

ExQ1	Question to:	Question:
AQ.1.4	Natural England	<p><b>Air quality impacts on designated ecological sites</b></p> <p>Paragraph 9.118 of the Planning Statement [APP-080] states:</p> <p><i>"In terms of impacts on ecological sites, some exceedances of the annual mean NOx objective are predicted where major roads pass close to designated ecological sites, mainly because of levels of emissions from existing road traffic. The additional contribution from the Proposed Development, including airport-related traffic, is small, less than 7% of the objective at any major ecological site. The impact on air quality at local ecological sites is insignificant. Exceedances of the critical loads for nitrogen and acidity are predicted due to existing deposition rates, and the additional contribution from the Proposed Development is insignificant."</i></p> <p><b>Does NE agree that the air quality impacts on ecological sites are insignificant?</b></p> <p><b>Natural England's response:</b></p> <p>Natural England does not agree, at this stage, that the impact of annual mean NOx on ecological sites is insignificant. Detail on the reasons for this are set out in Section 3.4 of our Written Representation.</p>

AQ.1.5	Natural England (NE) TDC	<p><b>Scoping out SO<sub>2</sub>, CO and VOCs</b></p> <p>Table 6.2 of the ES [APP-033] scopes out the above compounds for the reasons given at paragraph 6.4.19 of the ES.</p> <p><b>Do NE and TDC agree with this scoping out?</b></p> <p><b>Natural England's response:</b>          Whilst SO<sub>2</sub> has been scoped out, sulphur impacts acidity, and this has been modelled. Therefore, Natural England agrees the correct compounds, which have an ecological effect, have been assessed. For further detail see section 3.4 of our Written Representation.</p>
AQ.1.9	Natural England (NE)	<p><b>Table 6.2 [APP-033] nonhuman receptors</b></p> <ul style="list-style-type: none"> <li>i. <b>Are NE content that the Applicant's scope of non-human receptors considered in the air quality assessment considers the most sensitive habitats?</b></li> <li>ii. <b>Has NE agreed the selection of non-human air quality receptors with the Applicant?</b></li> </ul> <p><b>Natural England's response:</b></p> <ul style="list-style-type: none"> <li>i. Natural England has advised the Applicant that the air quality model should assess impacts on designated nature conservation sites (SSSIs) within 5km of the Order Limits, not 2km (as stated in paragraph 6.4.9 [APP-033])</li> <li>ii. Natural England provided this advice in a telephone conference on 1 February 2019.</li> </ul>

AQ.1.10	Natural England (NE) The Applicant	<p><b>Paragraph 6.4.4. [APP-033] Cartesian Grid for Air Quality</b></p> <p>This grid does not cover the full extent of the specific receptors.</p> <ul style="list-style-type: none"> <li><b>i. Can the Applicant list the specific receptors that are not covered?</b></li> <li><b>ii. Does NE regard the grid coverage to be sufficient to cover the locations where the impacts are expected to be greatest?</b></li> </ul> <p><b>Natural England Response:</b></p> <p>ii. Natural England does not have any specific comment to make. Our detailed comments on air quality issues are set out in section 3.4 of our Written Representations.</p>
AQ.1.11	Natural England (NE) PHE TDC	<p><b>Table 6.6 [APP-033]</b></p> <p><b>Do NE, PHE and TDC have any comments on rationale for incorporation of the environmental mitigation measures proposed in Table 6.6 [APP-033]?</b></p> <p><b>Natural England response:</b></p> <p>Natural England has made detailed comments on the assessment of air quality impacts on ecological receptors in section 3.4 of our Written Representations. Until this assessment has been carried out satisfactorily, it is not possible to comment on suitable mitigation measures.</p>

