

## Natural England's Answers to the Examining Authority's Fourth Written Questions

ExQ4	Question to:	Question:	Answer:
Ec.4.2	Natural England	<p><b>Turnstone mitigation</b>  TDC in their Deadline 8 [REP8-029] submission state:  <i>“TDC have investigated the use of the Council’s Strategic Access Management and Monitoring Plan (SAMM) by the applicant to overcome Natural England’s concern over the impact of the development on the integrity of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The SAMM is primarily focussed on the impact of recreational disturbance in relation to human recreational activities, with contributions required from residential development in the district to fund mitigation/survey work at the SPA to address this impact. The contribution amount is linked to the housing targets within the Draft Local Plan to create a ‘per dwelling’ requirement. The SAMM project is specifically targeted to mitigate a particular impact, and there is no provision in the SAMM for contributions/mitigation to mitigate the impact of the proposed development (aircraft movements and the noise associated). The SAMM is therefore not considered the appropriate mechanism</i></p>	<p>Natural England has discussed the possibility of a contribution to the SAMM project with TDC. However, as it is not possible to equate the disturbance resulting from an aircraft movement with the disturbance arising from a dwelling, it is not possible to derive an appropriate financial contribution. Therefore, we concur with TDC’s view that the SAMM is not an appropriate mechanism for mitigating the potential disturbance from the airport operations.</p> <p>Natural England has also enquired of other stakeholders as to whether there are any discrete projects aimed at reducing recreational disturbance to turnstones in Pegwell Bay that the Applicant could contribute to, with the aim of achieving no net increase in disturbance. The type of project might be some screening between a turnstone high tide roost and walkers, or footpath manipulation to encourage separation of walkers/dogs and a high tide roost. The aim would be to reduce stress on the birds from recreational disturbance so they are better able to cope with other forms of disturbance. Unfortunately these sorts of projects take time to identify and agree with stakeholders. Therefore, we have been unsuccessful in finding anything suitable that is already identified and ready to be implemented.</p> <p>Consequently, we have discussed further with the Applicant’s consultants steps they could take to reduce the uncertainty over the conclusion of no adverse effects on the integrity of the SPA. In particular, the Updated RIAA [REP7a-014] concludes that as the recreational disturbance studies that were undertaken when the airport was previously operational did not specifically identify disturbance from commercial aircraft (aircraft disturbance was noted, but the report states that the greatest disturbance was caused by low flying aircraft and helicopters), disturbance from a re-opened airport is unlikely. Natural England’s view is that the validity of this argument depends on whether the new airport will be equivalent to the old.</p> <p>Therefore, we suggested that the Applicant consider whether the flightpaths will be the same and whether the number of peak noise event will be similar. We</p>

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*for mitigating this particular impact on the SPA.”*

i **In the light of TDC's response what further mitigation is required in respect of turnstone to support a conclusion of no adverse effects on integrity of the Thanet Coast and Sandwich Bay SPA?**

ii **What is the current status of the discussions between the parties on this mitigation?**

understand that the predicted number of aircraft movements from the current proposal is greater, but some of the planes that previously operated were noisier. Natural England therefore asked the Applicant to try to quantify this so it can be seen whether the noise environment will be significantly different as a result of the current proposal.

Natural England has had sight of the Applicant's Technical Note 'Pegwell Bay: Noise and Turnstone', which we understand will be submitted at Deadline 9, and have been able to discuss this with the Applicant's consultants. We made several comments on the background section, and so parts of this may be updated. Nevertheless, we would like to make the following points, though recognise these may have already been addressed in the version that is submitted:

1. As set out in our Written Representation [REP3-089], Natural England does not agree that 70dB is a suitable threshold for assessing disturbance, which is why we have been requesting noise contour maps. As stated in our Deadline 6 submission [REP6-048] the noise contour maps show that 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). It was this level of disturbance that caused us concern.
2. In terms of Natural England's view of the impact of the previous Manston Airport, as the Airport was in place before the SPA, there was no mitigation for impacts on the birds. Therefore, it is not the case that we deemed any previous mitigation effective in avoiding disturbance. Nevertheless, Natural England had suggested to the Applicant that if the flightpaths were similar (or at least no closer to Pegwell Bay), then this would be helpful in concluding that the impacts of a new airport would not be any worse. However, as noted above, it was not just an assessment of the flightpaths that would provide the evidence necessary to address our concerns, but an

