

**Natural England's Comments on the draft Section 106 agreement and planning conditions. CD 17.3 and CD 17.5 dated 21 July 2011**

Please note: these comments are sent without prejudice to Natural England's objections to the applications, or what transpires at the Inquiry. These are Natural England's comments at this stage. We may have further comments as discussions on the draft conditions and section 106 obligation continue.

Natural England Ref	Relevant section of Draft conditions or planning obligation	Comments	Rationale for changes requested
<b>CD 17.3 Draft Section 106 Planning Obligation</b>			
1.1	Definitions and Interpretation		
1.2	Calendar Year	This is defined as the financial year. Elsewhere conditions in respect of the terminal building defines 'calendar year' as 1 <sup>st</sup> Jan – 31 <sup>st</sup> Dec.	Provide a consistent definition, to avoid confusion.
1.3	Ecology Buffer Zone Appendix 9	A map is referred to and is purported to be provided at Appendix 9. The map is not attached.  In the water vole and protected species Statement of Common Ground the text refers to the 1km survey extending from the Airport site boundary. The current text states 'from the Airport site'.	NE have not yet seen this map and would like to do so before the document is finalised. Text should be amended so that it is consistent with what has been agreed between the parties.
1.4	Runway Extension	A map is referred to and is purported to be	NE notes that LAA have said that this

	Additional Land Appendix 3	provided at Appendix 3. The map is not attached	map is under preparation.
1.5	11.3.5 & 11.3.6	The text appears to be the wrong way round for these two points.	This appears to be a simple typographical error.
	<b>Schedule 1 (page 21)</b>		
1.6	10  Off Site Bird Habitat Management	<p>This title – referring to ‘<i>habitat management</i>’ is misleading.</p> <p>In relation to the offsite application of bird control and management measures, the new provisions in sections 10 to 12 are both unsatisfactory in themselves and provide no answer to NE’s concerns. They provide no substantive restrictions on what can be done and they provide no assistance in assessing the impacts of the offsite application of bird control and management measures.</p> <p>The definition of Bird Control Emergency Measures is wide and would allow measures to be taken on a frequent basis under this exception, without being within the ambit of paras 10.2-10.3. The definition does not confine or limit the measures which may be taken at all.</p> <p>The definition of Off-Site Bird Control Measures only covers action taken by the</p>	To help protect ornithological features of the designated sites.

		<p>Airport Operator and not therefore landowners, farmers, contractors and the like who may be acting on behalf of or at the instigation of LAA. The definition also does not define “bird control measures” and does not expressly cover a number of measures which might be employed: scaring/dispersal (e.g. by dogs and people), habitat management (as opposed to modification), land use changes (as opposed to agricultural modifications), etc.</p> <p>The restrictions in paras 10.2 and 10.3 only apply to measures “approved as part of the BCMP”. There is no express prohibition on carrying out measures which have not been included in the BCMP. The section106 agreement does not say that LAA cannot carry out, or cause the carrying out of, any off site bird control measures other than those approved under para 10.2.</p>	
1.7	10.1	<p>10.1 requires the BCMP to include details of offsite bird control measures, but the December 2010 version of the BCMP does not include such details and condition 18 requires the BCMP to be in general compliance with the December 2010 draft.</p>	<p>To help protect ornithological features of the designated sites.</p>

1.8	10.2	<p>The issues in the inquiry relating to what could occur as offsite measures, and the problems in assessing the impacts of these at this stage, remain unaddressed. It is currently not at all clear what the nature, intensity or extent of off-airfield bird control would be. The BCMP does not set out the measures proposed to decrease the risk of bird strike and their maximum intensity and scope such that their impacts could be assessed. The provisions in section 10 do nothing to define or limit the effects the offsite measures could have on the designated sites, their interest features and supporting habitats.</p> <p>The piecemeal approval process under para 10.2 could lead cumulatively to measures being taken the impact of which taken together is very substantial. There is no means of judging the cumulative impact of measures or of re-visiting measures which have previously been approved.</p>	To help protect ornithological features of the designated sites.
1.9	10.2.3 10.2.4	The requirements in paras 10.2.3 and 10.2.4 only apply to measures involving a change in land use. They would not therefore apply to changes in respect of habitats or agricultural practices which fall short of being a change in	To help protect ornithological features of the designated sites.