Ec.1.1	The Applicant Natural England	<p><b>Kent Wildlife Trust (KWT) [RR- 0978]</b></p> <p>KWT believe that the Noise Mitigation Plan [APP-009] does not consider in sufficient detail the impacts of specific flightpaths. KWT would hope to see a further examination on the predicted level of disturbance and pollution that will be caused by the airport proposal at sensitive nearby sites, such as Sandwich and Pegwell Bay.</p> <p><b>What is the view of the Applicant and Natural England?</b></p> <p><b>Natural England's response:</b>          Natural England agree with KWT that further examination is needed.</p> <p>Noise impacts have not been assessed fully, and there is not enough information to confirm no adverse effects on integrity.</p> <p>Please refer to Natural England's Written Representation (dated 15/2/2019, Our Ref 267771) which provides more detail on this issue.</p>
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Ec.1.2	The Applicant Natural England	<p><b>KWT [RR-0978]</b></p> <p>KWT considers that the Environmental Statement [APP-033] needs to demonstrate that the measures to safely disperse birds and other wildlife from the runways without harm need to be further demonstrated, alongside a long-term conservation management plan that can demonstrate how consideration for wildlife can be accommodated alongside the specific requirements for commercial airport land use management.</p> <p>It is the view of KWT that these above matters have still not been adequately considered since the last iteration of statutory consultation, in particular with respect to Sandwich and Pegwell Bay.</p> <p><b>What is the view of the Applicant and Natural England?</b></p> <p><b>Natural England's response:</b> Natural England agrees with the Kent Wildlife Trust's views, above.</p> <p>Please refer to Natural England's Written Representation (paragraphs 3.2.7-3.2.10) for more detail on this issue.</p>
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Ec.1.3	The Applicant Natural England	<p><b>KWT [RR-0978]</b></p> <p>Kent Wildlife Trust have concerns over the methodology and detail of some of the species surveys undertaken:</p> <p><b>Section 41 species:</b></p> <p>S41 species are the species found in England which were identified as requiring action under the UK BAP and which continue to be regarded as conservation priorities under the UK Post-2010 Biodiversity Framework.</p> <p>The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.</p> <p>KWT are concerned about the potential impact upon the Kent priority species brown hare. KWT would have expected to see further survey and detailed proposals to mitigate for this species.</p> <p><b>What is the view of the Applicant and Natural England?</b></p> <p><b>Natural England's response:</b></p> <p>Natural England defer to the Kent Wildlife Trust for specific views on potential impacts, as well as survey and mitigation requirements for the brown hare.</p> <p><b>Invertebrate Survey:</b></p> <p>KWT believe the timing and survey effort for the invertebrate survey is suboptimal. Considering that the survey was made late in the season and</p>
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		<p>under poor conditions for bees and wasps, and that few of the group, in terms of either species or individuals, were encountered, the number of scarce aculeates with restricted distribution is impressive and suggests that this group will prove of substantial interest.</p> <p><b>What is the view of the Applicant and Natural England?</b></p> <p><b>Natural England's response:</b> Natural England defer to the Kent Wildlife Trust for specific views on the invertebrate surveys carried out.</p>
Ec.1.8	Natural England	<p><b>ECJ Rulings on Mitigation in HRA Screening</b></p> <p>In April 2018, the European Court of Justice (ECJ) issued a decision in the case of <i>People Over Wind, Peter Sweetman v Coillte Teoranta (C-323/17)</i>. The ruling confirmed that proposed mitigation measures cannot be taken into account for the purposes of screening under the UK Habitats Regulations, which give effect to the EU Habitats Directive (92/43/EEC) [APP-044].</p> <p><b>Does Natural England (NE) have a view on the significance of these rulings for the Applicant's <i>Report to Inform the Appropriate Assessment</i> [APP-044]?</b></p>

		<p><b>Natural England's response:</b></p> <p>Natural England's view is that the Applicant's screening under the EU Habitats Directive (92/43/EEC) (HRA Step 4: Screening Assessment of Likely Significant Effects) in the Report to Inform the Appropriate Assessment (APP-044) does not take into account mitigation measures and therefore meets the requirements of the European Court of Justice (ECJ) ruling following the decision in the case of <i>People Over Wind, Peter Sweetman v Coillte Teoranta (C-323/17)</i>.</p>
Ec.1.9	Natural England	<p><b>Designated sites</b></p> <p>The Planning Statement [APP-080] states at paragraph 2.18:</p> <p><i>"There are no statutory environmental designations that apply within the DCO application site. However, the outfall corridor goes through/under the Sandwich Bay Special Area of Conservation (SAC) and its constituent Site of Special Scientific Interest (SSSI)</i></p> <p><i>(Sandwich Bay to Hacklinge Marshes). The outfall discharges into the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar site."</i></p> <p><b>Does Natural England concur with the above statement?</b></p> <p><b>Natural England's response:</b></p>



		<p>Natural England notes that the first part of the statement is correct, i.e. that the outfall corridor goes through/under the Sandwich Bay Special Area of Conservation (SAC) and its constituent Site of Special Scientific Interest, Sandwich Bay to Hacklinge Marshes.</p> <p>However, as well as the Thanet Coast and Sandwich Bay SPA, the outfall also discharges into:</p> <ul style="list-style-type: none"><li>• Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI)</li><li>• Sandwich Bay Special Conservation Area (SAC)</li><li>• Sandwich and Pegwell Bay National Nature Reserve (NNR)</li></ul> <p>Additional note: the outfall is:</p> <ul style="list-style-type: none"><li>• Around 200m from Thanet Coast Special Conservation Area (SAC)</li><li>• Approximately 4,500 m away from the Thanet Coast Marine Conservation Zone (MCZ)</li></ul>
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E.1.8	Natural England (NE) KCC Environment Agency (EA) Heritage England (HE)	<p><b>Incomplete surveys</b></p> <p>Paragraph 5.4.17 of the ES [APP-033] states:</p> <p><i>“Although complete surveys have presently not been possible, sufficient information exists whereby the following has been applied. Where survey information is absent, a realistic worst-case approach has been adopted to what might be found had all the surveys been carried out, based on desktop surveys, analysis and site surveys undertaken. This is coupled with a commitment to carry out further surveys once access to land has been obtained, whether through voluntary agreement or compulsory access following the making of the application, or should the DCO be granted, access once ownership of the land has been obtained.”</i></p> <p><b>What limitations and uncertainty do NE, EA, KCC and HE believe these incomplete surveys introduce into the EIA?</b></p> <p><b>Natural England’s response:</b></p> <p>Natural England’s view is that an appropriate worst-case approach has been taken regarding bats. Please refer to Natural England’s Written Representation (dated 15/2/2019, Our Ref 267771) for more detail on this issue.</p>
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