quality Management (IAQM) has specific guidance for ecological receptors.

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[43] Assessment of sulphur oxides (SO_2) has been scoped out as such emissions are expected to be negligible (see **Chapter 6, Section 6.4**).

[44] http://www.apis.ac.uk/overview/pollutants/overview_NOx.htm

[45] Defra, Air Pollution in the UK 2016. September 2017: https://uk-air.defra.gov.uk/assets/documents/annualreport/air_pollution_uk_2016_issue_1.pdf

[46] Five zones (Yorkshire and Humberside, the West Midlands, the North-East, South Wales and North Wales) were above the long-term objective for vegetation in 2016 (Defra, Air Pollution in the UK 2016. September 2017).

4.5.3.6 The EA[47] guidance gives criteria for screening outsource contributions at designated nature conservation sites. For SSSIs, SPAs, SACs and Ramsar sites, there is no need for further assessment if the screening calculation finds that:

- Both the following are met:
  - The short-term Process Contributions (PC)[48] is less than 10% of the short-term AQAL[49]; and
  - The long-term PC is less than 1% of the long-term AQAL;
- Or:
  - The long-term Predicted Environment Contributions (PEC) is less than 70% of the long-term AQAL.

4.5.3.7 Following detailed dispersion modelling, no further action is required if:

- The proposed emissions comply with Best Available Technique (BAT) associated emission levels (AELs) or the equivalent requirements where there is no BAT AEL; and
- The resulting PECs won't exceed AQALs.

4.5.3.8 The critical level for all vegetation types from the effects of NO_x has been set to 30 $\mu g/m^3$ [50].

4.5.3.9 The full scope of the air quality assessment, the air quality baseline, assessment methodology and assessments (covering both ecological and human receptors) are detailed in **Chapter 6: Air Quality** of this ES. The criteria for the spatial identification of ecological receptors is set out in **Section 6.4** of **Chapter 6: Air Quality** of this ES, with the receptors detailed in **Table 6** and their location shown in **Figure 6.5** (those near the Proposed Development) and **Figure 6.6** (those further away from the Order Limits).

4.5.3.10 The air quality assessment has been based upon three operational years, two of which also cover the construction phase, as follows:

- Year 2, representing the first year of aircraft operation;
- Year 6 (the point at which the airport exceeds 10,000 movements per year); and
- Year 20, representing the worst-case year in terms of likely emissions from aircraft and vehicular movements.

4.5.3.11 Construction activity will be spread over the first 18 years of the Proposed Development, but is conservatively assumed to be condensed into Years 2 and 6 (with construction completed before Year 20). This approach has ensured that the assessment has captured the peak construction years as well as the worst-case operational year.

4.5.3.12 Throughout the air quality modelling process, care has been taken not to risk under-predicting impacts. In fact, a number of conservative assumptions have been made (see **Appendix 6.3, Chapter 6: Air Quality** of this ES) for a summary list of conservative assumptions) which mean that impacts are very likely to be over-predicted, that is to say the air quality assessment is very much a worst-case assessment.

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[47] Environment Agency (2016). 'Air emissions risk assessment for your environmental permit'. https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit, dated 2 August 2016.
[48] The predicted concentrations resulting from the process (i.e. the process contribution (PC)) are used along with background concentrations and the percentage contribution that the predicted environmental concentrations (PEC) would make towards the relevant standard, objective or guideline value (see **Chapter 6**).
[49] AQAL = Air quality assessment level. A generic term to embrace air quality standards, air quality objectives, targets, limit values, critical levels, critical loads, etc. This term is promulgated by IAQM/Environmental Protection UK.
[50] Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe. Transposed into UK law as the Air Quality Standards Regulations: Statutory Instrument 2010 No. 1001, Environmental Protection: The Air Quality Standards Regulations 2010.

4.5.3.13 For daily mean NO_x concentrations in air and acid deposition no further assessment of any ecological receptors has been undertaken as the air quality assessment (see **Appendix 6, Chapter 6: Air Quality** of this ES) showed that effects were predicted to be not significant for each of the three assessment years (Years 2, 6 and 20) for all relevant ecological receptors.

4.5.3.14 **Chapter 6: Air Quality** of this ES also includes an assessment of air quality effects from roads away from the airport covering each of the three assessment years (see **Section 6.11, Chapter 6**). This concludes that any effects from the Proposed Development via NO_x concentrations in air, nutrient nitrogen deposition and acid deposition are not significant on valued ecological receptors in all years. Therefore, no further assessment is included in this chapter for any effects away from the airport in relation to emissions generated by road traffic.

Construction and operation phase effects (Year 2)

4.5.3.15 This is the second year of construction activity and the first year of aircraft operation. This section is based upon the results of the air quality modelling described in **Section 6.8, Chapter 6: Air Quality** of this ES.

4.5.3.16 Consideration is given to those ecological receptors identified in the air quality assessment that require further assessment for annual mean NO_x concentrations in air, as identified by the air quality assessment (**Chapter 6: Air Quality** of this ES).

4.5.3.17 For Year 2, the air quality assessment shows that further consideration is required for one receptor (located adjacent to the Sandwich Bay SAC) for annual mean NO_x concentrations in air. This receptor is E22[51] (see **Figure 6.5 in Chapter 6**). Receptor E22 is located approximately 2km north of the closest part of the qualifying sand dune features of the SAC (see **Figure 4.8**), though they are adjacent to the littoral habitats within the SAC, which are frequently and regularly covered by seawater through tidal action. Much of these habitats are unvegetated rock and sediment with no impact from elevated NO_x concentrations in air. Where vegetated, the habitats have low sensitivity to nitrogen (Van Dobben *et al.*, 2012) and are covered by eutrophic tidal waters. In addition, for NO_x concentrations in air to have negative effects on vegetation, there has to be corresponding levels of SO^2 and O^3 and "*The level for NOx should only be applied where levels of SO_2 and O_3 are close to their critical levels*"[52] with levels of SO^2 and O^3 are below critical levels/threshold in Thanet[53].

4.5.3.18 The air quality assessment assumed background (existing) NO_x at rural locations in Thanet to be 25.9 µg m^{-3}, based on monitoring at two suburban/ edge-of-town sites. Therefore, actual concentrations at the SAC will probably be somewhat lower. At the nearest point of the SAC, the Proposed Development will add up to 0.9µg m^{-3} of NO_x, giving a total concentration of 26.8 µg m^{-3}. The increase here is 3% of the AQAL and therefore above the 1% EA screening threshold (see **Section 4.5.3.6**). However, the total concentration is still below the 30 µg m^{-3} critical level (see **Section 4.5.3.8**) level for all vegetation types from the effects of NO_x.

4.5.3.19 Therefore, although the additional contribution of NO_x in Year 2 would be above the 1% EA screening threshold, the total concentration will remain below the critical level for these habitats and therefore there would be no adverse effect on the integrity of the Thanet Coast SAC.

Construction and operational effects (Year 6)

4.5.3.20 This is the sixth year of construction activity and the year when the airport exceeds 10,000 air traffic movements a year. This section addresses the results of the air quality modelling described in **Section 6.9** of **Chapter 6: Air Quality** (of this ES), which, as in Year 2, shows that any effects

[51] The prefix 'E' denotes 'ecological' used in the air quality assessment to differentiate from human receptors.
[52] http://www.apis.ac.uk/
[53] Defra, Air Pollution in the UK 2016. September 2017: https://uk-air.defra.gov.uk/assets/documents/annualreport/air_pollution_uk_2016_issue_1.pdf

from nutrient nitrogen and acid deposition are not significant (see also **Appendix 6, Chapter 6: Air Quality** of this ES).

4.5.3.21 Consideration is therefore given to those ecological receptors that require further assessment for annual mean NO_x concentrations in air as identified by the air quality assessment (**Section 6.9, Chapter 6: Air Quality** of this ES).

4.5.3.22 For Year 6, further assessment is required for receptors (that are located within or just outside the boundary of the SAC): E21 to E24 inclusive. Receptors E21-24 are located by residential and agricultural areas adjacent to the SAC but more 1.5km from the nearest sand dunes within the SAC (see **Figure 4.8** in this report, and **Figure 7.6** in **Chapter 7: Biodiversity** of this ES). No adverse effects from NO_x concentrations in air are predicted for the same reasons as stated for Year 2.

4.5.3.23 It should be emphasised that the modelled PECs are dominated by the background contribution, and it is assumed that the background concentrations are unchanged from current (2007–2016) monitored concentrations. This is a very conservative assumption, given that the monitoring data over that period shows a steady reduction in concentrations (about 1.4 µg m^{-3} per year at the ZH2 and ZH3 monitors, see **Section 6.5, Chapter 6: Air Quality** of this ES), and in fact, the assumed background concentration assumed here (25.9 µg m^{-3}, the 2007–2015 average at the two monitors) has not been exceeded since 2010. Moreover, the active measures are in place nationally and internationally to further reduce emissions from road vehicles and other sources which are expected to take effect over the next twenty years.

4.5.3.24 In addition, it should also be remembered that the modelling makes a number of worst-case assumptions about the emissions from the Proposed Development, so the PC is also likely to be overestimated.

Operational phase effects from aircraft in Year 20 (worst case)

4.5.3.25 This section presents results for Year 20, the year with the peak number of aircraft movements ('worst case') and with construction completed.

4.5.3.26 The air quality assessment (see **Section 6.10** and **Appendix 6** in **Chapter 6: Air Quality** of this ES) shows no significant effects from acid or nutrient nitrogen deposition for Year 20, therefore in this section, only the annual mean NO_x concentrations in air are considered.

4.5.3.27 The air quality assessment (see **Appendix 6, Chapter 6: Air Quality** of this ES) shows for annual mean NO_x concentrations in air, further assessment is required for the following ecological receptors (within or close to the SAC): E21 to E24 inclusive (see **Figure 6.6, Chapter 6: Air Quality** of this ES). The reasons given in the assessment in the preceding sections for Years 2 and 6 explaining no significant effect for those years are also applicable for Year 20. Therefore, no adverse effects from NO_x concentrations in air for Year 20 are predicted.

Conclusion

4.5.3.28 No adverse effects on the integrity of the Sandwich Bay SAC are predicted due to air quality changes caused by the Proposed Development, during construction or operation.

4.5.4 In-Combination Effects

4.5.4.1 There are no known other developments and plans (as identified in **Table 18.2** in **Chapter 18: Cumulative Effects** of this ES) that would combine with the minimal effects of air quality predicted (and as discussed above and in **Chapter 6: Air Quality** of this ES) from the Proposed Development in such a way as would result in adverse effects on the (sand dune) habitat features of the Sandwich Bay SAC. The developments and plans detailed in **Table 18.2** in **Chapter 18: Cumulative Effects** (of this ES) are all located more than 1km from the sand dune habitats within the SAC. Furthermore, as set out previously, DEFRA's Technical Guidance on Local Air Quality Management (Defra, 2009) states, in respect of NO_2, that:

"concentrations fall-off rapidly on moving away from the source, and that beyond a distance of 1km from the source, NO2 is unlikely to make a significant contribution to air quality".

4.5.4.2 To conclude, no adverse in-combination effects of air quality (in the form of nitrogen deposition and acidification) on the qualifying habitat features of the Sandwich Bay SAC (and thus, the integrity of the SAC) are predicted due to the Proposed Development.

4.6 Thanet Coast and Sandwich Bay Ramsar – Invertebrates

4.6.1 Current Baseline

4.6.1.1 The Thanet Coast and Sandwich Bay Ramsar site qualifies under Ramsar Criterion 2 by supporting 15 Red Data Book invertebrate species. The Ramsar site also qualified under Ramsar Criterion 6 for supporting internationally important numbers of non-breeding turnstone. The assessment of effects on turnstone due to aircraft noise is dealt with in **Section 4.4**.

4.6.1.2 A total of 15 Red Data Book invertebrate species associated with freshwater and brackish wetland habitats and sand dune habitats have been recorded[54] (Bratton 1991, Shirt 1987). These comprise:

- Three species listed as endangered: the weevil *Lixus vilis*, the moth *Stigmella reprentiella*, and the beetle *Bagous nodulosus*;
- Two species listed as vulnerable: the silver barred moth *Deltote bankiana*, and the dance-fly *Poecilobothrus ducalis*; and
- Ten species listed as rare: the ground-bugs *Emblethis verbasci* and *Pionosomus varius*, the damsel bug *Nabis brevis*, the dung beetle *Euheptaulacus sus*, the click beetle *Melanotus punctolineatus*, the dotted footman moth *Pelosia muscerda*, two digger wasps *Ectemnius ruficornis* and *Alysson lunicornis*, the plantbug *Orthotylus rubidus*, and the only British population of the woodlouse *Eluma purpurescens*.

4.6.1.3 The interest features (both invertebrates and turnstone) of the Ramsar site are subject to relatively limited existing pressures as outlined below:

- Impact from water diversion or extraction;
- Unspecified disturbance from human activities; and
- Overgrazing by domestic livestock.

4.6.2 Future Baseline

4.6.2.1 In the absence of development, it is assumed that the Order Limits will remain principally as grassland and hard standing and the land in the immediate vicinity will remain primarily as arable farmland. As a result, the management of this area would be unlikely to change in the foreseeable future and therefore the baseline for the Ramsar site, including the habitats on which the Red Data Book invertebrate species depend would not be altered significantly.

