

TR020002 Manston Airport: Environment Agency’s response to first written questions and requests for information

ExQ1	Question to:	Question:	Environment Agency response:
Ec.1	Ecology and Biodiversity (including Habitats Regulations Assessment(HRA))		
Ec.1.7	<p>The Applicant Environment Agency (EA)</p>	<p>NE [RR-1408] Surface water discharge</p> <p>The ES contains details of an outline drainage strategy (DS)[APP-033 and APP-045-048]. The intention at the operational stage is for all surface water to be treated on site and then discharged via an existing outfall into Pegwell Bay.</p> <p>Based on Figure 1.1 [APP-036] it is clear that the outfall lies within the boundary of a number of designated nature conservation sites. However, the Biodiversity chapter 7 [AP-033] is unclear exactly which designated sites and relevant interest features have the potential to be affected by the surface water outfall. References to ‘the Pegwell Bay designated sites’ are not sufficient.</p> <p>It is clear that the detailed design of the drainage strategy is not intended to come until after DCO consent at which point the Applicant ‘may’ need to apply for a new discharge permit from the Environment Agency (EA) (ES , Para 3.3.74 [APP-033]).</p> <p>However, Table 7.7 [APP-033] states on the same issue that ‘Discharge from these ponds will be via a permitted discharge to Pegwell Bay.’</p> <p>Table 8.6 [APP-033] summarises the Applicant’s discussions to date with the EA. The most recent position appears to be that as the discharge to the Pegwell Bay</p>	<p>i. We understand that the Applicant plans to discharge clean, uncontaminated effluent via a surface water outfall to Pegwell Bay. As such no permit or authorisation is required. Anything other than this will be classified as an incident and investigated, and if necessary enforcement action could be taken against the person/company responsible for the pollution it may cause.</p> <p>Since the Environmental Permitting (England & Wales) Regulations 2016 (as amended) came into force a permit for surface water discharge is usually no longer issued because it should be clean and uncontaminated. We would only issue an Environmental Permit for surface water in exceptional circumstances.</p> <p>ii. This should be provided by the Applicant.</p> <p>iii. This should be provided by the Applicant. Given the outfalls</p>

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		<p>outfall would be of surface water it would not normally require a permit. Given that the DS is an outline, that there is apparent ambiguity over whether the surface water discharge during operation will be controlled by a permit and the current lack of clarity over the designated site interest features which could potentially be affected, Natural England considers it premature at this stage for the Applicant to conclude that there will be no significant impacts on internationally or nationally designated sites as a result of the surface water discharge.</p> <p>i. What is the view of the Applicant and the EA?</p> <p>ii. Provide the following:</p> <ul style="list-style-type: none"> • A clear list of the designated sites and relevant interest features which have the potential to be affected by the surface water outfall; and • A description of the type of habitat that surrounds the outfall. <p>iii. Confirm the likely nature, method and extent of works required to repair the damaged scour protection at the Pegwell Bay Outfall (ES Appendix 7.8 photographs in Appendix F)</p>	<p>proximity to designated sites, Natural England should be consulted on any works proposed.</p>
E.1	Other environmental		
E.1.8	Natural England	Incomplete surveys	Ecological surveys

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	<p>(NE) KCC Environment Agency (EA) Heritage England (HE)</p>	<p>Paragraph 5.4.17 of the ES [APP-033] states: <i>“Although complete surveys have presently not been possible, sufficient information exists whereby the following has been applied. Where survey information is absent, a realistic worst-case approach has been adopted to what might be found had all the surveys been carried out, based on desktop surveys, analysis and site surveys undertaken. This is coupled with a commitment to carry out further surveys once access to land has been obtained, whether through voluntary agreement or compulsory access following the making of the application, or should the DCO be granted, access once ownership of the land has been obtained.”</i></p> <p>What limitations and uncertainty do NE, EA, KCC and HE believe these incomplete surveys introduce into the EIA?</p>	<p>As there are no biodiversity features of interest to us on the site or likely to be affected by the proposal, we have no comments to make with regards to ecological surveys.</p> <p>Ground investigation surveys Although no detailed ground investigation surveys have been undertaken we consider that this does not alter the core views indicated in the EIA. The Applicant has had access to detailed desk top studies, historical information and surveys, undertaken by third parties on various parts of the site, that are in the public domain. Taking a realistic worst case scenario based on the above has enabled an adequate assessment of likely ground conditions and potential requirements for any hotspot remediation works. Any uncertainty is within a scale which is manageable by standard approaches to land contamination and any required remediation works.</p>

