

Date: 08 March 2019
Our ref: 273190
Your ref: TR020002



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Dear Mr MacDonald

NSIP Reference Name / Code: Manston Airport / TR020002
Natural England's submission for Deadline 4: comments on the Applicant's responses to the ExA's 1st written questions

Thank you for the opportunity to comment on the responses to the Examining Authority's 1st written questions. Natural England would like to comment on some of the responses made by the Applicant [REP3-195].

Ec.1.1

The Applicant's response to KWT's concerns about assessment of noise and pollution impacts on ecological sites states that no further assessment is necessary on aerial deposition and water discharge. Natural England's view is that further assessment is necessary on air quality impacts, particularly in relation to the in combination assessment. Natural England's views on the water discharge are set out under Ec.1.7 below.

Ec.1.2

The Applicant's response to KWT's concerns regarding wildlife hazard management states that there will be no significant effect from bird scaring on golden plovers. However, Natural England has requested further information on the use by golden plovers of the land within 1km buffer. The Applicant has agreed, in the SoCG [REP3-184], to provide this information.

Ec.1.5 (iv)

Natural England would like to advise the Applicant that mitigation land would not be eligible for Countryside Stewardship (or any other agri-environment scheme). Therefore, we welcome the commitment to provide it without public funding.

See section 3.4.12 of the Higher Countryside Stewardship manual and section 3.4.11 of the Mid-Tier CS manual which says:

Land that is under another obligation such as planning permission or Section 106 requirements

Countryside Stewardship cannot fund works that must be undertaken as a requirement of:

- *any planning permission*
- *a Section 106 agreement or equivalent*
- *restoring or remediating any works undertaken illegally.*

Mitigation from a development should be funded by the development for the duration of the effects (i.e. in perpetuity). The reasons why doing this through an agri- environment scheme would be

inappropriate includes the fact these schemes are voluntary, short term (5 years) and any given application is not guaranteed acceptance – which removes the certainty of deliverance of the mitigation measures. This is notwithstanding that mitigation addressing impacts brought by a private venture should not be publicly funded in this manner.

Ec.1.6

- i) Natural England welcomes the commitment to provide the noise contour maps we've requested by Deadline 4.
- ii) Whilst the Applicant has committed to produce a Wildlife Hazard Management Plan (WHMP) post-DCO consent, sufficient detail is necessary now, so that the impacts of that plan can be assessed under the Habitats Regulations. Nevertheless, Natural England accepts that the types of measures set out in the answer to Ec.1.6ii) are standard measures likely to be employed. We also accept that provided these measures are confined to the airfield and not on adjacent farmland, then a 1km buffer for potential impacts, as set out in the ES is appropriate. As noted above under Ec.1.2 the Applicant has agreed to provide further information on the implications of bird scaring for golden plovers within this 1km buffer.
- iii) Natural England has provided information in our written representation (paragraphs 3.2.13-14) on the reasons why we do not agree with the Waterbird Disturbance and Mitigation Toolkit. We have, therefore, advised the Applicant that the noise contour maps they have agreed to provide, should be overlain with the designated sites boundaries, and the locations where the interest features of the SPA/Ramsar/SSSI can typically be found. We have also advised that it is the change in noise that is relevant, rather than the use of a threshold for impact. Therefore, the noise contour maps should be compared with the background, to enable an assessment of the change to be made.

Ec.1.7

- i) Natural England notes that the Environment Agency, in their response to the ExA's first questions, has confirmed that as the Applicant plans to discharge clean, uncontaminated effluent via an existing surface water outfall, then no permit or authorisation is required. This is helpful clarification, however Natural England advises that certainty is required for the HRA that the surface water will be uncontaminated.

Our view is that in principle, Sustainable Drainage Systems (SuDS) are an appropriate way of avoiding pollutants entering sensitive designated sites. However, Natural England recommends using the risk-mitigation index approach in the CIRIA SuDS Manual to demonstrate that the SuDS proposed is sufficient. Furthermore, clarity is required over the additional measures required to address the specific pollutants arising from the runway and aprons. Monitoring will also be required, with emergency measures incorporated, to ensure that contaminated water does not enter the designated site.

- ii) The list of sites and habitats provided by the Applicant, and the reference to the photographs of the outfall in Appendix 7.8 of the ES [APP-046] are helpful. Natural England is satisfied that this resolves our request for confirmation of the habitats and species potentially affected by the outfall.
- iii) The list of works required to repair and refurbish the outfall is helpful. From the list of works presented, it does not appear that there will be any direct loss of the designated sites as a result of the works. This resolves Natural England's concern (set out in paragraph 3.3.6 of our written representation) that the scour protection and channel works at the outfall may impact the designated sites. The only remaining potential issue is the method by which the repair works will be carried out. The Applicant's answer to Ec.1.7 states that the works could be carried out by 2-3 man teams with maintenance vehicles. These vehicles should avoid the mudflat if at all possible. If it is unavoidable, mitigation measures will be needed, such as the use of bog mats, to avoid compaction of the mudflat. Furthermore, the works should be

timed outside the wintering period to avoid disturbance to the bird interest of the designated sites. It is not clear whether the maintenance work would be covered by the DCO, but if not it may need a separate SSSI consent from Natural England.

I hope this information is helpful in progressing the Examination.

Yours sincerely

Alison Giacomelli
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