		<p>land use.</p> <p>The provisions in paras 10.2.3 and 10.2.4 would be most unlikely to go any way towards mitigating or offsetting the impact of the measures, because the measures would be designed to remove the interest (e.g. the food source, habitat, etc) from the land for the affected birds and could not replace this interest without undermining the reason for taking action.</p>	
1.10	10.3 10.4	<p>The need for agreement by SDC in para 10.3, or the approval of an expert under para 10.4, to the carrying out of measures approved as part of the BCMP is unlikely to limit the impact of the measures on the designated sites, their interest features and supporting habitats, due to the need to preserve safety once the Airport is operational.</p>	<p>To help protect ornithological features of the designated sites.</p>
1.11	10.6	<p>In para 10.6, the phrase “<i>where it considers necessary to do so</i>” should not apply to carrying out measures in accordance with the approved BCMP and details, but the current drafting is not particularly clear. The detail should be in the BCMP.</p>	<p>To help protect ornithological features of the designated sites.</p>

1.12	10.7	<p>The reporting should include the scope and duration of the measures (as in 10.2). It should also review the likelihood of recurrence and the need for measures to limit this recurrence, together with an assessment of whether this will have an impact on the designated sites.</p>	<p>To help protect ornithological features of the designated sites.</p>
1.13	<p>11 Monitoring of the BCMP</p>	<p>The monitoring is not related to and does not include the effects of the BCMP on the designated sites, their interest features or supporting habitats. The monitoring as such relates only to the efficacy of the BCMP in relation to the management of bird strike risk. The only reference to the effects of the BCMP is to conflict having arisen with “conservation organisations” (in para 11.1.3). The monitoring and reporting should include the effects of all bird control and related activities on the designated sites, their interest features and supporting habitats. This contextual setting for the BCMP is important. The monitoring should not only address the bird hazard but also the bird interest in the vicinity of the Airport. These could be two different things, as some species may not be regarded</p>	<p>To help protect ornithological features of the designated sites.</p>

		as bird hazard but would be affected by the bird control measures under the BCMP. It is hard to see how this will be monitored if there is not an understanding of the complete bird interest in the area.	
1.14	11.1	<p>Provides for the submission of proposed amendments to the BCMP to SDC as part of the annual review, but under the provisions in section 11 this review only applies in certain years and not at all more than five years after the 40,000 cap is reached.</p> <p>Furthermore, it does not take into account the need for any changes to go through an appropriate assessment in terms of the neighbouring designated site interest features.</p>	To help protect ornithological features of the designated sites.
1.15	12 BCMP Panel and Remedial Measures Scheme	The consideration of remedial measures only arises when the monitoring under section 11 is being undertaken, but the timing provisions in section 11 mean that monitoring would not be undertaken for periods in the growth to 40,000 aeroplane movements and in the period beyond five years after reaching that level. So there would be no provision for	To help protect ornithological features of the designated sites.

		<p>remedial measures to be applied in these periods at all.</p> <p>Also, linking monitoring to the number of aeroplane movements is not appropriate as it leaves out of account a range of other factors which could influence the effects of the operation of the Airport on the designated sites, their interest features or supporting habitats, such as the nature of the aircraft using the Airport, the bird control and related measures being employed over time, or changes in the local environment or the designated sites and their interest features. The monitoring should apply for every year of the Airport's expanded operation.</p> <p>The approach of the BCMP Panel in section 12, coupled as well with the lack of monitoring of impacts under section 11 in relation to the designated sites, is unacceptable. It is inappropriate to seek to place an obligation on NE to assess the impact of the BCMP on the designated sites interests and to design whatever remedial measures may be required. NE should be a consultee in such work, but the obligation to undertake it should be on LAA as the Airport Operator and not on</p>	
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		<p>NE.</p> <p>The BCMP Panel should also include something like an environmental manager, employed by LAA, who can service the Panel.</p>	
1.16	12.2 – 12.6	<p>Paragraphs 12.2, 12.3 and 12.6 put the focus of the work of the BCMP Panel on “<i>protected bird species</i>”. However, NE is not primarily concerned with protected species of birds as such, but rather the designated sites, their interest features or supporting habitats. The interest features of the designated sites include not only protected species of birds but also other species and assemblages of birds – and their habitats. All these matters must be considered.</p> <p>In para 12.2, in relation to the SPA, the text says that before remedial measures would be required there would have to be an adverse impact on the integrity of the SPA from the bird control measures. This threshold is too high and bird control activities having lesser impacts may require action, not least as there would be combined effects from all activities related to the operation of the expanded Airport. This paragraph also does not</p>	To help protect ornithological features of the designated sites.