4.6.3 Predicted Adverse Effects

4.6.3.1 There is potential for adverse effects on the Red Data Book invertebrate species, resulting from a deterioration in air quality. The principal pollutant of concern associated with ground-based traffic

[54] In the past, the Species Status Assessment project assigned conservation status to our flora and fauna using the internationally-approved IUCN Red Data Book criteria and categories. These reviews were published in a series entitled Species Status. Some reviews had detailed data sheets, giving biological and other information relevant for conserving each species (for example, the Diptera reviews, Species Status numbers 2 and 3), while others listed the new conservation status assigned to each species, with supporting reasons and evidence for these judgements (obtained from http://jncc.defra.gov.uk/page-3352).

and aircraft emissions that might affect sensitive habitats is nitrogen oxide (NO_x[55]). Road traffic and aircraft emissions may increase the ambient NO_x concentrations to which vegetation that the invertebrates depend upon is exposed. NO_x emissions may also, following chemical conversion in the air, form NO_2, which is then deposited. This (nutrient) nitrogen deposition may affect plant communities by causing nutrient enrichment and by acidifying the soils.

4.6.3.2 Concentrations of NO_x in air are associated with adverse effects on plant growth, and are therefore included in this assessment. In addition, emissions of NO_x and SO_x to the air may result in deposition onto ecological sites, which may be sensitive to both nutrifying nitrogen and acid deposition. Emissions of SO_x are expected to be negligible (see **Section 6.4 in Chapter 6: Air Quality** of this ES), but the impact of NO_x on nutrifying and acid deposition are included in this assessment.

4.6.3.3 The precise locations of the populations of Red Data Book invertebrate species within the Ramsar site are not known, though the majority of these species are associated with habitats such as sand dunes, marshes and reedbeds, the locations of which are shown on **Figure 4.2, Appendix 7.2**. As discussed previously, though the Thanet Coast and Sandwich Bay Ramsar site is located adjacent to the Order Limits for the Proposed Development, the active part of the airport (i.e. the runways from which aircraft will be taking off and landing, and from where the source of much of the pollution will be derived) is further removed, being 1.2km from the Ramsar site boundary. The habitats on which the Red Data Book invertebrates are likely to depend upon (such as sand dunes, marshes and reedbeds) are located a considerable distance further from the run-way, with the nearest parts of the sand dune habitats being 2.8km to the south of the runway, and at least 1km from the nearest major roads.

4.6.3.4 In addition, the air quality assessment previously detailed for the sand dune habitat features of the Sandwich Bay SAC in **Section 4.5** concludes no adverse impact on the SAC, which covers broadly the same area as the Ramsar site in this location. The same conclusion can be applied to wetland habitats within the Ramsar site, which are primarily located more than 1km south of the airfield, and more than 200m from any major roads (see **Figure 4.2, Appendix 7.2**), beyond which the effects of air pollution would be negligible (see **Table 3.1**).

4.6.3.5 To conclude, the additional contribution of air-borne and deposited nitrogen (NO_x) from the Proposed Development in areas containing habitats on which the Red Data Book species of invertebrates depend (within the Ramsar site), is predicted to be negligible. In view of this, no adverse effects on the integrity of the Ramsar Site due to the effects of air quality pollution (during operation of the Proposed Development) on the qualifying invertebrate species is predicted.

4.6.4 In-Combination Effects

4.6.4.1 There are no known other developments and plans (as identified in **Table 18.2** in **Chapter 18: Cumulative Effects** of this ES) that would appear likely to combine with the minimal effects of air quality predicted from the Proposed Development in such a way as would result in an adverse effect on the habitats upon which the Red Data Book invertebrate species depend (primarily sand dunes and wetland habitats). The other developments and plans detailed are all either located more than 1km from the wetland and sand dune habitats within the Ramsar site (see **Figure 4.2** in **Appendix 7.2, Chapter 7: Biodiversity** of this ES), or whose contribution to air quality impacts are likely to be negligible due to their small-scale or proposed activity. No adverse in-combination effects on the integrity of the Ramsar site due to air quality pollution caused by the Proposed Development are predicted.

[55] Nitrogen oxides were taken to be nitrogen dioxide (NO_2) + nitrogen/nitric oxide (NO).

5. Conclusions

5.1.1.1 Based on the results of the above HRA screening exercise (Stage 1 in **Section 3**) and information provided to permit Appropriate Assessment (Stage 2, in **Section 4**), taking account of the nature, magnitude and scale of the Proposed Development, along with the stated conservation objectives and known sensitivities of the habitats and species associated with the European sites identified within this document, it is concluded that the Proposed Development will result in no adverse effects on the integrity of these sites. As such, it is considered that no further consideration of HRA Stage 3 (Assessment of Alternatives) and Stage 4 (Consideration of Imperative Reasons of Over-riding Public Important) for the Proposed Development by the Competent Authority are required under the Habitats Regulations.

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Appendix A
Screening Matrices (Stage 1)

Potential Impacts

Potential impacts upon the European sites, which are considered within this document during the Stage 1, screening exercise, are provided in **Table A.1** below. Impacts have been grouped (and a keyword provided in parenthesis) where appropriate for ease of presentation.

Table A.1 Impacts Considered within the Screening Matrices

Designation	Impacts in submission information	Presented in screening matrices as
Thanet Coast and Sandwich Bay SPA **Thanet Coast and Sandwich Bay Ramsar** **Thanet Coast SAC** **Sandwich Bay SAC** **Outer Thames Estuary SPA** **Margate & Long Sands SAC** **Stodmarsh SPA** **Stodmarsh SAC** **Stodmarsh Ramsar** **Blean Complex SAC**	The introduction of toxic pollutants or sediments resulting in loss of, or damage to terrestrial or freshwater environments leading to direct or indirect effects on designated features due to run-off entering the European sites from the currently operational outfall, during construction and operation.	**Effect 1 (outfall)**
	Disturbance / displacement of birds (that are qualifying features of the SPAs/Ramsar sites, located within either the SPAs/Ramsars or on functionally linked habitat outside these sites), resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates due to noise and shadow created by planes on take-off and landing during operation.	**Effect 2 (aircraft)**
	Deposition of oxides of nitrogen from aircraft emissions and concentrations of NOx in air (during operation) and road vehicles (during construction and operation) resulting in enrichment and/or acidification of the environment leading to alteration of the plant community through changes in baseline conditions resulting in direct or indirect effects on designated features.	**Effect 3 (AQ)**
	Disturbance / displacement of birds (that are qualifying features of the SPAs/Ramsar sites, located within either the SPAs/Ramsars or on functionally linked habitat outside these sites), resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates due to noise created by bird scaring activity.	**Effect 4 (bird-scaring)**
	Disturbance / displacement of golden plover due to the Proposed Development forming a barrier to the movement of birds between foraging and roosting sites, resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates.	**Effect 5 (barrier)**
	Deposition of dust in areas neighbouring the construction site during the construction phase. Deposition of dust resulting in loss of or damage to terrestrial or freshwater environments from smothering or enrichment resulting in effects on flora vegetation, invertebrates, amphibians, bats, otters (as designated features of SACs) and birds (as designated features of SPAs).	**Effect 6 (dust)**

Designation	Impacts in submission information	Presented in screening matrices as
	Production of aural and visual stimuli due to noise and vibration and movement during ground activities during construction and operation, including construction works, cargo loading, plane maintenance, airfield management, but not including bird scaring devices.	**Effect 7 (con. dist.)**
	In-combination effects of other developments and plans.	**Effect 8 (in-comb.)**

Stage 1: Screening Matrices

The European Sites included within the (Stage 1) screening assessment are:

- Thanet Coast and Sandwich Bay SPA;
- Thanet Coast and Sandwich Bay Ramsar;
- Thanet Coast SAC;
- Sandwich Bay SAC;
- Outer Thames Estuary SPA;
- Margate & Long Sands SAC;
- Stodmarsh SPA;
- Stodmarsh SAC;
- Stodmarsh Ramsar; and
- Blean Complex SAC.

Evidence for likely significant effects on their qualifying features is detailed within the footnotes to the screening matrices below.

Matrix Key:

✓ = Likely significant effect **cannot** be excluded at Stage 1

✗ = Likely significant effect **can** be excluded at Stage 1

C = construction

O = operation

D = decommissioning

Where effects are not applicable to a particular feature they are greyed out with n/a.

Stage 1, Matrix A: Thanet Coast and Sandwich Bay SPA

Name of European site: Thanet Coast and Sandwich Bay SPA

Distance to Order Limits: 0m

European site features	Likely effects of the Proposed Development																							
	Effect 1 (outfall)			Effect 2 (aircraft)			Effect 3 (AQ)			Effect 4 (bird scaring)			Effect 5 (barrier)			Effect 6 (dust)			Effect 7 (con. dist.)			Effect 8 (in-comb.)		
	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D
A069 Turnstone (non-breeding)	✓b	✓b	✓b	n/a	✓b	n/a	Xa	Xa	Xa	n/a	Xa	n/a	n/a	Xa	n/a	Xa	n/a	Xa	Xa	n/a	Xa	✓b	✓b	✓b
A140 Golden plover (non-breeding)	✓b	✓b	✓b	n/a	✓b	n/a	Xa	Xa	Xa	n/a	✓b	n/a	n/a	✓b	n/a	Xa	n/a	Xa	✓b	n/a	✓b	✓b	✓b	✓b
A195 Little tern (breeding)	n/a	n/a	n/a	n/a	✓b	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Evidence supporting conclusions

a. Table 3.2 Screening Assessment
b. Section 4 Assessment of Adverse Effects

Stage 1, Matrix B: Thanet Coast and Sandwich Bay Ramsar

Name of European site: Thanet Coast and Sandwich Bay Ramsar Site

Distance to Order Limits: 0m

European site features	Likely effects of the Proposed Development																							
	Effect 1 (outfall)			Effect 2 (aircraft)			Effect 3 (AQ)			Effect 4 (bird scaring)			Effect 5 (barrier)			Effect 6 (dust)			Effect 7 (con. dist.)			Effect 8 (in-comb.)		
	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D
Turnstone (non-breeding)	✓b	✓b	✓b	n/a	✓b	n/a	Xa	Xa	Xa	n/a	Xa	n/a	n/a	Xa	n/a	Xa	n/a	Xa	Xa	n/a	Xa	✓b	✓b	✓b
Red Data Book invertebrates	Xa	Xa	Xa	n/a	n/a	n/a	✓b	✓b	✓b	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	✓b	✓b	✓b

Evidence supporting conclusions

a. Table 3.2 Screening Assessment
b. Section 4 Assessment of Adverse Effects

Stage 1, Matrix C: Thanet Coast SAC

Name of European site: Thanet Coast SAC

Distance to Order Limits: 300m

European site features	Likely effects of the Proposed Development																							
	Effect 1 (outfall)			Effect 2 (aircraft)			Effect 3 (AQ)			Effect 4 (bird scaring)			Effect 5 (barrier)			Effect 6 (dust)			Effect 7 (con. dist.)			Effect 8 (in-comb.)		
	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D
H1170 Reefs	n/a	n/a	n/a	n/a	n/a	n/a	Xa	Xa	Xa	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Xa	Xa	Xa
H8330 Submerged or partially submerged sea caves	n/a	n/a	n/a	n/a	n/a	n/a	Xa	Xa	Xa	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Xa	Xa	Xa

Evidence supporting conclusions

a. Table 3.2 Screening Assessment

Stage 1, Matrix D: Sandwich Bay SAC

Name of European site: Sandwich Bay SAC

Distance to Order Limits: 0m

European site features	Likely effects of the Proposed Development																							
	Effect 1 (outfall)			Effect 2 (aircraft)			Effect 3 (AQ)			Effect 4 (bird scaring)			Effect 5 (barrier)			Effect 6 (dust)			Effect 7 (con. dist.)			Effect 8 (in-comb.)		
	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D
H2110 Embryonic shifting dunes	Xa	Xa	Xa	n/a	n/a	n/a	✓b	✓b	✓b	n/a	n/a	n/a	n/a	n/a	n/a	Xa	n/a	Xa	n/a	n/a	n/a	✓b	✓b	✓b
H2120 Shifting dunes along the shoreline	Xa	Xa	Xa	n/a	n/a	n/a	✓b	✓b	✓b	n/a	n/a	n/a	n/a	n/a	n/a	Xa	n/a	Xa	n/a	n/a	n/a	✓b	✓b	✓b
H2130 Fixed coastal dunes with herbaceous vegetation	Xa	Xa	Xa	n/a	n/a	n/a	✓b	✓b	✓b	n/a	n/a	n/a	n/a	n/a	n/a	Xa	n/a	Xa	n/a	n/a	n/a	✓b	✓b	✓b
H2170 Dunes with Salix repens ssp. argentea	Xa	Xa	Xa	n/a	n/a	n/a	✓b	✓b	✓b	n/a	n/a	n/a	n/a	n/a	n/a	Xa	n/a	Xa	n/a	n/a	n/a	✓b	✓b	✓b
H2190 Humid dune slacks	Xa	Xa	Xa	n/a	n/a	n/a	✓b	✓b	✓b	n/a	n/a	n/a	n/a	n/a	n/a	Xa	n/a	Xa	n/a	n/a	n/a	✓b	✓b	✓b

