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Our ref: 279225
Your ref: TR020002



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Dear Mr MacDonald

NSIP Reference Name / Code: Manston Airport / TR020002

**Natural England's submission for Deadline 6:
Answers to the Examining Authority's second written questions (ExQ2)
Comments on the Applicant's responses to Written Representations [REP4-025]**

Annex 1 to this letter sets out Natural England's answers to the Examining Authority's second written questions. Further detail on our views in relation to noise impacts on birds (question Ec.2.7) is set out at Annex 2.

Natural England has also reviewed the transport and air quality information submitted by the Applicant at Deadline 5 [REP5-012], and the Applicant's responses to Written Representations [REP4-025], specifically the Applicant's responses to Natural England's air quality comments. We would like to update the Examining Authority on our views regarding the air quality assessment. These views are set out at Annex 3 to this letter.

I hope this information is helpful in progressing the Examination.

Yours sincerely

Alison Giacomelli
Sussex and Kent Area Team

Annex 1

Natural England's answers to the Examining Authority's Second Written Questions

ExQ2	Question to:	Question:	Answer:
Ec.2.7	Natural England	<p>European sites noise contours</p> <p>In light of the ecology noise contour maps submitted by the Applicant at Deadline 4 [REP4-018], confirm whether, in Natural England's view:</p> <ul style="list-style-type: none"> i. The scope of European designated sites considered within the Applicant's habitats regulations assessment remains appropriate? ii. The revised noise contour data enables agreement with the conclusion that there will be no adverse impact on designated sites and features in relation to bird disturbance? iii. A significant adverse effect could arise for SSSI features (grey plover, sanderling and ringed plover)? 	<ul style="list-style-type: none"> i. Natural England's view is that the ecology noise contour maps demonstrate that there are potentially significant noise impacts on the north Thanet coast between Herne Bay and Westgate. This coastline is within the Thanet Coast and Sandwich Bay SPA, but was not considered in the Applicant's habitats regulations assessment. Therefore, Natural England's view is that this is an omission that needs to be rectified. ii. Given this omission, Natural England's view is that the revised noise contour data <u>does not</u> enable us to agree with the conclusion that there will be no adverse impact on designated sites and features from disturbance. Further detail is provided at Annex 2 to this letter. iii. Based on the noise contour mapping, Natural England's view is that significant effects on SSSI waders cannot be ruled out. Further detail is provided at Annex 2 to this letter.
DCO.2.9	Natural England	<p>The Revised 2.1 Draft Development Consent Order submitted at Deadlines 3 [REP3-186] on 22 February 2019 and 5 on 29 March 2019 [REP5-index number to be allocated] includes additional references to Natural England at Arts. 16(5) and 16(6) and Requirements 6(1) and 7(1).</p> <ul style="list-style-type: none"> i. Is Natural England content to be referenced in the parts of the draft DCO? ii. Are there other parts of the draft DCO at which Natural England would justifiably wish to be referenced either as a body to be consulted or as an approving body? 	<ul style="list-style-type: none"> i. Natural England is content to be referenced under Requirement 6(1), Construction Environmental Management Plan, and Requirement 7(1), Operation Environmental Management Plan. ii. Natural England wishes to be referenced as a consulting body at Requirement 13(1) and 13(2) in relation to surface water drainage. This is because the surface water outfall discharges to Sandwich Bay SAC, which could be adversely affected if the water is contaminated.

Annex 2

Comments from Natural England on the Ecology Noise Contour Maps submitted by the Applicant at Deadline 4 [REP4-018]

In our Written Representation [REP3-089], Natural England recommended that:

'To determine the potential operational disturbance to golden plovers, turnstones and little terns, and SSSI waders, from aircraft: predicted noise contour maps (for both peak L_{Amax} and continuous L_{Aeq} noise levels) showing contours in 5dB increments from 55dB upwards. This should then be compared to existing noise contour maps, and overlain with the designated site boundaries and key bird locations, to assess the change in the noise environment of the SPA.'

Noise contour maps have now been provided [REP4-018] for peak and continuous noise levels. Natural England accepts that existing noise contour maps cannot be provided as the airport is not operational. However, our assertion remains that it is the change in noise from the current situation that is important in assessing the impacts on SPA bird species.