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			<p>assessment of the noise produced by the previous fleet mix, compared to that predicted.</p> <p>Turning to the conclusions of the Technical Note, it is shown that the flightpath is similar to that previously, and the noisiest planes that used to fly from Manston would not be allowed at the new airport. Therefore, although the previous airport caused fewer peak noise events, these would have been louder than would be produced by the proposed operations. As the previous disturbance study<sup>1</sup> did not specifically note disturbance by commercial aircraft, even though the planes would have caused greater peak noise events, this provides evidence for the Applicant's assertions.</p> <p>Therefore, Natural England is satisfied that sufficient evidence has been provided to resolve our uncertainty over noise disturbance impacts on turnstones in Pegwell Bay. We accept that, for the reasons set out in section 3 (Assessment) of the Technical Note, an adverse effect on integrity can be ruled out.</p> <p>Further weight is added to that conclusion by the provisions set out in section 4 of the Technical Note. Natural England welcomes the recognition that disturbance is a key pressure on SPA bird species and that unforeseen circumstances, such as changes in the fleet mix, may have an impact. Therefore, we welcome the measures set out in section 4, which guard against that eventuality. The noise mitigation plan encourages the use of quieter aircraft, and the funding for disturbance monitoring and projects addresses any risk of residual impact.</p>
Ec.4.3	The Applicant Natural England	<p><b>Bat licence</b> At ISH6 the Applicant confirmed that a bat licence application had not been submitted to Natural England due to ongoing negotiation regarding land access and that it was unlikely that an application would be made prior to</p>	<p>Natural England's view is that there is no fundamental reason of principal why we would not issue a bat licence. As set out in our Written Representation [REP3-089], the applicant has not yet completed the necessary surveys to identify and characterise all potential bat roosts, but broadly speaking we agree with the approach taken, and our view is that the provision of the bat barn, bat bunkers and bat boxes, are suitable compensation for losses. However, paragraph 3.5.1 made</p>

<sup>1</sup> Swandale, T and Waite, A. 2012. Pegwell Bay, Kent: Bird Disturbance Study 2010-2011. Kent Wildlife Trust, Maidstone

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		<p>completion of the examination. Natural England confirmed that without a licence application it would not be possible to provide a Letter of No Impediment (LONI), this position was reiterated in Natural England's Deadline 8 submission.</p> <p>i <b>Confirm your programme for submission of a bat licence application to Natural England.</b></p> <p>ii <b>Explain how the ExA should have comfort in making their decision with this matter outstanding.</b></p>	<p>recommendations that we would expect to be incorporated into any draft licence application. Therefore, provided the Applicant carries out the necessary surveys (though we note Stone Hill Park's answer to Ec.2.2, which gives us some concern in this regard), and follows Natural England's advice and recommendations in making a satisfactory licence application, we will be able to issue the licence.</p>
Ec.4.4	TDC Kent County Council (KCC) Natural England	<p><b>Incomplete Surveys</b></p> <p><b>Confirm whether the worst-case assessment and proposed mitigation set out in the Environment Statement (ES) biodiversity chapter [APP-033] is sufficient to mitigate the likely significant effects of the Proposed Development or whether any further remedy is required prior to the close of the Examination.</b></p>	<p>Natural England's concern with incomplete surveys is addressed in our answer to Ec.4.3. We do not consider further remedy is required (or that it is possible) prior to the close of the Examination.</p>
Ec.4.5	The Applicant Natural England	<p><b>Air quality addendum and the RIAA</b></p> <p>The revised air quality assessment (Appendix I to the RIAA [REP7a-014]) is based on the revised Transport Assessment with the Manston-Haine link. Natural England agreed at Deadline 8 [REP8-028] that the revised air quality assessment information provided at</p>	<p>Section 2.2 of Appendix I to the RIAA [REP7a-014] states that the revised transport assessment [REP5-021] is used to enable an in combination assessment of air quality impacts. The revised transport assessment states (section 5) that the Manston-Haine link road set out in the Thanet Transport Strategy runs through the northern grass area of the airport, and so is incompatible with the DCO. Therefore an alternative alignment has been tested in the Thanet Strategic Traffic Model (TSTM) for the 'with Proposed Development' scenario.</p>