Evidence supporting conclusions

a. Table 3.2 Screening Assessment
b. Section 4 Assessment of Adverse Effects

Stage 1, Matrix E: Outer Thames Estuary SPA

Name of European site: Outer Thames Estuary SPA

Distance to Order Limits: 3.4km

European site features	Likely effects of the Proposed Development																							
	Effect 1 (outfall)			Effect 2 (aircraft)			Effect 3 (AQ)			Effect 4 (bird scaring)			Effect 5 (barrier)			Effect 6 (dust)			Effect 7 (con. dist.)			Effect 8 (in-comb.)		
	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D
A001 Red-throated diver (non-breeding)	n/a	n/a	n/a	Xa	Xa	Xa	n/a	n/a	n/a	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa
A195 Little tern (foraging areas during breeding season)	n/a	n/a	n/a	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa
A193 Common tern (foraging areas during breeding season)	n/a	n/a	n/a	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa	Xa

Evidence supporting conclusions

a. Table 3.2 Screening Assessment

Stage 1, Matrix F: Margate and Long Sands SAC

Name of European site: Margate and Long Sands SAC

Distance to Order Limits: 4.8km

European site features	Likely effects of the Proposed Development																							
	Effect 1 (outfall)			Effect 2 (aircraft)			Effect 3 (AQ)			Effect 4 (bird scaring)			Effect 5 (barrier)			Effect 6 (dust)			Effect 7 (con. dist.)			Effect 8 (in-comb.)		
	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D
H1110 Sandbanks slightly covered by seawater at all times	n/a	n/a	n/a	n/a	n/a	n/a	Xa	Xa	Xa	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Xa	Xa	Xa

Evidence supporting conclusions

a. Table 3.2 Screening Assessment

Stage 1, Matrix G: Stodmarsh SPA

Name of European site: Stodmarsh SPA

Distance to Order Limits: 8.4km

European site features	Likely effects of the Proposed Development																							
	Effect 1 (outfall)			Effect 2 (aircraft)			Effect 3 (AQ)			Effect 4 (bird scaring)			Effect 5 (barrier)			Effect 6 (dust)			Effect 7 (con. dist.)			Effect 8 (in-comb.)		
	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D
A021 Bittern (Non-breeding)	n/a	n/a	n/a	n/a	Xa	n/a	Xa	Xa	Xa	n/a	Xa	n/a	n/a	Xa	n/a	Xa	n/a	Xa	Xa	n/a	Xa	Xa	Xa	Xa
A082 Hen harrier (Non-breeding)	n/a	n/a	n/a	n/a	Xa	n/a	Xa	Xa	Xa	n/a	Xa	n/a	n/a	Xa	n/a	Xa	n/a	Xa	Xa	n/a	Xa	Xa	Xa	Xa
A051 Gadwall (Breeding)	n/a	n/a	n/a	n/a	Xa	n/a	Xa	Xa	Xa	n/a	Xa	n/a	n/a	Xa	n/a	Xa	n/a	Xa	Xa	n/a	Xa	Xa	Xa	Xa
A051 Gadwall (Non-breeding)	n/a	n/a	n/a	n/a	Xa	n/a	Xa	Xa	Xa	n/a	Xa	n/a	n/a	Xa	n/a	Xa	n/a	Xa	Xa	n/a	Xa	Xa	Xa	Xa
A056 Shoveler (Non-breeding)	n/a	n/a	n/a	n/a	Xa	n/a	Xa	Xa	Xa	n/a	Xa	n/a	n/a	Xa	n/a	Xa	n/a	Xa	Xa	n/a	Xa	Xa	Xa	Xa
Waterbird Assemblage (Non-breeding)	n/a	n/a	n/a	n/a	Xa	n/a	Xa	Xa	Xa	n/a	Xa	n/a	n/a	Xa	n/a	Xa	n/a	Xa	Xa	n/a	Xa	Xa	Xa	Xa
Breeding Bird Assemblage	n/a	n/a	n/a	n/a	Xa	n/a	Xa	Xa	Xa	n/a	Xa	n/a	n/a	Xa	n/a	Xa	n/a	Xa	Xa	n/a	Xa	Xa	Xa	Xa

Evidence supporting conclusions

a. Table 3.2 Screening Assessment

Stage 1, Matrix H: Stodmarsh SAC

Name of European site: Stodmarsh SAC

Distance to Order Limits: 7.7km

European site features	Likely effects of the Proposed Development																							
	Effect 1 (outfall)			Effect 2 (aircraft)			Effect 3 (AQ)			Effect 4 (bird scaring)			Effect 5 (barrier)			Effect 6 (dust)			Effect 7 (con. dist.)			Effect 8 (in-comb.)		
	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D
A1016 Desmoulin's whorl snail	n/a	n/a	n/a	n/a	n/a	n/a	Xa	Xa	Xa	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Xa	Xa	Xa

Evidence supporting conclusions

a. Table 3.2 Screening Assessment

Stage 1, Matrix I: Stodmarsh Ramsar

Name of European site: Stodmarsh Ramsar Site

Distance to Order Limits: 8.4km

European site features	Likely effects of the Proposed Development																							
	Effect 1 (outfall)			Effect 2 (aircraft)			Effect 3 (AQ)			Effect 4 (bird scaring)			Effect 5 (barrier)			Effect 6 (dust)			Effect 7 (con. dist.)			Effect 8 (in-comb.)		
	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D
Six British Red Data Book wetland invertebrate species	n/a	n/a	n/a	n/a	n/a	n/a	Xa	Xa	Xa	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Xa	Xa	Xa
Two nationally rare and five nationally scarce plant species	n/a	n/a	n/a	n/a	n/a	n/a	Xa	Xa	Xa	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Xa	Xa	Xa
Bittern (Non-breeding)	n/a	n/a	n/a	n/a	Xa	n/a	Xa	Xa	Xa	n/a	Xa	n/a	n/a	Xa	n/a	Xa	n/a	Xa	Xa	n/a	Xa	Xa	Xa	Xa
Bittern (Breeding)	n/a	n/a	n/a	n/a	Xa	n/a	Xa	Xa	Xa	n/a	Xa	n/a	n/a	Xa	n/a	Xa	n/a	Xa	Xa	n/a	Xa	Xa	Xa	Xa
Hen harrier (Non-breeding)	n/a	n/a	n/a	n/a	Xa	n/a	Xa	Xa	Xa	n/a	Xa	n/a	n/a	Xa	n/a	Xa	n/a	Xa	Xa	n/a	Xa	Xa	Xa	Xa
Gadwall (Breeding)	n/a	n/a	n/a	n/a	Xa	n/a	Xa	Xa	Xa	n/a	Xa	n/a	n/a	Xa	n/a	Xa	n/a	Xa	Xa	n/a	Xa	Xa	Xa	Xa
Gadwall (autumn/spring passage)	n/a	n/a	n/a	n/a	Xa	n/a	Xa	Xa	Xa	n/a	Xa	n/a	n/a	Xa	n/a	Xa	n/a	Xa	Xa	n/a	Xa	Xa	Xa	Xa

Shoveler (Non-breeding)	n/a	n/a	n/a	n/a	Xa	n/a	Xa	Xa	Xa	n/a	Xa	n/a	n/a	Xa	n/a	Xa	n/a	Xa	Xa	n/a	Xa	Xa	Xa	Xa

Evidence supporting conclusions

a. Table 3.2 Screening Assessment

Stage 1, Matrix J: Blean Complex SAC

Name of European site: Blean Complex SAC

Distance to Order Limits: 11.5km

European site features	Likely effects of the Proposed Development																							
	Effect 1 (outfall)			Effect 2 (aircraft)			Effect 3 (AQ)			Effect 4 (bird scaring)			Effect 5 (barrier)			Effect 6 (dust)			Effect 7 (con. dist.)			Effect 8 (in-comb.)		
	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D
H9160 Sub-Atlantic and medio-European oak or oak-hornbeam forests of the Carpinion betuli	n/a	n/a	n/a	n/a	n/a	n/a	Xa	Xa	Xa	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Xa	Xa	Xa

Evidence supporting conclusions

a. Table 3.2 Screening Assessment

Appendix B
Designation Information

Table B.1 European Sites (and Qualifying Interest Features) within 15km of the Order Limits

Site name and designation	Site interest features	Distance and (direction) from Order Limits
Thanet Coast and Sandwich Bay Ramsar	The Ramsar site (covering 2,169ha) is designated for supporting internationally important numbers of non-breeding turnstone *Arenaria interpes* (under Ramsar Criterion 6), and 15 Red Data Book invertebrate species associated with wetlands (under Criterion 2).	Adjacent (0m) to Order Limits
Thanet Coast and Sandwich Bay SPA	The SPA (covering 1,838ha) is designated for populations of European importance of turnstone (non-breeding); golden plover *Pluvialis apricaria* (non-breeding) and little tern *Sternula albifrons* (breeding).	Adjacent (0m) to Order Limits
Sandwich Bay SAC	The SAC (covering 1,137ha) is designated for the following Annex I habitats that are a primary reason for selection of this site: • Embryonic shifting dunes; • Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes"); • Fixed coastal dunes with herbaceous vegetation ("grey dunes") * Priority feature; and • Dunes with *Salix repens ssp. argentea* (*Salicion arenariae*). Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site: • Humid dune slacks.	Within Order Limits
Thanet Coast SAC (including inshore marine)	The SAC (covering 2,816ha) is designated for the following Annex I habitats that are a primary reason for selection of this site: • Reefs; and • Submerged or partially submerged sea caves.	330m South-east
Outer Thames Estuary SPA	This SPA (covering 379,824ha) is designated for supporting a population of European importance of the Annex 1 species: red-throated diver *Gavia stellata* (during winter) and the foraging areas for little tern and common tern *Sterna hirundo* during the breeding season.	~3.4km North
Margate and Long Sands SAC	Margate and Long Sands SAC starts to the north of the Thanet coast of Kent and proceeds in a north-easterly direction to the outer reaches of the Thames Estuary. It contains a number of Annex I Sandbanks slightly covered by seawater at all times, the largest of which is Long Sands itself.	~4.8km North
Stodmarsh SAC	The SAC (covering 563ha) is designated for the following Annex II species that is the primary reason for selection of this site: Desmoulin's whorl snail (*Vertigo moulinsiana*).	~7.7km South-west
Stodmarsh Ramsar	The Ramsar site (covering 481ha) is designated under Ramsar Criterion 2 for supporting: • Six British Red Data Book wetland invertebrates; • Two nationally rare and five nationally scarce plant species; and • Its diverse assemblage of rare wetland birds which includes gadwall *Anas strepera* (during passage and the breeding season) and bittern *Botaurus stellaris*, shoveler *Anas clypeata* and hen harrier *Circus cyaneus* (in winter).	~8.4km South-west
Stodmarsh SPA	The SPA (covering 481ha) is designated for its populations of European importance of bittern, gadwall, shoveler and hen harrier (during winter), gadwall during the breeding season, assemblage of breeding birds and assemblage of non-breeding waterbirds.	~8.4km South-west

Site name and designation	Site interest features	Distance and (direction) from Order Limits
Blean Complex SAC	A complex of broad leaved deciduous woodland designated for the Annex I habitat "Sub-Atlantic and medio-European oak or oak-hornbeam forests of the *Carpinion betuli*".	~11.5km West

Appendix C
Scoping Opinion, Consultee Responses

Table C.1 Consultee Comments to Scoping Report and 2017 PEIR

Consultee	Comments and considerations	How addressed in the ES, and this HRA report
PINS	The Secretary of State notes that it is indicated in Section 3.5 that the Applicant intends to prepare an Evidence Plan in relation to HRA. It is recommended that preparation of this plan begins, and that NE is contacted, at the earliest opportunity during pre-application. Information on Evidence Plans is provided in Section 4 of this Opinion.	Consultation with NE is ongoing and additional consultations have occurred following publication of the PEI. Consultations to date have included discussions regarding physical scope, methods of survey and assessment, principles of mitigation and potential effects from noise and air quality on surrounding European sites.
PINS	It is suggested in paragraph 6.6.7, and also reflected in paragraph 6.6.12, that direct effects are those that affect receptors on a development site while indirect effects are those that affect offsite receptors. The Secretary of State considers that this approach does not properly reflect how effects should be assessed, e.g. construction works on the boundary of a site or construction and operational traffic movements to and from the Order Limits could disturb flora and fauna beyond and at some distance from the boundary, depending on the nature of the activity and the sensitivity of the receptor; and aircraft movements beyond the boundary could increase collision risk with birds. Consideration should be given by the Applicant to how direct and indirect effects are defined and assessed in the EIA.	Agreed and those effects beyond the Order Limits boundary which would occur as a direct result of proposal activities are considered as direct effects.
PINS	It is noted that the list of potential receptors scoped in for further assessment in Table 6.2 does not include over-wintering birds, although Section 6.6 identifies potential for wintering birds to be found on the Order Limits and a potential need for more detailed survey work. The Secretary of State recommends that potential effects on these species are considered in the EIA.	Potential effects on over-wintering birds have been considered within ES Chapter 7 and the HRA report (Appendix 7.1).
PINS	Paragraph 6.6.16 notes that the design of the Proposed Development will incorporate measures to avoid or reduce adverse effects or deliver enhancements. Very limited reference is made in this chapter to potential mitigation measures for effects which may not be avoided or reduced as a result of the design, and no reference is made to how potential residual effects will be considered and assessed in the EIA. The Secretary of State expects such matters to be covered in the ES.	Explanation and details of mitigation measures for effects which may not be avoided or reduced as a result of the design have now been included within ES Chapter 7 and the HRA report (Appendix 7.1).
PINS	The Secretary of State draws attention to the need to consider combined effects in addition to cumulative effects. The ecological assessment should take account of noise, vibration, and air quality (including dust) impacts, and include consideration of the interrelationship between effects on ground and surface water and on biodiversity features. The Applicant's attention is drawn to the comments of TDC, contained in Appendix 3 of this Opinion, in this regard. The Secretary of State notes and welcomes that the outcomes of the air quality assessment will be evaluated in the ES biodiversity chapter. Cross-reference should be made in the ES between the relevant topic chapters.	Noise, vibration and air quality outcomes have been included in the assessment in the ES biodiversity chapter, with cross-reference made in the ES between relevant topic chapters.
PINS	The Applicant's attention is drawn to the comments of KCC, contained in Appendix 3 of this Opinion, particularly in relation to the extent of the ecological study areas, and potential effects on nearby internationally designated sites.	Noted