		<p>expressly provide for impacts in relation to the SSSI, pSPA, or pRamsar.</p> <p>Any such ‘adverse impact on integrity’ tipping points would need to be agreed which allow for remedial action to be taken so as to avoid or mitigate those potential adverse impacts. No evidence on what those tipping points should be has been put before this Inquiry.</p> <p>There is no information before the Inquiry as to what remedial measures could be taken, nor whether such measures would be effective or even possible. The efficacy of the provision for remedial actions, and the extent to which this could offset the impacts of the bird control measures, cannot therefore be assessed.</p> <p>Under para 12.4, LAA can decline to follow any remedial proposals presented by the BCMP Panel. There is therefore nothing to ensure that remedial action would be taken even if it was warranted. There is no apparent mechanism to ensure that remedial actions are required to be taken by LAA.</p> <p>In para 12.5, 21 days would be far too short a</p>	
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		<p>period of time to undertake the steps in paras 12.2 and 12.3, not least as any assessment of the impacts on the designated sites, their interest features or supporting habitats, and design of remedial measures, would have been done in this time period as well.</p> <p>In para 12.6.2, there is an obligation to ensure that remedial measures are carried out within six months of approval. Whilst measures should be commenced as soon as possible, measures may have to be on-going and continuous and it would not therefore be appropriate to require all measures to have been carried out within six months if they have to be carried out continuously.</p> <p>The scheme in section 12 appears to envisage that remedial measures can be inserted into the BCMP, but there is nothing in the definition of the BCMP in the s106 agreement or in condition 18 to suggest that the BCMP is intended to cover remedial measures. The existing December 2010 draft does not cover remedial measures, and condition 18 requires the BCMP to be in general compliance with that version. It is far from clear therefore how remedial measures</p>	
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		<p>can be incorporated into the BCMP.</p> <p>The scheme in sections 11 and 12 also appears to envisage that SDC would approve any future versions of the BCMP, but condition 18 provides only for a one-off approval of the BCMP before the runway extension comes into operation. There is nothing in sections 11 and 12 which expressly provides that any future iterations of the BCMP must be approved by SDC. It is not clear that SDC has control over the contents of future versions of the BCMP, nor to require the inclusion of remedial measures in the BCMP. SDC should retain this control if it is to be fully satisfied that it has fulfilled its duties under the Habitats Regulations.</p> <p>There is no provision for expert determination (as in para 10.4) in the event that SDC is not inclined simply to approve the monitoring and review results presented by LAA, under para 12.6.</p>	
1.17	19 Air Quality	<p>This section requires a statement that: <i>'The AQMAPS should be revised annually, and the AQMS reviewed when required. Any</i></p>	NE believes that this would provide some useful clarity in the context of this section. The changes are also necessary in order to reflect what was

		<i>revisions to the AQMP or the AQMS should be subject to further consultation with Natural England and the Council</i> ’.	intended to be included following the agreement of the Statement of Common Ground on Air Quality monitoring matters.
1.18	19.4.1	Delete sub-paragraph (a) and (b).	These are superseded by Appendix 4.
1.19	19.7.1	<p>NE request that the wording:  <i>‘...submit a scheme of response measures...’</i>                      if exceedances are found be changed to:  <i>‘...submit a scheme of remedial measures...’</i></p> <p>References to examples in the annexes to the section 106 agreement should be removed throughout the document.</p> <p>Furthermore, the reference to <i>‘any significant adverse effects’</i> should be amended to <i>‘any adverse effect’</i>.</p>	<p>This is a more suitable approach in terms of preventing adverse impacts on the integrity of the SAC. NE believes that this would provide some useful clarity in the context of this section. The changes are also necessary in order to reflect what was intended to be included following the agreement of the Statement of Common Ground on Air Quality monitoring matters.</p> <p>This is because an adverse effect of this nature is significant at a designated site.</p>

1.20	21	<p>The paragraph title at 21 should also refer to bats.</p> <p>In addition to this paragraph 21.2 should be amended to read:</p> <p><i>“The Airport Operator shall use reasonable endeavours to extend the updated bat foraging and commuting behaviour survey (required to be undertaken within the Airport Site pursuant to the Runway Extension Planning Permission) to the area of land within the Ecology Buffer Zone. This extended zone is necessary to provide clarity on how the Airport fits within the wider habitat and ensure that the proposals maintain species populations affected by this development through habitat linkages across the site to the wider area”.</i></p>	<p>Bats are not mentioned in the paragraph title but they are referred to in 21.2</p> <p>Because there is a need for a wider survey area for bats. This extended zone is necessary to provide clarity on how the Airport fits within the wider habitat and ensure that the proposals maintain species populations affected by this development through habitat linkages across the site to the wider area.</p>
1.21	22.1 ABAP Panel	Suggest that RSPB is part of the ABAP Panel.	This is because RSPB are a local group undertaking ecological work close to the Airport.
1.22	22.2	Suggest a new 22.2.6, which states:	Safeguard against a fall in populations

