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Your ref: TR020002



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Dear Mr MacDonald

NSIP Reference Name / Code: Manston Airport / TR020002

**Natural England's submission for Deadline 7a:
Answers to the Examining Authority's third written questions (ExQ3)**

Annex 1 to this letter sets out Natural England's answers to the Examining Authority's third written questions.

Natural England would also like to notify you that we would like to attend Issue Specific Hearing 6 on the Habitats Regulations Assessment (5 June 2019).

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 Third Written Questions

ExQ3	Question to:	Question:	Answer:
Ec.3.1	Natural England	<p>Applicant's response to Second Written Question Ec.2.2 on Ecological Surveys</p> <p>The Applicant has been unable to complete a full suite of ecological surveys. The Applicant notes in their response:</p> <p><i>"It is now expected that access to the site will not be granted to the Applicant until after the Development Consent Order (DCO) has been made.</i></p> <p>The Applicant goes on to state:</p> <p><i>"Requirement 8 of the DCO has been put in place as a pre-commencement condition, to allow confirmation of the worst-case scenario assessed in the ES [APP-033] prior to commencement of construction works."</i></p> <p>The Applicant argues that the worst-case scenario considered in the ES [APP-033] is highly conservative and that the provision for circa 38ha of mitigation land as defined in the Mitigation and Habitat Creation Plan (Appendix 7.5 [APP-045] of the ES [APP-033]) will be sufficient to mitigate the ecological effects of the Proposed Development.</p> <p>i. In light of the recent additional information and submissions relating to ecology, noise and air quality, is Natural England (NE) proposing to update its Statement of Common Ground (SoCG) with the Applicant.</p>	<p>i. Natural England's SoCG with RiverOak Strategic Partners, submitted at Deadline 4 [REP4-002], contained a number of matters not yet agreed, and set out the further information Natural England had requested regarding bird disturbance, water quality and air quality impacts. The majority of this information has now been submitted. However, Natural England remains in discussion with the Applicant over the conclusions to be drawn from the further information submitted. Therefore, Natural England is proposing to update the SoCG once these discussions have been concluded.</p> <p>ii. In the absence of agreed national targets for the amount of biodiversity net gain that individual developments should achieve, the requirement for a net gain of 'at least' 10 biodiversity units is acceptable. Using the biodiversity metric at Appendix B, 10 biodiversity units equates to a net gain of around 1.4ha of semi-improved neutral grassland, which could be seen as rather unambitious. Nevertheless, based on the calculation presented in Appendices A and B, the proposal would deliver a net gain of 181.65 biodiversity units.</p> <p>iii. Using the metric presented in the Technical note: Manston Airport DCO: Quantification of Net Gain [REP6-014] and Appendix B to that note, and based on the habitats set out in the Mitigation and Habitat Creation Plan [APP-044], the mitigation land would provide 253.89 biodiversity units.</p> <p>Assessment using the same metric, set out at Appendix A [REP6-014], shows that the habitats that would be lost within the airport site have a score of 306.5 biodiversity units. This calculation requires Phase 1 habitat survey information to identify the broad habitat type. It appears from the information presented by the Applicant that this level of habitat information</p>

		<p>ii. Is Requirement 8 and in particular the net gain of 10 biodiversity units, of the dDCO an adequate provision in the absence of the full suite of ecological surveys?</p> <p>iii. In NE's view, is the provision for circa 38ha of mitigation land as defined in the Mitigation and Habitat Creation Plan (Appendix 7.5 [APP-045] of the ES [APP-033]) sufficient to mitigate the ecological effects of the Proposed Development in the absence of the full suite of ecological surveys?</p>	<p>is available. However, more detailed information on the condition of the habitat types is not available. Therefore, the biodiversity metric assumes that the condition is 'moderate' for all habitat types (which results in a higher score for habitat losses). The Technical Note explains that this is precautionary as some habitats are likely to be in 'poor' condition. Natural England's view is that this approach is acceptable in the absence of the full suite of ecological surveys.</p> <p>As the 306.5 biodiversity units lost on site would not be fully replaced by the 253.89 on the mitigation land, the net gain of 181.65 noted under question ii above can only be achieved by enhancing the grassland on the airport site. Doing so reduces the loss on the airport site to 72.46 units.</p> <p>Paragraph 2.1.3 of the Technical Note states that the enhancement will be achieved through reduced herbicide use whilst retaining the long grass policy. Without detailed surveys and an understanding of the current level of herbicide use, there is some uncertainty as to whether the stated enhancement is achievable.</p>
Ec.3.2	Natural England	<p>Outfall Works</p> <p>Is NE satisfied with the Applicant's response to the ExAs Second Written Question Ec.2.10?</p>	<p>As the works would require consent, they constitute a plan or project under the Habitats Regulations. Natural England's view is that if the works to the outfall are reasonably foreseen, ie they are likely to be required as a result of the airport proposal, then they should be included as part of the 'in combination' assessment in the RIAA [APP-044].</p> <p>The Applicant's response to Ec.2.10 states that Natural England's representation [REP4-057] indicates that consent would be granted subject to the mitigation measures mentioned. Our representation did not state that consent would be granted, but set out key mitigation measures that would be likely to be necessary. Subject to the detail of the works and a method statement, different or additional mitigation measures may be required.</p>