The note accompanying the noise contour maps [REP4-18] states that the current ambient noise is $42dB_{LAeq16hr}$ at Pegwell Bay, and that during operation the noise levels are predicted to be $50-63dB_{LAeq16hr}$. Natural England's view is that a change of this magnitude constitutes a likely significant effect, and therefore, an Appropriate Assessment of the impacts of noise is necessary.

The noise contour maps [REP4-18] show that 22% of flights are from less noisy types of aircraft, which are not predicted to result in noise above $60dB_{LAmax}$ within the SPA. Although the 55dB contour does overlap with a small part of the site, Natural England's view is that this type of aircraft would not cause significant disturbance to birds within the Thanet Coast and Sandwich Bay SPA (the SPA).

However, the medium and noisy aircraft contour maps show that significant proportions of the SPA are affected by peak noise levels above 60dB. Natural England's Written Representation suggested that the noise contour maps should be overlain with designated site boundaries and key bird locations. The latter part of this recommendation has not been followed. This would have been helpful in determining the proportion of the SPA bird populations that are affected.

The noise contour maps show that the northern part of the Thanet Coast, either side of Herne Bay, is subject to noise $>60dB$ when the prevailing wind is from the east. Under these conditions, the noisy and medium planes total 29 flights a day for 110 days per year. When the prevailing wind is from the west, the coast from Reculver to Westgate would be affected by noise $>60dB$, and a short stretch $>75dB$. Under these conditions, the noisy and medium planes would total 14 flights per day for 255 days per year.

The northern part of the Thanet Coast was not considered in the ES or the Applicant's Habitats Regulations Assessment. Natural England's view is that this is an omission that should be rectified. The SPA in this location supports turnstones foraging at low tide, and in high tide roosts. The Applicant has not surveyed in this location, so Natural England recommends contacting the British Trust for Ornithology to obtain Wetland Bird Survey (WeBS) core and low tide count data for the area. This will enable an assessment of the proportion of the SPA population potentially affected.

The northern part of Pegwell Bay is affected by noisy and medium aircraft when the prevailing wind is from both east and west. Therefore, the northern shore is affected (when prevailing wind is from the W) by peak noise above 60dB by 36 flights/day for 255 days/year. For the rest of the year, the northern shore is affected by 29 flights/day (110 days/year). The applicant's survey in 2016/17 recorded a peak of 54 turnstones in the northern part of Pegwell Bay. Golden plover do not tend to use this part of the site.

About half of Pegway Bay is affected by noise above 60dB: 20 flights/day when the prevailing wind is from the west (255 days/year); and 29 flights/day when the prevailing wind is from the east (110 days/year). This mid-part of Pegwell Bay is less important for turnstone, but the Applicant's surveys

show it is used by golden plovers.

Natural England's view is that the noise contour maps submitted do not allow an adverse effect on the integrity of the SPA to be ruled out.

SSSI species

Sandwich Bay to Hacklinge Marshes SSSI (the SSSI) is notified for its wintering golden plover, grey plover, ringed plover and sanderling. Golden plovers are considered above as they are a feature of the SPA.

The Applicant's bird surveys recorded low numbers of sanderling (fig. 3.6 in the Winter Bird Report [APP-045]). However, the peak count recorded in Pegwell Bay by the Wetland Bird Survey (WeBS) in 16/17 was 77 individuals. Whilst only small numbers of birds were recorded by the Applicant's surveys, they were found in the middle of Pegwell Bay, in the area that would be subject to peak noise of over 60dB. Based on this, significant impacts cannot be ruled out.

The Applicant's bird surveys also recorded low numbers of grey plover (fig. 3.5 in the Winter Bird Report [APP-045]), though they were more evenly distributed across Pegwell Bay than sanderlings. The peak WeBS count for grey plover in Pegwell Bay was 135 birds in 16/17.

The Applicant did not record any ringed plovers during their Winter Bird Survey. However, the peak WeBS count in 16/17 was 81 individuals.

Annex 3

Comments from Natural England on Air Quality, particularly in relation to the Applicant's responses to Written Representations [REP4-025]

In paragraph 3.4.3 and 3.4.4 of our Written Representation [REP3-089], Natural England questioned whether the Applicant had assessed air quality impacts 'in combination'. In their answer to this question, the Applicant states in REP4-025 that *'the air quality impacts of future traffic growth are not included in the PC results presented in the ES, but are included in the PEC'*, which is an incorrect method of assessment. It is the Process Contribution (PC) that must be assessed in combination, i.e. the contribution of the application plus the contribution of unbuilt development in nearby Local Plans and other relevant developments, that should be calculated as a percentage of the environmental benchmark¹. It is not appropriate to include other plans and projects into a projected background and assess the addition of the PC of the proposals alone.