		<i>'Maintenance of populations of all the species directly or indirectly affected by this development'.</i>	in species as a result of the development.
1.23	22.4	Agree in principle, but NE requires alternative timelines. NE suggests six to eight weeks.	This is to allow for internal consultation to take place.
1.24	22.10	Agree in principle, but NE requires alternative timelines. NE suggests six to eight weeks.	This is to allow for internal consultation to take place.
	<b>General Comments</b>		
1.25		<p>No changes have been made in response to the comments at 1.16 and 1.17 in NE/101 and so the comments remain.</p> <p>These comments were:</p> <p><b>9. Noise Management (9.1.5 /9.1.6):</b> Natural England recommends a threshold figure is set and agreed in the conditions. A mechanism for consultation with NE or the RSPB regarding the noise management plan should be included.</p> <p>The October 2007 SEI on birds and noise (CD 1.23i) and the October 2007 statement to inform (CD1.25c) included proposed mitigation measures for the effects of noise on birds, including a noise monitoring review and remedial system for noise effects on SPA birds. These measures should be included in</p>	To ensure the condition is enforceable help to protect the bird interest features of the designated sites.

		<p>the noise management provisions of the s106 obligation and specified in an appropriate level of detail.</p> <p>Natural England also notes that the Applicant’s draft heads of terms for the section 106 agreement dated 4 January 2010 reference was made to noise performance standards devised in terms of ornithology. This is also appended to the SDC’s planning committee report. This has been omitted from the latest draft of the s.106 obligations. This should be reinstated in order to monitor peak noise levels within the SPA.</p> <p><b>10 Operational Restrictions:</b> There are no provisions dealing with the relationship between the flight paths and other operational procedures and ecological interests. For example the obligation 10.1.1 could be reworded to state that <i>“every Aeroplane and helicopter to be operated in such a manner as to cause the least disturbance practicable to local residents and fauna of the designated sites”</i>.</p> <p>Monitoring in 10.4 should also include the flight path taken by planes. If predicted flight paths ratios used in the application documents are deviated from significantly, for example by greater use of the flight paths over flying the</p>	<p>To ensure agreed provisions for operation also take account and protect designated sites.</p>
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		designated sites and the SPA in particular then a remedial action plan should be produced and implemented. This should be secured by a condition.	
	<b>Appendices</b>		
1.26	Appendix 4 Air Quality Monitoring Proposals	The reference to number 12 and 13 (to be found in paragraphs numbered 12 and 13 in the new Appendix 4) should now read 'numbers 9 and 10'.	This appears to be a simple typographical error during the transposition from the Statement of common Ground.
1.27	Appendix 5 Agreed Vegetation Monitoring Proposals	There is an erroneous 13(f) which should be deleted.	This is a typographical error.

Natural England Ref	Relevant section of Draft conditions or planning obligation	Comments	Rationale for changes requested
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<b>CD 17.5 Draft Conditions</b>			
<b>E The Replacement Ditch Network</b>			
2.1	3  Construction Environmental Management Plan  3.3	<p>Reference to a habitat management plan to protect important flora and fauna habitats during the construction phase has been deleted from the revised draft condition 3. The reason given is that instead LAA will use construction species protection plans. However, these plans only relate to particular species (especially with regards the ditches, but also the bats). It does not include other species or habitats.</p> <p>NE would like to see proposal for a habitat management plan to be reinstated (subject to avoiding any conflict with the protected species requirements).</p>	<p>The proposal for a habitat management plan should be reinstated as this will take a broader view of the habitat management required across the site rather than focussing solely on protected species, which is the current situation with the species protection plans.</p>
2.2	10  Updated Baseline Ecological Surveys  10.2  10.3.2	<p>Suggest providing reference to current specific species guidelines, as per 10.1 and 10.3.</p> <p>The following references could be made: 10.2: “...such surveys to be undertaken at the appropriate time of year following the most up to date good practice guidelines for reptiles published by Natural England at the time of the survey”.  10.3.2: “...such surveys to be undertaken at</p>	<p>This would provide consistency of approach and ensure that best practice was followed. NE can discuss this further with LAA’s ecological consultants.</p> <p>Reference to ‘up to date’ because these good practice guidelines are currently in the process of being reviewed and updated – something which occurs from time to time.</p>

