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**BY EMAIL ONLY**

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Dear Mr MacDonald

**NSIP Reference Name / Code: Manston Airport / TR020002**

**Natural England's submission for Deadline 8:  
Written Summary of oral submission put at Issue Specific Hearing 6**

Annex 1 to this letter sets out a written summary of Natural England's oral submissions made at the Issue Specific Hearing (ISH) on Habitats Regulations Assessment, biodiversity and other environmental issues. As time was limited at the ISH, Annex 1 also contains some additional detail regarding the reasoning behind Natural England's conclusions. Where relevant I have also added our conclusions on the Updated Report to Inform an Appropriate Assessment [REP7a-014].

I hope this information is helpful in progressing the Examination.

Yours sincerely

Alison Giacomelli  
Sussex and Kent Area Team

## Annex 1

### Written Summary of Natural England's oral submission put at Issue Specific Hearing 6

#### Matters not yet agreed between Natural England and the Applicant

1. The Statement of Common Ground (SoCG) between the Applicant and Natural England [REP5-015] sets out further information required to enable Natural England to come to a view on whether there will be an adverse effect on the integrity of European sites in the vicinity of the proposal. All the information required has now been provided. Our conclusions based on the information supplied are set out below.
2. The SoCG also set out key points on air quality, particularly around the 'in combination' assessment required by the Habitats Regulations. Natural England has been working to resolve these issues with the Applicant.

#### Air quality assessment

3. The Appendix to the Updated Report to Inform an Appropriate Assessment (Updated RIAA) [REP7a-014] contains modelling of the nitrogen and acid deposition affecting ecological receptors as a result of the proposal. This Appendix clearly sets out the Process Contribution (PC) from the proposal, and the contribution from other plans and projects (defined as the ICC – In-Combination Contribution in that document). Both the PC and ICC are compared to the Critical Load, ie the 'alone and in combination' assessment required by the Habitats Regulations.
4. Natural England advises that this approach should have been taken for NO<sub>x</sub>, as it would have provided a clearer audit trail. However, our view is that the approach taken in the Applicant's Addendum to the Environmental Statement Chapter 6 Air Quality [REP6-016] is acceptable.
5. The Updated RIAA [REP7a-014] contains an assessment of the ecological implications for the receptors for which significant effects from NO<sub>x</sub>, N deposition and acid deposition could not be ruled out. Natural England agrees with the conclusion of that assessment, ie that an adverse effect on the integrity of European sites from air quality impacts can be ruled out for the reasons set out in paragraphs 4.5.3.16 to 4.5.3.36 of that document.
6. However, it should be noted that, whilst it is acceptable to factor in to the assessment the declining background levels of NO<sub>x</sub>, up-to-date figures should be used. For example, paragraph 4.5.3.16 references an average 2% yearly reduction in NO<sub>x</sub>, but actual figures are available in Defra's Emission Factors Toolkit (EFT) v.8, albeit up to 2030.

#### Bat licensing

7. Natural England has not yet received a draft bat licence from the Applicant. We have, therefore, not been able to progress a Letter of No Impediment (LoNI). Our comments on protected species, therefore, remain as set out in our Written Representation [REP3-089].

#### Surveys and Biodiversity Net Gain

8. There is uncertainty over the Applicant's calculation of biodiversity net gain [REP6-014] due to the lack of ecological surveys for the airport site. However, Requirement 8 of the DCO does secure a net gain of 10 biodiversity units. In the absence of agreed standards on how much net gain a project should provide, then this requirement is acceptable. Natural England is, therefore, content with the wording of Requirement 8.

#### Habitats Regulations Assessment

9. Outfall works – The Applicant's response to Ec.1.7 sets out the maintenance works required to

the outfall to Pegwell Bay. These works would require SSSI consent from Natural England if they are separate to the DCO application. Consent will depend on the method used and mitigation included. Natural England had advised, in our response to Ec.3.2, that the outfall works should be included in the 'in combination' Habitats Regulations Assessment. The Updated RIAA [REP7a-014] does this satisfactorily and Natural England accepts the conclusions.