As Natural England's conclusions on significance of impacts in our Written Representation was clearly caveated as based on a correct 'in combination' assessment, any conclusions of non-significance cannot now be relied on until further information has been supplied. We note that further traffic modelling is being undertaken, so we would expect the air quality assessment to be updated accordingly and with the 'in combination' assessment correctly applied. We would expect the 'in combination' assessment to consider the unbuilt out levels of development in nearby Local Plans together with other such plans and projects that should be considered.

In paragraph 3.4.5 of our Written Representation, Natural England stated that further assessment is required where the PC is over 1% (without decimal point accuracy). The Applicant's reply to this comment quotes IAQM guidance. The IAQM quoted is not guidance but rather a short position statement from January 2016. However the position statement states (and as quoted within the ES) *"Furthermore, it should be recognised that the criterion was set as 1% and not 1.0%. It may be considered by some that it is prudent to explore the likelihood of an adverse effect when the impact is, say 1.2% of a critical load, but the reality is that this was never the original intention of the methodology"*. This means that, as stated in our Written Representation, the percentage should be rounded and not used to decimal point accuracy.

In paragraph 3.4.6 of our Written Representation, Natural England commented on the timing of when the air quality figures in APIS were calculated. The Applicant's comments in relation to this point imply that they have not fully understood the relevance of the issue. It is not when APIS was accessed, but the date of the background levels that are being used on APIS that is relevant. As APIS is using background levels from the period 2013-2015, this means that any approved development that has been built since this date needs to be added to the APIS stated background, to ensure that the background that is being used in the air quality modelling is up to date. Local Plan development, and development not included in the Local Plan, would have come forward within the last 4 years with resultant increases in traffic; thus these emissions need to be added to the background – particularly when considering the impact of traffic on designated sites. This should be addressed when the air quality modelling is re-run following the updated traffic modelling.

In paragraph 3.4.7 of our Written Representation, Natural England suggested it would be useful if the contour plots were able to demonstrate the overlap between road and air sources, and also for the contour plots to clearly show where the Process Contribution of NO_x is more than 1% (or relevant proxy) of the Critical Level where the background is at or over 100%. We note the Applicant's comments with regard to contour plots for roadside air quality impacts. It would be helpful but is not essential to produce contour plots for roadside locations. However, the contour plots for the airport alone, also do not clearly show where the Process Contribution of NO_x is more

¹ To assess significance in combination, the Process Contribution (PC) of the proposal plus other plans/projects must be calculated as a percentage of the relevant environmental benchmark (either Critical Level or Load). This calculation is relative to the environmental benchmark, not the background pollution levels. The combined PC is added to the background to get the Predicted Environmental Concentration (PEC). If the combined PC is less than 1% of the environmental benchmark it is not significant.

than 1% (or relevant proxy) where the background is at or over 100% of the Critical Level. This would clearly illustrate the areas of habitat that are discussed within Chapter 7 [APP-033] in relation to the potential effects on designated sites. We request that this information is submitted when the amended air quality information is submitted.

In paragraph 3.4.22 of our Written Representation, Natural England noted that the construction and operation phase effects sections for years 2, 6 and 20 specifically consider the impact of NO_x on the designated sites but all appear to be incorrect. The Applicant states that the Errata Sheet submitted at Deadline 3 updates the assessment and results in all of the locations. However, that document only contains a correction for NO_x in year 2 at one location.

In summary, the following information is necessary in order to be able to determine whether there will be an adverse impact on the integrity of any designated nature conservation sites from air quality impacts:

- a) An updated air quality assessment taking account of the updated transport modelling that has been carried out, and including an in combination assessment of the Process Contributions from the proposal and other plans or projects.
- b) The updated air quality assessment should ensure that any approved development that has been built since 2015 is added to the APIS stated background. This is necessary so that the background that is being used in the air quality modelling is up to date.
- c) Contour plots to clearly show where the Process Contribution of NO_x is more than 1% (or relevant proxy) where the background is at or over 100% of the Critical Level. This should be overlain with habitat data to clearly illustrate the potential effects on designated sites.
- d) An updated consideration of the impact of NO_x from construction and operation phase effects for years 2, 6 and 20 on designated sites.