Consultee	Comments and considerations	How addressed in the ES, and this HRA report
Kent County Council	KCC queries why there appears to be no intention to consider the potential effects of air quality and aircraft deposition on the SPA or Ramsar sites, the presence of the features is dependent on the quality of habitats and as such KCC considers there to be a need to consider habitat impacts.	The potential effects of changes to air quality and deposition as a result of the proposals have now been considered within ES Chapter 7 and the HRA report (Appendix 7.1).
Kent County Council	Depending on the expected levels of use of the Order Limits, KCC also queries whether there is a need to consider the impacts of traffic and freight travelling to and from the airport on designated sites further afield.	The potential effects of changes to air quality from aircraft and any additional traffic as a result of the proposals are have now been considered within ES Chapter 7 and the HRA report (Appendix 7.1).
Minster Parish Council	Topics to be covered assume a zone of influence of 5km or, in the case of the road network, the local impact. The potential for the impact of operational development to exceed this distance seems clear, particularly with regard to noise impact upon the resident population beneath and adjacent to flight paths and the impact upon the nearby SPA and Ramsar site in terms of ecology.	Potential noise impacts on the Thanet Coast and Sandwich Bay SPA are now considered within the ES Chapter 7 and the HRA report (Appendix 7.1).
Natural England	NE welcomes the recognition in this chapter [Air Quality] that there is the potential for air quality impacts on vegetation and ecosystems as well as human health. We are generally satisfied with the methodology proposed where it relates to the assessment of impacts on the natural environment and we would be happy to work with the applicant to identify and agree appropriate, sensitive non-human receptors as recommended in paragraph 3.46 of your Scoping Opinion. We are pleased to see that air quality impacts will be assessed not only from the aircraft themselves but also from the additional traffic that will be associated with the airport during both the construction and operational phases of the development. Paragraph 5.6.2 of the Scoping Report provides criteria from the Design Manual for Roads and Bridges (DMRB) guidance on when a formal air quality assessment of vehicular emissions is likely to be required. Such an assessment will need to be carried out for designated nature conservation sites sensitive to air quality impacts where they fall within 200m of a road meeting one or more of the criteria listed here.	Designated nature conservation sites sensitive to air quality effects that they fall within 200m of a road meeting one or more of the criteria listed in the chapter have been identified and air quality impacts subsequently assessed and included within the ES.
Natural England	As this is the chapter most closely aligned to NE's remit, it is worth making a more general point here about the early stage this project appears to be at, certainly in terms of the level of detail reflected in the Scoping Report, with most of the information in this chapter being extremely generic. We share your concerns around the 'limited detail and evidence' provided on key areas such as the gathering of baseline data, the approach to be taken to assessing environmental impacts and proposed mitigation measures (Scoping Opinion, paragraph 3.8). However, we can advise you that Amec Foster Wheeler have recently contacted us to seek more detailed advice on biodiversity issues and in particular in putting together an HRA Evidence Plan.	Noted

Consultee	Comments and considerations	How addressed in the ES, and this HRA report
Natural England	We note from Section 6.5 of the Scoping Report that a 10km search radius has been used to identify statutory sites which may be affected by the Proposed Development and we support your request (Scoping Opinion, paragraph 3.59) that the Environmental Statement (ES) provide justification for a zone of influence of this size. We consider that the designated sites listed below are those which are most likely to be affected by the development, all of which fall within the current 10km zone, but we will work with the applicant as more detailed information becomes available to assess whether or not there are any other relevant sites outside this: • Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI) (0.9 km); • Sandwich Bay Special Area of Conservation SAC (0.9 km); • Thanet Coast SAC (0.9 km); • Thanet Coast and Sandwich Bay SPA (0.9 km); • Thanet Coast and Sandwich Bay Ramsar site (0.9 km); • Sandwich & Pegwell Bay National Nature Reserve (NNR) (0.9 km); • Thanet Coast SSSI (4.3 km); • Outer Thames Estuary SPA (4.7 km); • Margate and Long Sands SAC (6 km); • Stodmarsh SSSI / SAC / SPA / Ramsar site / NNR (7.6 km); and • Preston Marshes SSSI (8.9 km).	The designated sites listed have been considered in the assessment particularly with regard to changes in air quality/deposition and noise effects.
Natural England	We are generally happy with the broad summary of impacts scoped in for further assessment as outlined in paragraph 6.6.12 of the Scoping Report. We would add that when assessing the potential impact of management measures to reduce bird collision risk, the ES also covers any implications stemming from the resumption of the 13km bird strike safeguarding zone defined by the International Civil Aviation Organisation (ICAO) which would require all future planning applications within this zone to be assessed for their potential impacts on bird numbers and movements. When assessing all impacts on designated sites, a comparison should be made between what is proposed in the DCO and the previous airport operations.	Consideration has been given in the assessment to previous operations at Manston Airport in comparison with what is proposed in the DCO.
Natural England	We agree with your request that the potential for effects on relevant habitats and species resulting from pollution incidents during both the construction and operational phases of the airport should remain scoped in at this stage (Scoping Opinion, paragraph 3.34), particularly given the confirmed presence of contamination on-Site (Scoping Report, Chapter 9). We support Thanet District Council's request that a Construction Environmental Management Plan (CEMP) should form part of the ES.	Effects from pollution incidents during construction and operation of the airport have been considered, and a CEMP provided as part of the ES.
Natural England	We do not believe that Table 6.2 of the Scoping Report currently provides a comprehensive cross-reference of each designated site with the likely pathways of impact by which the Proposed Development could affect it. We would query why the potential for deterioration in water quality is not picked up for those sites with a hydrological link to the airport. We also support Kent County Council's query as to why it is not proposed to consider the potential effects of air quality and aircraft deposition on SPA and Ramsar sites.	More detail on likely pathways to designated sites has been provided. Potential effects of air quality changes/nutrient nitrogen deposition on any sensitive habitats within European sites has now been considered.

Consultee	Comments and considerations	How addressed in the ES, and this HRA report
Natural England	NE notes [Ground and Surface Water] the main site discharge point from the runway and apron areas is via a pipe running out to the designated sites at Pegwell Bay and that if the applicant wishes this discharge to continue under their operation of the Order Limits then they will need to apply to the Environment Agency (EA) for a new discharge permit. In our initial meeting with the applicant on 26 April 2016 we advised that we would not wish to see any reduction in the quality of this discharge from what was previously permitted. We are pleased to see that the ES will give further consideration to the effects on water quality targets at Pegwell Bay and associated designated sites (Scoping Report, paragraph 7.6.4) and we also support your Scoping Opinion request (paragraph 3.35) that the potential for accidental spillages to Pegwell Bay via the Order Limits drainage network during construction remains scoped in at this early stage.	Noted. The potential effects to water quality targets at Pegwell Bay and associated designated nature conservation sites have now been considered.

Table C.2 Consultee Comments to 2018 PEIR

Consultee	Comments and considerations	How addressed in the ES, and this HRA report
Natural England	**ES Chapter 6**. NE have checked the selection of the major ecological receptors and note that they all appear to fall at the nearest boundary point of the designated sites. We would query whether you have considered the possibility that there may be more sensitive habitats further within particular sites which may suffer a more significant impact even though emission or deposition levels are reduced by this point?	A tech. note explaining the rationale behind the location of the receptors has been provided to NE. The air quality assessment of European sites takes a precautionary approach, in that it is based on APIS data for the most sensitive habitats within the site, rather than on the less sensitive habitats close to the receptors. NE are in agreement with this approach.
Natural England	**ES Chapter 6**. NE would welcome the opportunity to discuss the derivation of the NOx target for protected conservation areas which this table gives as a daily mean of 200 µg m^{-3} as our internal guidance provides a 24-hr mean NOx level for all vegetation types of 75 µg m^{-3}.	An assessment level of 200 µgm^{-3} was agreed with NE during a meeting on 5 September 2017
Natural England	**ES Chapter 6**. NE notes that this table identifies a likely significant effect (PC >1% AND PEC >70%) on 6 major ecological receptors (E08, E09, E17, E24, E11, E22). Given that paragraph 6.8.26 states that results are only given for a 'selection' of receptors we would appreciate confirmation that all incidences of significant impact on major ecological receptors have been listed here. This concern should also be applied to all other relevant tables in this chapter.	Confirmed
Natural England	**ES Chapter 7, Section 7.1**. NE notes that road traffic generated through both the construction and operational phases of the development may also affect designated sites sensitive to changes in air quality and that modelling will inform the assessment of such effects and be reported within the ES. Natural England would welcome discussion with your consultants on this matter in advance of the publication of the ES as this is a key air quality issue.	The assessment of air quality effects of road traffic on and off-site on ecological receptors has now been included in the ES.
Natural England	**ES Chapter 7 (pages 6-8): Nitrogen deposition in Year 20**. NE note that where initial modelling indicates a likely significant effect at receptor E22 (Pegwell Bay), further work will be undertaken prior to publication of the ES to ascertain whether this would result in an adverse effect on site integrity	The assessment for E22 has now been undertaken and included in the ES.

Consultee	Comments and considerations	How addressed in the ES, and this HRA report
Natural England	**ES Chapter 7, Section 7.10.27.** NE notes that the potential for combined air pollution impacts from both traffic and aircraft on designated sites has yet to be confirmed and that further air quality modelling data will feed into the ES. We would welcome further discussion with your ecological consultants on this as accurate assessment of any in-combination air quality impacts is a priority issue.	The assessment for the combined air pollution impacts from aircraft and road traffic have now been included in the ES.
Natural England	**ES Chapter 7, Appendix 7.1, Table 5.1: Operation (aircraft take-off and landing).** NE does not agree with the conclusion that, at ground level, noise levels below 80 dB LAMax are unlikely to cause disturbance to birds and this is a key unresolved issue for us.	The assessment will now be based on 70dB LAmax for the more noise sensitive species (such as golden plover). This has been derived from an extensive review of literature, research and case studies, as presented in Chapter 7, Appendix 7.4.
Natural England	**ES Chapter 7, Appendix 7.1, Table 5.1: Operation (aircraft take-off and landing, and ground-based activities). Deposition of oxides of nitrogen from aircraft engines** – the only reference in the Geographic Extent column is to 'European sites within 200m of the construction site and/or wider road network – this surely cannot be a relevant geographic parameter for aircraft?	Table 5.1 has been amended to include reference to the likely zone of influence derived from the air quality modelling in Chapter 7.
Natural England	**Chapter 7, Appendix 7.1, Table 5.1: Management of bird strike risk.** NE note the use of a 1km buffer from the runway area and that this is based on trails at London Ashford Airport: we will confirm our view on this as soon as possible. In view of this, NE are not in a position to agree with conclusions of no likely significant effect through the pathways of noise and visual disturbance from aircraft and bird scaring	We are seeking to confirm the types of bird scaring methods to be used at Manston, and if they are similar and applicable to use in our assessment, to those used at London Ashford Airport.
Natural England	**Chapter 7, Appendix 7.1, Table 5.2. Turnstone & golden plover: Construction phase (outfall).** NE does not agree that a conclusion of no LSE can be reached for the Thanet & Sandwich Bay SPA/Ramsar in advance of a CEMP being produced and reviewed by relevant stakeholders including ourselves.	Noted
Natural England	**Chapter 7, Appendix 7.1, Table 5.2. Nationally rare wetland invertebrates – Operation phase (AQ).** NE note that the potential for LSE is yet to be determined and will require further modelling and consultation with ourselves.	The assessment into the effects of air pollution on the habitats the Ramsar site invertebrate species depend has now been undertaken and included in the ES.
Natural England	Chapter 7, Appendix 7.1, Table 5.2. Annex 1 habitats and Sandwich Bay SAC – Operation phase (AQ) - we note that the potential for LSE is yet to be determined and will require further modelling and consultation with ourselves.	The assessment into the effects of air pollution on the qualifying Annex 1 habitats of the Sandwich Bay SAC has now been undertaken.
Natural England	**Chapter 7, Appendix 7.4.** NE has been working with your ecological consultant and providing informal review of this technical note as it has developed. We do not propose to provide detailed comments here, other than to state that while we are in agreement with the first two bullet points regarding altitude and lateral distance in the concluding section (2.2), NE do not accept 80 dB LAmax as a minimum threshold for noise disturbance and are still in discussion with your ecological consultants on this matter.	Noted

Appendix D
Conservation Objectives

Thanet Coast and Sandwich Bay SPA (Site Code: UK9012071)

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change.

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features; and
- The distribution of the qualifying features within the site.

Qualifying Features:

- A140 Golden plover: non-breeding;
- A169 Turnstone: non-breeding; and
- A195 Little tern: breeding.