10. Air Quality – Natural England accepts the answers that the Applicant has given in response to Ec.3.3. We consider that they resolve the issues we raised in our deadline 6 submission [REP6-6-048]. As noted above, Natural England's advice is that the updated air quality assessment and ecological assessment set out in the Updated RIAA [REP7a-014] are sufficient to conclude no adverse effect on the integrity of any European sites.
11. Noise contours - Noise contour maps have been provided [REP4-018], which are helpful as Natural England does not agree that if 70dB is a threshold for moderate/severe disturbance, then less than this is negligible. Therefore, contours are helpful in illustrating the gradation in the noise environment. They are also helpful in identifying that parts of the north Thanet coast are potentially affected. Natural England is satisfied that consideration of this part of the Thanet Coast and Sandwich Bay SPA is now included in the Updated RIAA [REP7a-014].
12. As recommended by Natural England, the Updated RIAA compares the current noise levels experienced in Pegwell Bay with the noise that would be experienced during operation. Whilst Pegwell Bay does currently experience noise events over 70dB, the increase in noise peaks due to airport operation would not be insignificant.
13. The SPA conservation objective for turnstones is to restore their population abundance as this has declined since designation<sup>1</sup>. The citation population is a 5 year mean (86/87-90/91) of 1340, compared to the current Wetland Bird Survey (WeBS) 5 year mean of 153 birds<sup>2</sup>.
14. The Applicant recorded a peak of 54 birds within the 70dB contour (figure 3.1a of the Bird Disturbance Survey Report, RIAA Appendix G) during their 16/17 survey. This is 4% of the SPA citation population, but around 40% of the peak WeBS count in 16/17. The Applicant's 18/19 survey recorded 31 turnstones in the north of Pegwell Bay (figure 3.5a of the Bird Disturbance Survey Report, RIAA Appendix G). This is a similarly a small percentage (2%) of the SPA citation population, but a significant proportion of the current population.
15. Turnstones may appear to be tolerant of disturbance, however, experiments have shown that if turnstones are fed with mealworms, they fly away at greater distances from disturbance<sup>3</sup>. This suggests that lack of flight in response to disturbance in this species does not necessarily mean that birds are habituated, but that they may not have the energy reserves to expend on flight.
16. Given the declining population of turnstones, and the significant proportion of that population potentially affected by increased noise levels, Natural England remains concerned that the operation of the airport would hinder the 'restore' Conservation Objective. Hence our view is that there is still some uncertainty over whether an adverse effect on integrity will be avoided.
17. Where there is uncertainty, Natural England would normally recommend inclusion of mitigation measures to give more confidence in a conclusion of no adverse effects. However, in this situation, options are limited. Since the ISH, Natural England has been exploring mitigation options with the Applicant and Thanet District Council. Unfortunately, these discussions have not

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<sup>1</sup> Supplementary Advice on Conservation Objectives can be found on Natural England's designated sites view website: <https://designatedsites.naturalengland.org.uk/Marine/SupAdvice.aspx?SiteCode=UK9012071&SiteName=thanet&SiteNameDisplay=Thanet+Coast+and+Sandwich+Bay+SPA&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=>

<sup>2</sup> Frost, T.M., Austin, G.E., Calbrade, N.A., Mellan, H.J., Hearn, R.D., Robinson, A.E., Stroud, D.A., Wotton, S.R. and Balmer, D.E. 2019. Waterbirds in the UK 2017/18: The Wetland Bird Survey. BTO, RSPB and JNCC, in association with WWT. British Trust for Ornithology, Thetford.

<sup>3</sup> Beale & Monaghan (2004) Behavioural responses to human disturbance: a matter of choice? J. Animal Behaviour 68:1065-1069

yet concluded.

18. Golden plovers are found in parts of Pegwell Bay that are predicted to experience significant noise levels. However, the highest numbers are found in the south of the Bay, and they have more available habitat than turnstones, in the form of grassland and arable habitat inside and outside the SPA. Therefore, Natural England is more certain that an adverse effect on the integrity of this species will be avoided during operation of the airport.
19. Functionally linked land for golden plovers – In our Written Representations, Natural England had raised concerns about the effect of bird scaring on golden plovers using arable habitat around the airfield. In order to determine whether the effective loss of habitat within the 1km buffer will have an adverse effect on the integrity of the site, we requested information on the suitability of habitat within the buffer, including the crop rotation (ie how often the land would be suitable for golden plovers). This information has now been provided at Appendix H to the Updated RIAA. The explanation set out at paragraph 5.1.5 of that document, that the landform and existing developments/infrastructure screen the potentially suitable habitat to the south of the A299, is particularly helpful. Based on Appendix H, Natural England is satisfied that an adverse effect on the integrity of golden plovers from bird scaring on the airfield can be ruled out.
20. Requirement 13 [PD-015] – Natural England is satisfied with the proposed wording of Requirement 13 and has no comment to make.