		<i>the appropriate time of year following the most up to date good practice guidelines for reptiles published by Natural England at the time of the survey”.</i>	
2.3	10.4	<p>In addition to standard splash sampling techniques it may be appropriate for further pond netting. This would extend the capture options for medicinal leech, which can be a challenge.</p> <p>As this would require work on all of the waters on the site this may also present a good opportunity to search for the presence of water bird nests.</p> <p>An example of good practice in respect of medicinal leech is:</p> <p>Ausden, M., Banks, B., Donnison, E., Howe, M., Nixon, A., Phillips, D., Wicks, D. &amp; Wynne, C. 2002. The status, conservation and use of the medicinal leech. <i>British Wildlife</i> <b>13</b>, 229-238.</p>	<p>NE would welcome the opportunity to meet with LAA’s ecological consultants to discuss these techniques and agree a suitable method.</p> <p>This reference deals with splash sampling. However a range of leech capturing techniques would be most appropriate on these ditches. NE suggests sampling in June to July (although May could be appropriate if water bird nests are present).</p>
2.4	10.5.1	A ditch NVC survey would be appropriate here.	An NVC survey could be used as it is a benchmark of water quality and can

			be understood and tracked over time. Again, NE would welcome the opportunity to meet with LAA’s ecological consultants to discuss and agree a suitable survey method.
2.5	10.5.3	<p>Should include reference to extending the remit of the survey to include amphibious invertebrates (to cover those on the lower ditch margins).</p> <p>This is referred to in 10.5.3 but requires a section in its own right. This should include a ditch scoring method which tracks and takes account of a greater proportion of the fauna than an analysis of what is rare.</p>	<p>This would provide a more robust approach in terms of understanding impacts on amphibious invertebrates as a result of the development.</p> <p>Again, NE would welcome the opportunity to meet with LAA’s ecological consultants to discuss and agree a suitable approach.</p>
2.6	11.1 Mitigation	Sixth line – reference to ‘10.4’ should read ‘10.5’.	This is a typographical error.
2.7	11.2	The phrase “ <i>have regard to and reference</i> ” should be replaced by the phrase “ <i>be informed by</i> ” (as in condition 11.1).	This language may be more suitable - although neither phrase is ideal.
2.8	11.4	Change the references from LAA/9/C to Appx 4, 5, 6 as set out in 11.1.	11.4.1 – 11.4.4 each refer to the mitigation proposed in Mark McLellan’s rebuttal LAA/9/C. This

		Appropriate references should also be made in respect to medicinal leech to reflect what has been agreed in the Statement of Common Ground.	position has now been superseded by what has been agreed between NE and LAA in the Statement of Common Ground.
2.9	12  Monitoring and Remedial Actions	The text in each paragraph  12.1 12.3 12.5 12.7  <i>All refer to survey monitoring. To avoid confusion this needs to change to relative population estimate monitoring.</i>	NE notes that the conditions do cross-reference the methodology (for example condition 10.1) which does correctly refer to population estimate monitoring.
2.10	12.7	It may be that the medicinal leech move across the new ditch system slower than is anticipated. There may be greater success in terms of distribution if the medicinal leech are introduced at different starting points.	Whether this is an approach worth adopting depends upon the success criteria in terms of distribution, rather than population.  NE would be happy to discuss these options further with LAA's ecological consultants.
2.11	12.2 12.4 12.6 12.8	Suggest that the results of the HSI, relative population estimate monitoring, and where necessary, remedial management habitat requirements, shall be submitted to the Local	Currently no time period mentioned within these paragraphs.

	12.12	Planning Authority within 28 days of the survey being completed	
2.12	12.9.3	<p>Currently this refers to Invertebrates. Instead this should be separated out and treated in a similar way to, for example, medicinal leech and common lizard.</p> <p>Reference here to surveys along ditch sections of 100m. Does this mean 100m ditch lengths surveyed or a survey within 100m of the Airport boundary? If it is length, is this based on measurement of the resource or a round figure – or indeed what has happened historically? As this condition contemplates surveying over a long period of time it would be better to establish and mark fixed ditch lengths, with distinct identification codes, which can then be mapped.</p>	<p>This would make more sense in the context of how these issues have been treated elsewhere in the document.</p> <p>Adopting this method would allow for greater clarity and coherence in terms of how surveys are carried out.</p> <p>NE would welcome the opportunity to meet with LAA’s ecological consultants to discuss and agree a suitable method.</p>
2.13	12.10	<p>Suggest amending reference to include survey and analysis of obvious signs of water quality deterioration rather than water quality and pollution.</p> <p>Suggest also using sectional photos.</p>	<p>NE feel that these amendments would improve the purpose and effectiveness of this condition. Again, NE would welcome the opportunity to meet with LAA’s ecological consultants to discuss these amendments.</p>
2.14	12.12	This currently only refers to aquatic	Remedial action for the aquatic and