Thanet Coast SAC (Site Code: UK0013107)

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change.

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of qualifying natural habitats;
- The structure and function (including typical species) of qualifying natural habitats; and
- The supporting processes on which qualifying natural habitats rely.

Qualifying Features:

- H1170 Reefs; and
- H8330 Submerged or partially submerged sea caves.

Sandwich Bay SAC (Site Code: UK0013077)

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change.

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of qualifying natural habitats;
- The structure and function (including typical species) of qualifying natural habitats; and
- The supporting processes on which qualifying natural habitats rely.

Qualifying Features:

- H2110 Embryonic shifting dunes;

- H2120 Shifting (white) dunes along the shoreline, with marram grass (*Ammophila arenaria*);
- H2130 Fixed dunes with herbaceous vegetation ("grey dunes") - dune grassland;
- H2170 Dunes with *Salix repens ssp. Argentea* - dunes with creeping willow; and
- H2190 Humid dune slacks.

Outer Thames Estuary SPA (Site Code: UK9020309)

With regard to the SPA and the individual species and/or assemblage of species for which the site has been or may be classified (the 'Qualifying Features' including the 'Additional Qualifying Features' listed below), and subject to natural change.

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features; and
- The distribution of the qualifying features within the site.

Qualifying Features:

- A001 Red-throated diver: Non-breeding.

Additional Qualifying Features*

- The foraging areas during the breeding season for A193 Common tern (*Sterna hirundo*):; and
- A195 Little tern.

*Government has initiated public consultation on the scientific case for the classification of these features as part of this Special Protection Area (SPA).

Margate and Long Sands SAC (Site Code: UK0030371)

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change.

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of qualifying natural habitats;
- The structure and function (including typical species) of qualifying natural habitats; and
- The supporting processes on which the qualifying natural habitats rely.

Qualifying Features

- H1110 Sandbanks which are slightly covered by sea water all the time.

Stodmarsh SPA (Site Code: UK9012121)

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change.

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features; and
- The distribution of the qualifying features within the site.

Qualifying Features:

- A021 Bittern: Non-breeding;
- A051 Gadwall: Breeding;
- A051 Gadwall: Non-breeding;
- A056 Shoveler: Non-breeding;
- A082 Hen harrier: Non-breeding; and
- Waterbird assemblage: Non-breeding; and
- Breeding bird assemblage.

Stodmarsh SAC (Site Code: UK0030283)

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change.

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of the habitats of qualifying species;
- The structure and function of the habitats of qualifying species;
- The supporting processes on which the habitats of qualifying species rely;
- The populations of the qualifying species; and
- The distribution of the qualifying species within the site.

Qualifying Features:

- A1016 Desmoulin's whorl snail (*Vertigo moulinsiana*).

Blean Complex SAC (Site Code: UK0013697)

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change.

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of qualifying natural habitats;
- The structure and function (including typical species) of qualifying natural habitats; and
- The supporting processes on which qualifying natural habitats rely.

Qualifying Features:

- H9160 Sub-Atlantic and medio-European oak or oak-hornbeam forests of the *Carpinion betuli*; Oak-hornbeam forests.

Appendix E
Appropriate Assessment Matrices (Stage 2)

Potential Impacts

Potential impacts upon the European sites, which are considered within the Appropriate Assessment (Stage 2, see **Section 4**) part of this document, are provided in **Table F.1** below. Impacts have been grouped (and a keyword provided in parenthesis) where appropriate for ease of presentation.

Table E.1 Impacts considered within the Appropriate Assessment matrices

Designation	*Impacts in submission information*	*Presented in matrices as*
Thanet Coast and Sandwich Bay SPA **Thanet Coast and Sandwich Bay Ramsar** **Sandwich Bay SAC**	The introduction of toxic pollutants or sediments resulting in loss of, or damage to terrestrial or freshwater environments leading to direct or indirect effects on designated features due to run-off entering the European sites from the currently operational outfall, during construction and operation.	**Effect 1 (outfall)**
	Disturbance / displacement of birds (that are qualifying features of the SPAs/Ramsar sites, located within either the SPAs/Ramsars or on functionally linked habitat outside these sites), resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates due to noise and shadow created by planes on take-off and landing during operation.	**Effect 2 (aircraft)**
	Deposition of oxides of nitrogen from aircraft emissions (during operation) and road vehicles (during construction and operation) resulting in enrichment and/or acidification of the environment leading to alteration of the plant community through changes in baseline conditions resulting in direct or indirect effects on designated features.	**Effect 3 (Air quality)**
	Disturbance / displacement of birds (that are qualifying features of the SPAs/Ramsar sites, located within either the SPAs/Ramsars or on functionally linked habitat outside these sites), resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates due to noise created by bird scaring activity.	**Effect 4 (bird-scaring)**
	Disturbance / displacement of golden plover due to the Proposed Development forming a barrier to the movement of birds between foraging and roosting sites, resulting in a reduction of energy intake and/or an increase in energy expenditure leading to a reduction in survival or productivity rates.	**Effect 5 (barrier)**

	Production of aural and visual stimuli due to noise and vibration and movement during ground activities during construction and operation, including construction works, cargo loading, plane maintenance, airfield management, but not including bird scaring devices.	**Effect 6 (construction disturbance)**
	In-combination effects of other developments and plans	**Effect 7 (in-combination)**

Stage 2: Appropriate Assessment Matrices

The European Sites included within the (Stage 2) Appropriate Assessment are:

- Thanet Coast and Sandwich Bay SPA;
- Thanet Coast and Sandwich Bay Ramsar; and
- Sandwich Bay SAC.

Evidence for adverse effects on their qualifying features is detailed within the footnotes to the matrices below.

Matrix Key:

✓ = Adverse effect **cannot** be excluded at Stage 2

✗ = Adverse effect **can** be excluded at Stage 2

C = construction

O = operation

D = decommissioning

Where effects are not applicable to a particular feature (or have been screened out in Stage 1), the cells are 'greyed out'.

Stage 2, Matrix A: Thanet Coast and Sandwich Bay SPA

Name of European site: Thanet Coast and Sandwich Bay SPA

Distance to Order Limits: adjacent

European site features	Adverse effects of the Proposed Development																	
	Effect 1 (outfall)			Effect 2 (aircraft)			Effect 4 (bird-scaring)			Effect 5 (barrier)			Effect 6 (con. dist.)			Effect 7 (in-comb.)		
	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D
A169 Turnstone (non-breeding)	Xa	Xa	Xa		Xb											Xf	Xf	Xf
A140 Golden plover (non-breeding)	Xa	Xa	Xa		Xb			Xc			Xd		Xe		Xe	Xf	Xf	Xf
A195 Little tern (breeding)					Xb												Xf	

Evidence supporting conclusions

a. Following the incorporation of the environmental measures (see Paragraphs 4.2.4.44 to 4.2.4.47 inclusive, it is concluded that all effects on Pegwell Bay due to the outfall will be negligible.

b. The habitats utilised by golden plover, little tern and turnstone are located outside the area where adverse effects due to the visual presence and noise from over-flying aircraft would occur (see **Sections 4.2, 4.3 and 4.4** respectively).

c. Results from the desk study and surveys indicate a very low level of usage by golden plover of areas of land (i.e. within 1km of the Order Limits) where adverse effects due to bird scaring devices would occur (see **Section 4.2**).

d. Results from the desk study and surveys indicate that golden plover primarily roost on Pegwell Bay and forage in areas of farmland to the south-west, and thus are unlikely to fly over the Order Limits on a regular basis and therefore the Proposed Development would not act as a barrier to their movements (see **Section 4.2**).

e. Results from the desk study and surveys indicate a very low level of usage by golden plover of areas of land (i.e. within 750m of the Order Limits) where adverse effects due to construction-related disturbance would occur (see **Section 4.2**).

f. There are no known other developments and plans (as identified in **Table 18.2, Chapter 18: Cumulative Effects**) that would combine with the predicted adverse effects on the SPA features (and as discussed above and in **Sections 4.2-4.4**) from the Proposed Development in such a way as would result in adverse in-combination effects.

Stage 2, Matrix B: Thanet Coast and Sandwich Bay Ramsar

Name of European site: Thanet Coast and Sandwich Bay Ramsar Site

Distance to Order Limits: 0m

European site features	Adverse effects of the Proposed Development														
	Effect 1 (outfall)			Effect 2 (aircraft)			Effect 3 (AQ)			Effect 5 (barrier)			Effect 7 (In-comb.)		
	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D
Turnstone (non-breeding)	Xa	Xa	Xa		Xb								Xd	Xd	Xd
Red Data Book Invertebrates							Xc	Xc	Xc				Xd	Xd	Xd

Evidence supporting conclusions

a. Following the incorporation of the environmental measures (see Paragraphs 4.2.4.44 to 4.2.4.47 inclusive, it is concluded that all effects on Pegwell Bay due to the outfall will be negligible.

b. The habitats utilised by turnstone are located outside the area where adverse effects due to the visual presence and noise from over-flying aircraft would occur (see **Section 4.4**).

c. Results from the air quality assessment (see **ES Chapter 6: Air Quality**, and **Section 4.6** of this report) conclude no adverse effects on the Ramsar site due to air pollution in the form of nitrogen levels in the air (NO_x) or nitrogen deposition. In view of this, the habitats the Red Data Book invertebrate species depend upon would not be adversely affected by air quality, and thus, there would be no adverse effects on this qualifying feature of the Ramsar site.

d. There are no known other developments and plans (as identified in **Table 18.2, Chapter 18: Cumulative Effects**) that would combine with the predicted adverse effects on the Ramsar site features (and as discussed above and in **Sections 4.4 and 4.6**) from the Proposed Development in such a way as would result in adverse in-combination effects.

Stage 2, Matrix C: Sandwich Bay SAC

Name of European site: Sandwich Bay SAC

Distance to Order Limits: within

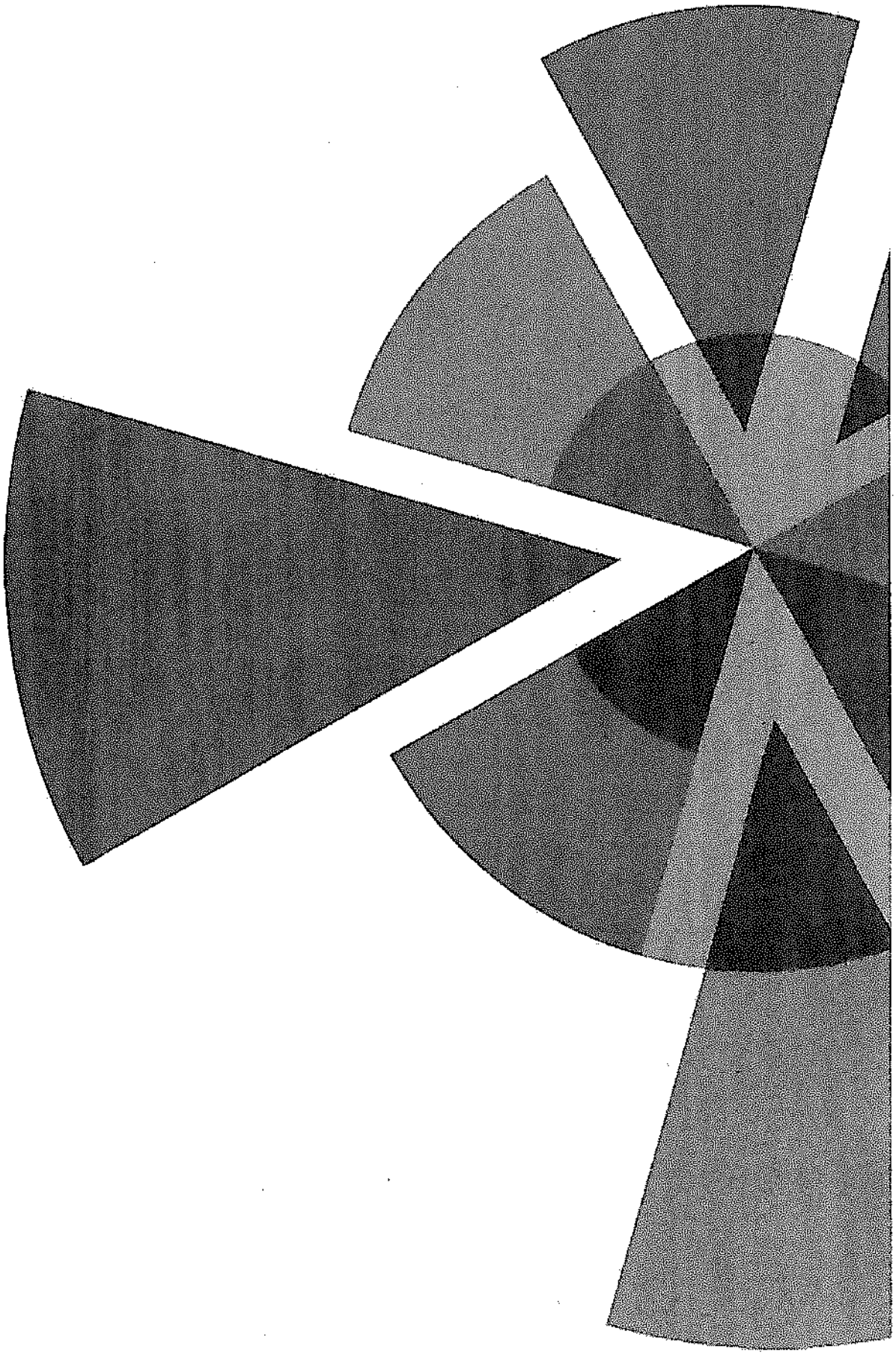
European site features	Adverse effects of the Proposed Development														
	Effect 2 (aircraft)			Effect 3 (AQ)			Effect 4 (bird-scaring)			Effect 5 (barrier)			Effect 7 (In-comb.)		
	C	O	D	C	O	D	C	O	D	C	O	D	C	O	D
H2110 Embryonic shifting dunes				X a	X a	X a							X b	X b	X b
H2120 Shifting dunes along the shoreline				X a	X a	X a							X b	X b	X b
H2130 Fixed coastal dunes with herbaceous vegetation				X a	X a	X a							X b	X b	X b
H2170 Dunes with *Salix repens* ssp. *argentea*				X a	X a	X a							X b	X b	X b
H2190 Humid dune slacks				X a	X a	X a							X b	X b	X b

Evidence supporting conclusions

a. Results from the air quality assessment (see **ES Chapter 6: Air Quality**, and **Section 4.5** of this report) conclude no adverse effects on the SAC due to air pollution in the form of nitrogen levels in the air (NO_x) or nitrogen deposition.

b. There are no known other developments and plans (as identified in **Table 18.2, Chapter 18: Cumulative Effects**) that would combine with the predicted adverse effects on the SAC features (and as discussed above and in **Section 4.5**) from the Proposed Development in such a way as would result in adverse in-combination effects.