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		<p>Deadline 6 addressed previous concerns relating to the Applicant's approach to in-combination assessment. If the Applicant is now relying on the original Transport Assessment without the Manston-Haine link:</p> <p><b>To the Applicant</b></p> <p>i <b>Explain which air quality assessment the RIAA relies on?</b></p> <p>ii <b>Explain whether the original air quality assessment addresses Natural England's air quality concerns raised in previous representations?</b></p> <p><b>To Natural England</b></p> <p><b>Confirm whether it is of the view that the original air quality assessment (without the Manston-Haine link) addresses its concerns raised during the Examination?</b></p>	<p>If the Applicant now wishes to rely on the original Transport Assessment which did not include a Manston-Haine link road, then Natural England's view is that the air quality assessment would have to be re-done. This is because the original air quality assessment contained numerous inaccuracies and did not contain an in combination assessment, as set out in our Written Representation [REP3-089].</p> <p>We understand from the Applicant that they are relying on the in combination assessment for NOx, set out in [REP6-016] and the in combination assessment for nitrogen and acid deposition set out in Appendix I [REP7a-014] for the RIAA. Natural England agrees with this approach.</p>																														
Ec.4.9	Natural England	<p><b>Wintering birds</b></p> <p>At Deadline 7 Natural England's representation stated that wintering bird surveys were not robust due to the lack of assessment for Thanet north coast. An assessment of effects on bird populations on the north coast is provided in Deadline 7a RIAA. It includes WeBS data for the SPA/Ramsar east of Herne Bay but not to the centre/west of Herne Bay, where Henderson and Sutherland 2017 recorded Golden Plover in 2016/2017. At Deadline 8 Natural England concluded</p>	<p>Natural England has extracted the turnstone data from the WeBS database for the Herne Bay count sector – see table below. It should be noted that these data should be regarded as in draft as the BTO hold the full dataset. Nevertheless, the data show that the Herne Bay sector (which includes coastline to the east and west of the town) supports significant numbers of turnstones. The WeBS sector only includes the intertidal area and did not record any golden plovers on the survey dates in the table below.</p> <table border="1" data-bbox="1086 1212 2139 1380"> <thead> <tr> <th>Species</th> <th>Site</th> <th>GridRef</th> <th>Date</th> <th>Time</th> <th>Count</th> </tr> </thead> <tbody> <tr> <td>Turnstone</td> <td>Herne Bay</td> <td>TR170685</td> <td>10/09/2017</td> <td>14:50</td> <td>52</td> </tr> <tr> <td>Turnstone</td> <td>Herne Bay</td> <td>TR170685</td> <td>07/10/2017</td> <td>13:40</td> <td>84</td> </tr> <tr> <td>Turnstone</td> <td>Herne Bay</td> <td>TR170685</td> <td>17/11/2017</td> <td>10:30</td> <td>116</td> </tr> <tr> <td>Turnstone</td> <td>Herne Bay</td> <td>TR170685</td> <td>21/12/2017</td> <td>13:40</td> <td>87</td> </tr> </tbody> </table>	Species	Site	GridRef	Date	Time	Count	Turnstone	Herne Bay	TR170685	10/09/2017	14:50	52	Turnstone	Herne Bay	TR170685	07/10/2017	13:40	84	Turnstone	Herne Bay	TR170685	17/11/2017	10:30	116	Turnstone	Herne Bay	TR170685	21/12/2017	13:40	87