Figures



BDB PITMANS

Enclosure 4

Dated: 26th September 2000

(1) Thanet District Council

(2) Kent International Airport plc

AGREEMENT PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AND SECTION 111 OF THE LOCAL GOVERNMENT ACT 1972

This Agreement is made the 26th day of September 2000

Between:

(1) **Thanet District Council** of Cecil Street Margate Kent CT9 1XZ ("the Council"), and

(2) **Kent International Airport plc** (registered in England; registration number 1472559) of 35 Berkeley Square Mayfair London W1X 5DA ("the Owner")

WHEREAS:

(a) The definitions contained within clause 1 shall apply to these Recitals

(b) The Council is the local planning authority for the purposes of the 1990 Act for the area within which the Property is situate

(c) The Owner is the Proprietor of the Property

NOW THIS AGREEMENT WITNESSETH as follows:

1. Interpretation and Construction of this Agreement

1.1 In this Agreement save where the context otherwise requires:

"the 1988 Agreement"	means the Agreement dated 28 October 1988 between (1) the Council (2) the Owner pursuant to (inter alia) section 52 of the Town and Country Planning Act 1971
"the 1990 Act"	means the Town and Country Planning Act 1990 as amended (inter alia) by the Planning and Compensation Act 1991
"the Airport"	means London Manston Airport Manston Ramsgate Kent CT12 5BP as edged red on Plan 1
"the Council's Address"	means Cecil Street Margate Kent CT9 1XZ or such other address that the Council may from time to time notify the Owner of

"Engine Testing"	means any running of engines in connection with scheduled or planned maintenance or repair either with engines on or off of an aircraft
"Engine Testing Area"	means an area within the Property designated by the Owner for the purposes of Engine Testing
"Environmental Statement"	has the same meaning as in Regulation 2(1) of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
"Flight Movements"	means the taking off or landing of civilian aircraft at the Airport and includes any 'touch and go' movements which shall be deemed to constitute a landing and take off
"the GPDO"	means the Town and Country Planning (General Permitted Development) Order 1995
"MACC"	means the Manston Airport Consultative Committee
"MAEIF"	means the Manston Airport Environmental Improvement Fund
"the Master Plan"	means a plan to be prepared by or on behalf of the Owner illustrating its proposals for the further development of the Airport or Property (as the case may be) during the course of the next 5 - 10 and 15 years which will include reference to and an assessment of how those proposals match the policy and proposals of the Kent County Structure Plan the Isle of Thanet District Plan the Central Island Supplementary Planning Guidance and the Thanet District Council Economic Development Plan
"Night-time"	means 2300 – 0700 hours

"Night-time Flying Noise Policy"	means the policy prepared in accordance with paragraph 1 of the Second Schedule
"Noise Contours"	means a line of equivalent continuous sound level superimposed on a geographical representation of the Airport and surrounds
"Noise Contour Map"	means a computer generated map of weighted equivalent continuous sound level contours arising from all Flight Movements based on flight path aircraft types and destinations and such contours shall cover the period 0700 - 2300 hours and (if there are Regular Night Flying Operations) the period 2300 - 0700 hours
"Noise Monitoring Terminal"	means a sound level meter optimised for continuous data capture for aircraft and background noise capable of storing and analysing a minimum of twelve months' historical data
"the Owner's Address"	means 35 Berkeley Square Mayfair London W1X 5DA or such other address that the Owner may from time to time notify the Council of
"Plan 1"	means the plan attached to this Agreement and numbered 1
"Plan 2"	means the plan attached to this Agreement and numbered 2
"Plan 3"	means the plan attached to this Agreement and numbered 3
"the Property"	means the property described in the First Schedule
"the Register"	means the register of local land charges maintained by the Council

"Regular Night Flying Operations"	means Flight Movements which are scheduled or programmed and which occur frequently or regularly to the same or similar patterns for the same operator during Night-time
"Scoping Opinion"	has the same meaning as in Regulation 10(1) of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
"Quota Count"	means the noise classification for an aircraft on take off or landing which shall be judged in accordance with the following table

Noise Classification	QC Points
Less than 90 EPNdB	0.5
90-92.9 EPNdB	1
93-95.9 EPNdB	2
96-98.9 EPNdB	4
99-101.9 EPNdB	8
Greater than 101.9 EPNdB	16

and for the avoidance of doubt an aircraft shall be deemed to have taken off or landed at the time recorded by the air traffic control unit of the airport

1.2 References to a clause schedule or paragraph are references where the context admits or requires to a clause schedule or paragraph of a schedule in this Agreement

1.3 The clause and paragraph headings in this Agreement are for ease of reference only and are not to be taken into account in the construction or interpretation of the clause or paragraph to which they refer

1.4 Words importing the singular meaning include the plural meaning and vice versa unless the context otherwise requires

1.5

1.6

1.7

1.8

1.9

1.1

2. En

Thi

2.1

2.2

2.3

3. Pla

All

obl

Co

prc

1.5 Words of one gender include both other genders and words denoting natural persons include corporations and firms and all such words are to be construed interchangeably in that manner

1.6 Words denoting an obligation on a party to do any act matter or thing includes an obligation to procure that it be done and words placing a party under a restriction include an obligation not to permit or allow infringement of the restriction

1.7 Any reference to any enactment (whether generally or specifically) shall be construed as a reference to that enactment as amended extended re-enacted or applied or consolidated by or under any other enactment and shall include all instruments orders plans regulations permissions and directions made or issued thereunder or deriving validity therefrom

1.8 The expression "the Council" and "the Owner" shall where the context so admits or requires include the respective successors in title of the Council and the Owner

1.9 Reference in this Agreement to "the Parties" is a collective reference to the Council and the Owner

1.10 All references in this Agreement to time are references to local time

2. Enabling Power

This Agreement is entered into by the Council pursuant to:

2.1 its powers under Section 106 of the 1990 Act;

2.2 Section 111 of the Local Government Act 1972; and

2.3 all other powers enabling the Council in this behalf

3. Planning Obligation

All of the covenants and obligations of the Owner contained herein are planning obligations for the purposes of Section 106 of the Act and shall be enforceable by the Council against the Owner and any person deriving title to the Property or part thereof providing however that no person shall be bound by this Agreement after he has

relinquished the whole of his interest in the Property save that nothing in this clause shall affect any liability for any antecedent breach of any of the provisions of this Agreement

4. Term of Agreement

4.1 This Agreement shall remain in force for the period of three years from the date hereof

4.2 The Parties shall not later than 33 months after the date of this Agreement consult to review the terms of this Agreement (or at any earlier date either in the event of a major development proposal being promoted by the Owner or if agreed by the Parties to consult earlier) and with a view to agreeing a new agreement of the same or a similar nature as this Agreement to address changing circumstances and the next planned phase of the development of the Airport

4.3 If the Parties shall not have agreed and executed a new agreement of the same or a similar nature as this Agreement prior to the ending of this Agreement then this Agreement at the option of the Council shall continue in force and the Owner shall operate the Airport in accordance with its terms

5 The Owner's and the Council's Obligations

5.1 The Owner (subject to clause 5.2) covenants to comply with the obligations on its part set out in the Second Schedule

5.2 This Agreement shall disregard use of the Property (or any part thereof) for the purposes of:

5.2.1 any commemorative flights (except during Night-time); and

5.2.2 any public air display or exhibition (which includes Flight Movements) provided they are:

5.2.2.1 not on more than two occasions in any calendar year; and

5.2.2.2 limited to a single 24-hour period and for 24 hours before and after the event

5.3 The Council covenants to comply with the obligations on its part set out in the Second Schedule

6. GPDO and Planning

It is hereby declared that:

6.1 Nothing in this Agreement shall affect restrict or inhibit or be construed to affect restrict or inhibit in any way whatsoever any permitted development rights that the Owner enjoys under the GPDO

6.2 Nothing in this Agreement shall restrict or inhibit or be construed to restrict or inhibit the Owner in making any application for planning permission of whatsoever nature in connection with the Property during the continuance of this Agreement

6.3 Nothing in this Agreement shall restrict or inhibit or be construed to restrict or inhibit the current planning permissions or certificates of lawful use the Airport has the benefit of or enjoys during the continuance of this Agreement

7. MACC

The Owner agrees to:

7.1 meet the administrative salaries and costs of MACC; and

7.2 provide for the use of MACC a meeting room at the Airport

8. Statutory Provisions

In the event that the Owner or the Council are required to comply with any planning condition or other statutory or legal obligation (other than a contractual one) imposed upon them by any relevant authority the terms of which conflict with the provisions of this Agreement such condition or obligation shall prevail over the provisions of this Agreement and the Owner and the Council as the case requires shall not be in breach of this Agreement by reason of their compliance with such condition or obligation provided that the parties hereto may review the relevant provision of this Agreement in the event of such conflict and the Owner and the Council shall give full and proper consideration to any reasonable proposal which they may bring forward to resolve such conflict

9. The 1988 Agreement

9.1 The Council hereby releases the Owner from the covenants contained within the 1988 Agreement

9.2 Contemporaneous with this Agreement the Council will forthwith remove the 1988 Agreement from the Register

10. Registration of this Agreement

10.1 This Agreement shall be registered as a local land charge in the Register

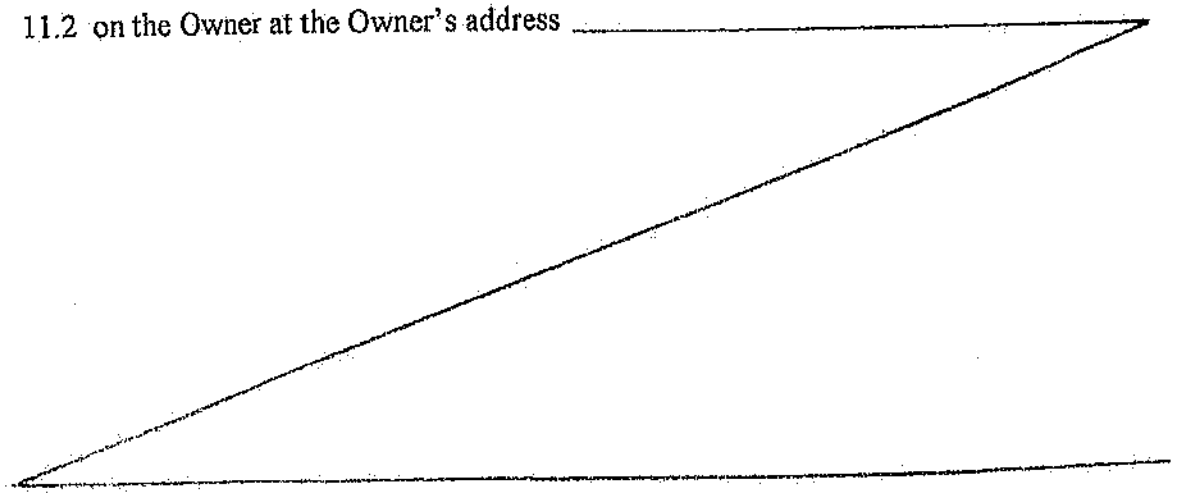
10.2 Where in the opinion of the Owner any provision of this Agreement has been completed and/or satisfied (as the case may be) the Owner shall be entitled to make application to the Council for a certificate to the effect that the provisions of this Agreement have been completed and/or satisfied (as the case may be) and upon the Council (which shall act reasonably and diligently in considering such application) being satisfied that such obligations have been completed and/or satisfied the Council shall issue a certificate to such effect and forthwith place a note of such certificate with the Register or remove this Agreement from the Register (as the case may be)

11. Notices

Any notice required to be served or given under this Agreement shall be made in writing and shall be deemed given when delivered in person or sent by first-class pre-paid post and served:

11.1 on the Council at the Council's address

11.2 on the Owner at the Owner's address



FIRST SCHEDULE

This schedule sets out the definition of the Property

The Property shall consist of all that:

1. freehold land and buildings situate and forming part of the Airport which is registered with other land at HM Land Registry:

   1.1 with title absolute under title number K803975; and

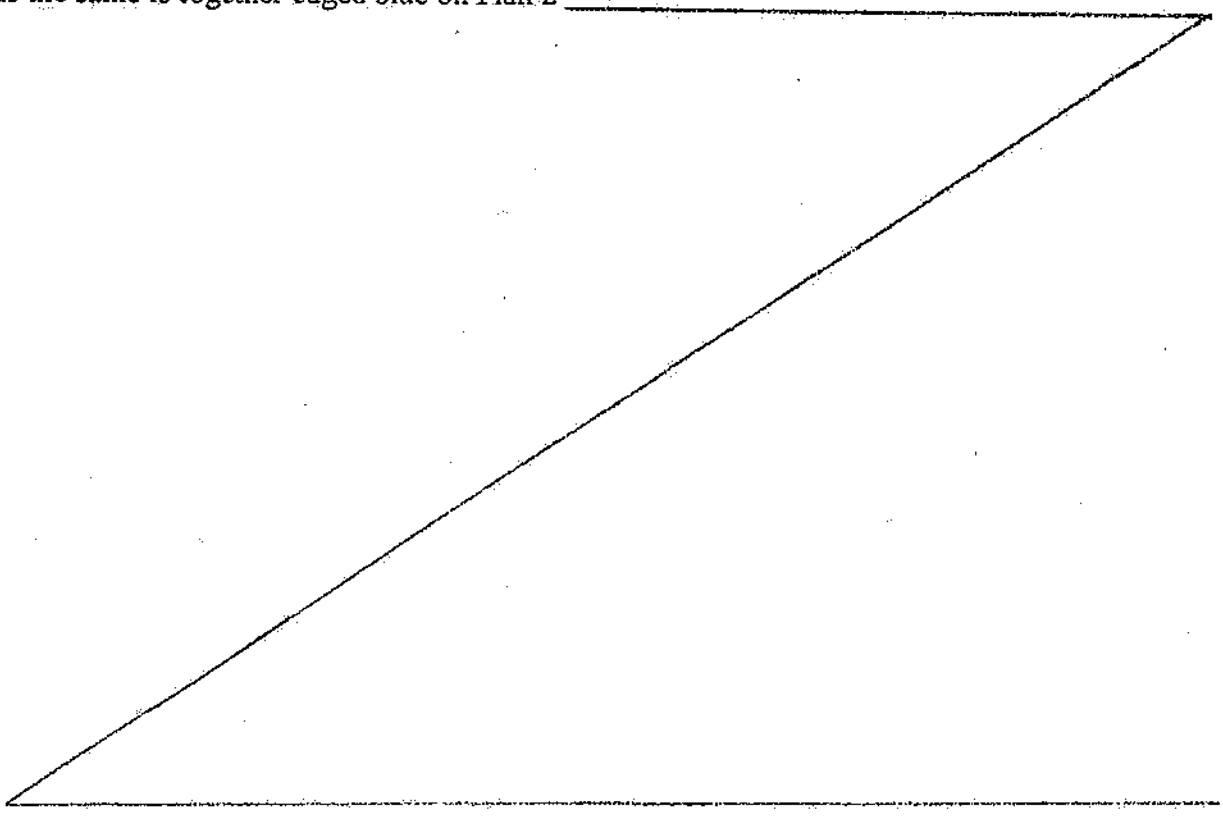
   1.2 with possessory title under title number K743314; and

2. leasehold land and buildings situate and forming part of the Airport and which is registered at HM Land Registry:

   2.1 with title absolute under title number K671894; and

   2.2 with title absolute under title number K709140

as the same is together edged blue on Plan 2



SECOND SCHEDULE

This schedule sets out the obligations of the Owner and the Council

1. **Night-time Flying Noise Policy**

1.1 The Owner agrees not to cause suffer or permit any Regular Night Flying Operations at any time (subject to paragraph 1.4 below) before a Night-time Flying Noise Policy shall have been prepared and a copy lodged with the Council.

1.2 The Owner will prepare the Night-time Flying Noise Policy at least six months before the commencement of any Regular Night Flying Operations after consulting with the Council in accordance with paragraph 1.3 below. The policy will specifically address the following matters:

1.2.1 the restriction on those aircraft likely to cause unacceptable disturbance, such that no aircraft with a noise classification in excess of Quota Count 4 shall be permitted to take off or to land during Night-time

1.2.2 a process for the sharing of data on details of aircraft operating during Night-time; and

1.2.3 the embodiment of the principles of UK best practice at the time and the appropriateness of those principles to prevailing local conditions

1.3 The consultation process shall include providing all relevant information to the Council and affording an adequate period within which the Council may consider the issues arising and formulate its views which shall be taken into account by the Owner and due weight given to such views; in the event that the Owner does not propose to accept the views of the Council in formulating its policy it shall first provide to the Council a reasoned justification and shall take into account and give due weight to such further views of the Council as may be expressed

1.4 The Owner shall not be obliged to prepare a Night-time Flying Noise Policy where Flight Movements during Night-time will involve:

2.

1.4.1 departures to European destinations or arrivals from North America by solely passenger carrying aircraft scheduled to occur between 0600 and 0700 on any day where the aircraft involved in the operation have a noise classification of Quota Count 4 or less; or

1.4.2 humanitarian mercy or emergency flights by relief organisations on not more than 12 occasions during any calendar year

1.5 The Owner will:

1.5.1 (and whether or not a Night-time Flying Noise Policy has been prepared but subject to paragraph 1.6 below) pay £1,000 for the first occasion when an aircraft with a noise classification in excess of Quota Count 4 undertakes a Flight Movement during Night-time and during the following twelve calendar months to pay an amount increased by a factor of two for each successive occasion by the same aircraft (namely £2,000 for the second occasion £4,000 for the third occasion £8,000 for the fourth occasion and so on) and at the end of such twelve month period the payments shall re-commence at the level of £1,000 and a further period of twelve months as aforesaid shall follow and such increasing payments shall be made

1.5.2 not cause suffer or permit any training flights during Night-time by any jet or large aircraft (being an aircraft with a maximum take-off weight in excess of 5700 kg) and to pay £10,000 for each and every occasion when a contravention occurs

1.6 The Owner shall be under no obligation to make any payment under paragraph 1.5.1 above where the Flight Movement concerns the type of flight referred to in paragraph 1.4.2 above and whether or not the aircraft had a noise classification in excess of Quota Count 4

2. General Noise Limitations

2.1 The Owner with a view to ensuring that the operation of aircraft shall cause the least disturbance by reason of noise will:

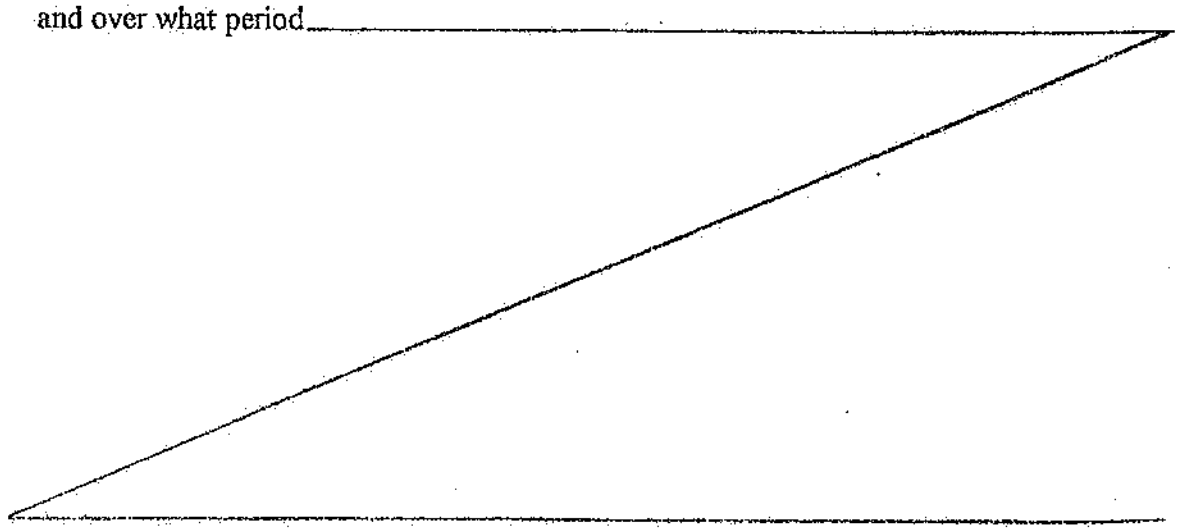
2.1.1 ensure that the number of Flight Movements during the first 12 months following the date of this Agreement shall not result in any expansion of the 1996 63dBLAeq (16-hour 0700 - 2300 hours) contour as identified on Plan 3; and

2.1.2 within 12 months of the date of this Agreement and again between 21 and 24 months of the date of this Agreement submit to the Council a 63dBLAeq (16-hour 0700 - 2300 hours) noise contour map for the Airport based on the previous 12 months of airport operations, which will have been produced by an independent and appropriately qualified consultant using ANCON or INM models (or agreed alternatives)

2.2 If the Owner fails to comply with any obligation in paragraph 2.1 above by the appropriate date or in the event that the 63dBLAeq (16-hour) contour so produced has expanded beyond the same contour produced in 1996 as identified on Plan 3 but not by more than 5% the Owner shall pay a sum of £10,000 and if by more than 5% but not by more than 10% the Owner shall pay a sum of £40,000 and if by more than 10% the Owner shall pay a sum of £100,000

3. Dwelling Insulation Scheme

The Owner will within 24 months of the date of this Agreement submit to the Council a detailed scheme for noise insulation of dwellings that fall within the 63dBLAeq (16-hour 0700 - 2300 hours) contour for the Airport. The contour shall be calculated on actual Flight Movements during the previous 12-month period and annually re-calculated in terms of any potential extensions of the scheme. The scheme of noise insulation submitted will indicate to the Council what level of noise retardation is to be achieved and over what period



4. **Preferred Departure Runway**

The Owner will:

4.1 adopt the use of runway 28 as the preferred departure runway and will use its reasonable endeavours to achieve a target of seventy per cent (70%) of all departures on that runway subject to safety requirements at all times and to air traffic and weather requirements; and

4.2 supply data on runway departure usage to the Council and MACC on a monthly basis

5. **Noise Abatement Routes**

The Owner will:

5.1 within two months from the date of this Agreement submit to the Council details of the noise abatement measures it will require (subject to safety requirements at all times) operators of jet and large aircraft (any aircraft with a maximum take-off weight in excess of 5700Kg) to use which will include the requirements that:

(a) when departing to the west (runway 28) on achieving 1.5 miles DME (airport distance measuring equipment) make a right turn to the north west onto heading 300° and to climb to a height of 3000 feet, before setting an alternative course

(b) not to descend below 1500 feet when carrying out circuits until entering final approach to the runway;

(c) to endeavour to fly over the sea when operating on the northern circuit, which shall be at least 3 nautical miles from the centre point of the runway, except when using the noise abatement take off route or when entering the final approach to the runway; and

(d) to endeavour when operating on the southern circuit to keep north of and clear of the town of Sandwich

5.2 submit to the Council and to MACC a monthly list of all breaches identified by the Owner of the noise abatement measures referred to in 5.1

6. Noise Monitoring Terminals

6.1 The Owner will:

6.1.1 within nine months from the date of this Agreement (subject to first being able to acquire any third party land and obtain any planning permission required for which he will use all reasonable endeavour to achieve) install at least two Noise Monitoring Terminals which shall have been agreed by an independent aviation acoustic consultant having regard to the guidelines laid down by the International Civil Aviation Organisation;

6.1.2 calibrate and maintain the Noise Monitoring Terminals in accordance with manufacturer's instructions;

6.1.3 provide the results of the noise monitoring to the Council and MACC on a monthly basis; and

6.1.4 within nine months from the date of this Agreement provide for use by the Council a digital audio tape recorder with a type 1 front end with a remote handset controller for recording which complies fully with all appropriate British Standards/Codes of Practice for use in domestic and educational properties and thereafter be responsible for both repair and replacement of the unit

6.2 The Council will on receipt of the portable noise monitoring unit supplied by the Owner assume responsibility for maintenance and calibration of the unit and keep the unit suitably and adequately insured with a reputable insurer for its replacement value in the event of loss damage and third party claims

7. Pollution Monitoring

The Owner will:

7.1 within nine months from the date of this Agreement (subject to first being able to acquire any third party land and obtain any planning permission required and

having used all reasonably endeavours to achieve such) install not less than three passive atmospheric pollution monitoring tubes at such locations as the Owner (using a best practice policy) may determine;

7.2 the pollutants to be monitored at each site will be determined by the Owner in consultation with the Council and in accordance with any good practice policy advised by the Department of Trade and Industry; and

7.3 provide the results of the pollution monitoring to the Council and MACC on a monthly basis

8. **Noise Monitoring**

The Owner will:

8.1 by 1st April 2002 or having carried out twelve months of noise monitoring at the Airport agree with the Council new maximum noise levels for aircraft movements which will produce a significant reduction in the noise impact for individual aircraft over the previous two years of operation and which in no circumstances will be less than a 5% reduction over the average of the previous two years. Failure to agree on a suitable reduction level will result in the matter of a suitable reduction level being put to a mutually agreed and independent expert in aviation matters, or in the event of failure to agree within one month he shall be appointed by the President of the Institute of Vibration and Acoustic Engineers. The expert will decide the appropriate level of reduction suitable for the Airport by reference to the levels of individual aircraft noise acceptable at one or more comparable airports, judged to be comparable by reference to the characteristics of operation and geographic proximity to urban areas. The expert will act as an expert and not as an arbitrator and shall be entitled to rely on his own judgement and opinion. He shall afford the Parties a reasonable opportunity to submit both representations and counter-representations to him and shall consider all of the same. He shall give to the Parties written notice of his determination (within 25 working days after counter-representations) (if any) and his decision shall be binding on both Parties to the Agreement in respect of the level of reduction to be achieved; and

8.2 on and after 1st April 2002 pay the sum of £500 per aircraft exceeding the agreed or imposed maximum noise level referred to in 8.1 and for every 1 decibel (dB) above the agreed base level the additional sum of £500

9. **Engine Testing**

The Owner agrees:

9.1 that no Engine Testing (other than for emergency purposes which shall in any case not exceed five separate occurrences in any calendar year) shall occur within the Property between 2300 - 0800 hours. Between 2100 - 2300 hours the number of occurrences of Engine Testing (whether for emergency purposes or otherwise) shall not exceed 10 separate occurrences in any calendar year. For every occurrence of Engine Testing above these limits the Owner will pay the sum of £1,000. For the purposes of this provision "emergency" shall be taken to refer to any occurrence or circumstances not reasonably foreseeable;

9.2 within six months from the date of this Agreement to submit to the Council a proposal for the location of an Engine Testing Area located in such a position as to minimise potential noise disturbance;

9.3 thereafter to be restricted to this defined location and that:

(a) no continuous Engine Testing will exceed a period of sixty minutes duration and that a break of a period at least equal to the period of any Engine Testing shall be allowed after any Engine Testing before any further Engine Testing takes place;

(b) Engine Testing will be restricted to 0800 - 2100 hours (other than in the circumstances referred to in 9.1 above);

(c) the alignment of any aircraft on which engines are being tested will be such as to project the noise envelope over the maximum airport area; and

(d) the cumulative effect of Engine Testing will be restricted to ensure that the 13-hour noise level around the Airport does not increase by more than 1dB (as determined by benchmark background noise measurement)

9.4 Not knowingly to permit any aircraft to land at the Property for the purpose of any Engine Testing on any land adjoining the Property except in accordance with the terms of paragraph 9.

10. Green Travel Strategy

The Owner will:

10.1 within one month from the date of this Agreement appoint a recognised and agreed Traffic Consultant to produce a Green Travel Strategy for the development of the Airport for a period of at least five years and ensure that the draft strategy is submitted to the Council for agreement within three months of the consultant being appointed. The draft strategy will address how the Owner its tenants and licensees will take steps to encourage employees working within the airport boundaries, and visitors to the Airport, to travel by means other than the private car. In the event of failure to agree within one month the Traffic Consultant shall be appointed by the President of the Institute of Highway and Transportation Engineers on application by either the Council or the Owner

10.2 ensure that each application for planning permission, or each consultation submitted to the Council in accordance with the GPDO for new development proposals within the Property shall be accompanied by a Green Travel Plan related to the development proposal which will indicate how the proposal accords with the Green Travel Strategy referred to in 10.1 above

11. Environmental Statement

11.1 The Owner will:

11.1.1 within six months of the date of this Agreement submit to the Council the Master Plan

11.1.2 within a further period of six months from the date of submission of the Master Plan and based on the information contained in the Master Plan submit an Environmental Statement for consideration by the Council

11.2 Prior to and in sufficient time to enable the Owner to comply with the obligation in paragraph 11.1.2 apply to the Council for a Scoping Opinion

11.3 The Environmental Statement shall be prepared by an independent recognised environmental consultant whose appointment and terms of reference have first been agreed in writing with the Council. In the event of failure to agree within one month the consultant shall be appointed by the President of the Royal Town Planning Institute on application by either the Council or the Owner

12. Payments

12.1 The references in paragraphs 1, 2, 8 and 9 of this Schedule to any sums of money to be paid by the Owner shall mean an obligation for the Owner to pay such sums to a fund to be called MAEIF within one month of the occurrence in question.

12.2 If MACC shall have been constituted as a charitable or other trust and shall administer MAEIF the same shall be expended at the discretion of such trust.

12.3 If MACC does not become so constituted or fails to administer MAEIF payments shall be made to the Council and may be expended by the Council in consultation with MACC (or in the event that the same or any trust formed ceases to exist or fails to respond to any requests for consultation then at the discretion of the Council after consultation with the Owner) for the purposes of environmental improvements for the general public good in the vicinity of the Airport (but outside the perimeter of the Airport). In the event that no expenditure within the vicinity of the Airport is considered appropriate any balance of funds may be expended on similar environmental improvements for the general public good.

13. Third Parties

To use such controls rights or other measure available to the Owner (whether arising by way of contract statutory power or otherwise) to ensure so far as reasonably possible that no person (whether having a legal interest in the Property or any part thereof or not) shall use any part of the Airport in a way which would be a breach of the terms of this Agreement.

IN WITNESS whereof the Parties have executed this Agreement as a Deed in the manner hereinafter appearing

THE COMMON SEAL of THANET)
DISTRICT COUNCIL was hereunto)
affixed in the presence of:)

[redacted]

EXECUTED AS A DEED by **KENT**)
INTERNATIONAL AIRPORT plc)
acting by:)

Director: [redacted]

Director/Secretary: [redacted]


Plan 1
LONDON - MANSTON AIRPORT
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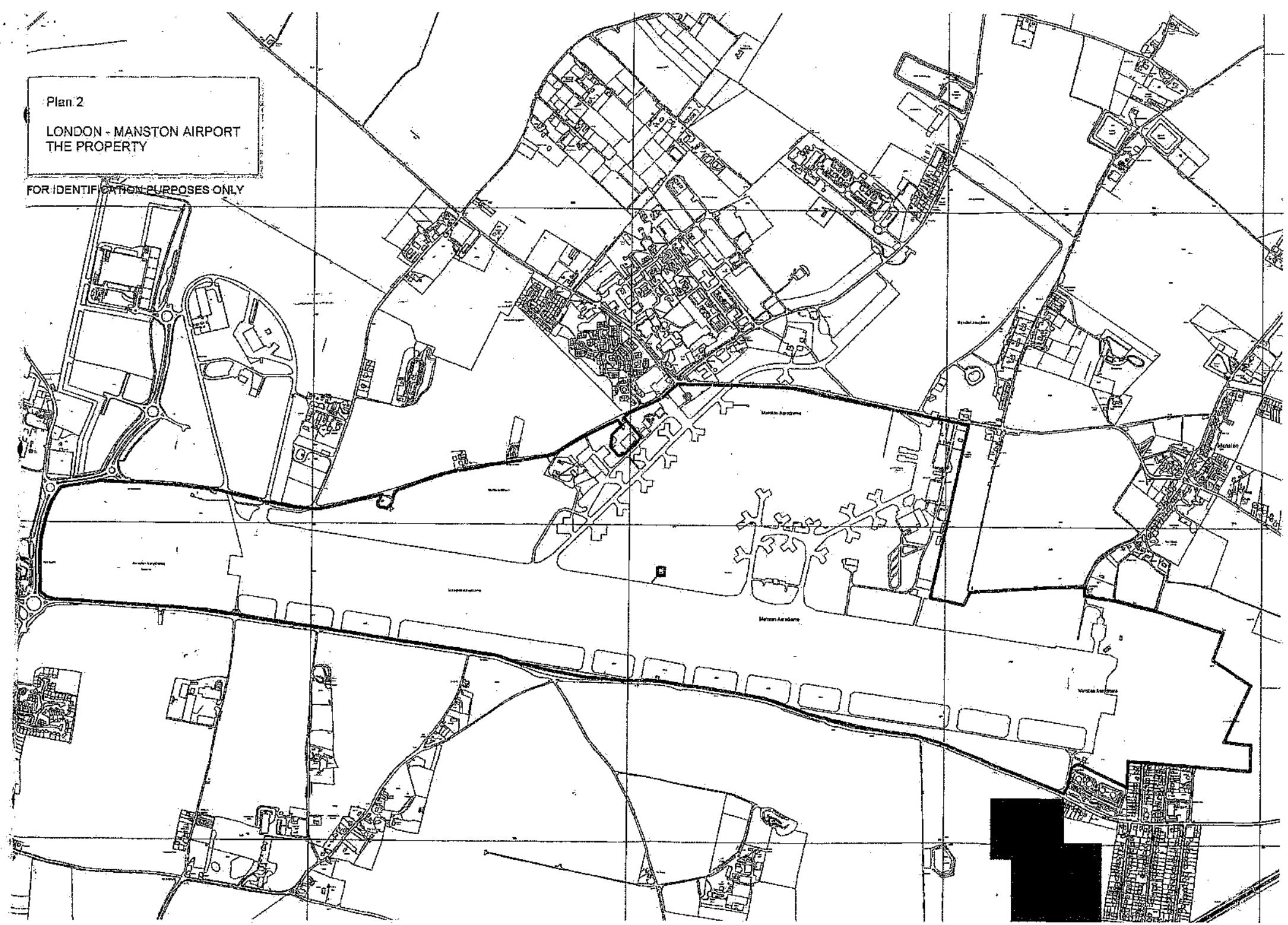
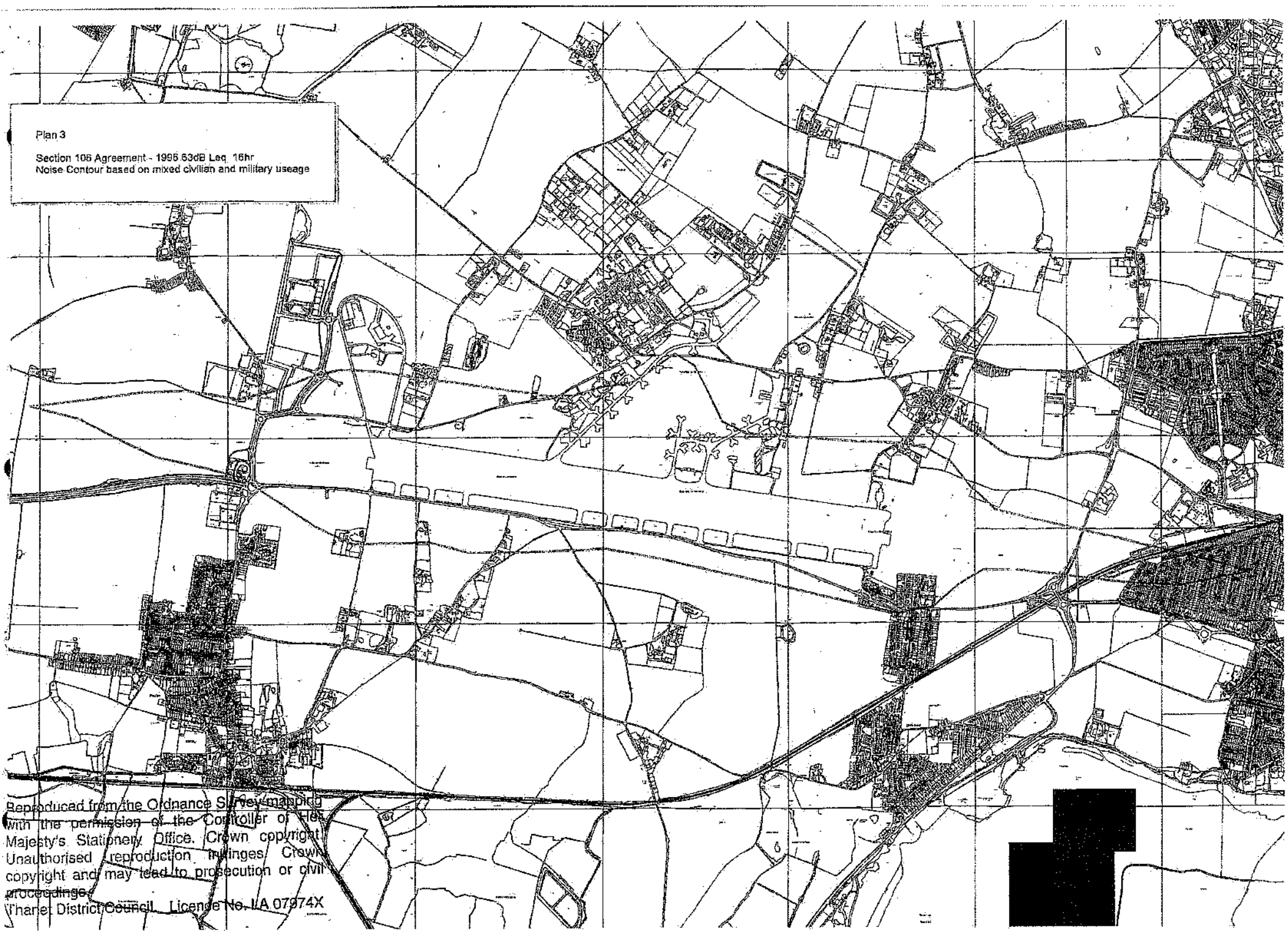

Plan 2
LONDON - MANSTON AIRPORT
THE PROPERTY
FOR IDENTIFICATION PURPOSES ONLY


Plan 3
Section 106 Agreement - 1995 63dB Leq, 16hr
Noise Contour based on mixed civilian and military useage
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