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		<p>that consideration of the north coast of Thanet had been included in the RIAA. Paragraph 3.1.7 of RIAA appendix G states that:</p> <p><i>“Two years of survey data are usually required to inform an assessment of effects on the qualifying bird features of a SPA. It is considered however, that the large quantity and quality of the data obtained from WeBS and KOS are sufficient to provide a robust baseline on which to base the assessment.”</i></p> <p>i <b>Confirm whether, in Natural England's view, the Applicant should provide WeBS data for the coastline immediately west of Herne Bay; and</b></p> <p>ii <b>Confirm whether Natural England is satisfied with the assessment of effects provided in relation to the designated site on the north coast of Thanet?</b></p>	<table border="0"> <tr> <td>Turnstone</td> <td>Herne Bay</td> <td>TR170685</td> <td>19/01/2018</td> <td>12:40</td> <td>130</td> </tr> <tr> <td>Turnstone</td> <td>Herne Bay</td> <td>TR170685</td> <td>18/02/2018</td> <td>13:40</td> <td>63</td> </tr> <tr> <td>Turnstone</td> <td>Herne Bay</td> <td>TR170685</td> <td>18/03/2018</td> <td>12:50</td> <td>32</td> </tr> <tr> <td>Turnstone</td> <td>Herne Bay</td> <td>TR170685</td> <td>22/04/2018</td> <td>14:00</td> <td>38</td> </tr> <tr> <td>Turnstone</td> <td>Herne Bay</td> <td>TR170685</td> <td>11/09/2018</td> <td>13:30</td> <td>33</td> </tr> <tr> <td>Turnstone</td> <td>Herne Bay</td> <td>TR170685</td> <td>16/10/2018</td> <td>14:30</td> <td>20</td> </tr> <tr> <td>Turnstone</td> <td>Herne Bay</td> <td>TR170685</td> <td>21/11/2018</td> <td>10:40</td> <td>7</td> </tr> <tr> <td>Turnstone</td> <td>Herne Bay</td> <td>TR170685</td> <td>11/12/2018</td> <td>13:20</td> <td>29</td> </tr> <tr> <td>Turnstone</td> <td>Herne Bay</td> <td>TR170685</td> <td>22/01/2019</td> <td>10:40</td> <td>62</td> </tr> <tr> <td>Turnstone</td> <td>Herne Bay</td> <td>TR170685</td> <td>19/02/2019</td> <td>11:00</td> <td>33</td> </tr> <tr> <td>Turnstone</td> <td>Herne Bay</td> <td>TR170685</td> <td>26/03/2019</td> <td>11:00</td> <td>24</td> </tr> <tr> <td>Turnstone</td> <td>Herne Bay</td> <td>TR170685</td> <td>23/04/2019</td> <td>13:50</td> <td>18</td> </tr> </table> <p>Natural England's view is that the Technical Note: Pegwell Bay and Turnstones, referred to in our answer to Ec.4.2., whilst not specifically addressing potential disturbance to the north Thanet Coast, is relevant. We are satisfied that the justification for the conclusion of no adverse effects on integrity, set out in that note, also applies to the north Thanet Coast.</p>	Turnstone	Herne Bay	TR170685	19/01/2018	12:40	130	Turnstone	Herne Bay	TR170685	18/02/2018	13:40	63	Turnstone	Herne Bay	TR170685	18/03/2018	12:50	32	Turnstone	Herne Bay	TR170685	22/04/2018	14:00	38	Turnstone	Herne Bay	TR170685	11/09/2018	13:30	33	Turnstone	Herne Bay	TR170685	16/10/2018	14:30	20	Turnstone	Herne Bay	TR170685	21/11/2018	10:40	7	Turnstone	Herne Bay	TR170685	11/12/2018	13:20	29	Turnstone	Herne Bay	TR170685	22/01/2019	10:40	62	Turnstone	Herne Bay	TR170685	19/02/2019	11:00	33	Turnstone	Herne Bay	TR170685	26/03/2019	11:00	24	Turnstone	Herne Bay	TR170685	23/04/2019	13:50	18
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