		<p>invertebrates.</p> <p>There needs to be a section to cover the need for remedial action for the aquatic plants etc.</p> <p>NE suggests a more exact method of monitoring. Whilst the median score is sound, it should refer to the condition of defined ditch sections, the median score of which is 1.38. Establishing the monitoring framework, with named and located sample stretches which constitute a number of defined ditch length runs is important. This is particularly the case with regards the 1300 ditch which appears to be ditch 1. Query whether there is monitoring value in sub-dividing it to allow assessments in relation to both runway proximity and other ditch connectivity, in addition to defining and naming the other, remaining ditch lengths some of which will have been disrupted and closed down at a time when they were operating at a good standard. NE suggests that this is written with reference to a monitoring strategy note which clearly defines this.</p>	<p>emergent plants is not mentioned at present.</p> <p>Monitoring is an issue which requires careful handling and some further thought if it is to be successful.</p> <p>NE would welcome the opportunity to meet with LAA's ecological consultants to discuss their thoughts on these issues.</p>
2.15	13  Operation	<p>Change the last few words of this sentence to read:</p> <p><i>'...netted to prevent birds entering the ditch network system'.</i></p>	<p>This amendment clarifies what is meant here.</p>

2.16	14.1  Great Crested Newt	4 <sup>th</sup> line – delete the word “ <i>including</i> ”  Reference to a Biodiversity Action Plan has been deleted from this and the following subsections. At 2.21 of NE/101 we had requested that there should be a trigger for a requirement to produce and implement a remedial action plan, in consultation with NE and subject to approval by the LPA. NE still believes that we should have a requirement for remedial actions to be implemented if the ABAP shows deterioration in habitat quality/species populations as a result of the Airport operations/management prescriptions.	Because, for example, terrestrial habitats are not water bodies and so are not included within that phrase.  To protect biodiversity features of the Airport and ensure long term protection for the designated sites management.
2.17	14.2.1  14.2.2	References to LAA/9/C should be removed.  These references should be amended to include all habitat that may be impacted by the scheme and which could have an impact on the great crested newts.  Suggested new opening sentence to 14.1, 14.2 and 1.3:	See comments above in respect of 11.4.  Because other works could affect the great crested newts.



		<p><i>“Prior to any works being undertaken which may affect terrestrial or aquatic habitat used by great crested newts as part of this development, an updated relative population estimate survey of great crested newts shall be undertaken by LAA of the water bodies within the Airport Site...”</i></p>	
2.18	16 Bats	Suggest cross-reference to para 21.2 of Schedule 1 to the Section 106 agreement.	Amendment so as to clearly reflect what has been agreed with regards the 1km survey/Ecology Buffer Zone.
2.19	17.1 Medicinal Leech – netting of waterbodies within Airport Site	17.1 should be qualified to make it clear that it does not override the restriction on netting ditches in condition 13.	Required in order for the conditions to be consistent with what has been agreed in the Statement of Common Ground.
	18 Bird Control Management Plan	<p>No significant change has been made to condition 18 relating to the BCMP and so all comments made at 2.22 in NE/101 remain (subject to comments on monitoring made in relation to the s106 agreement).</p> <p>These comments made at 2.22 in NE/101 were:</p> <p><i>‘This condition relates to the current draft</i></p>	To help protect ornithological features of the designated sites.

		<p><i>BCMP and therefore incorporates the problems and uncertainties of the current draft BCMP identified by Natural England.</i></p> <p><i>The approval process for the BCMP appears to occur only once. The condition should apply for any subsequent updates of the BCMP.</i></p> <p><i>The condition does not lead to the prospect of any restraint being applied to the bird control activities undertaken under the BCMP.</i></p> <p><i>The nature and frequency of the monitoring under the condition is very unclear and should be specified in more detail. The monitoring should include a trigger for a requirement to produce and implement a remedial action plan and/or amendments to the BCMP, in consultation with NE (and the RSPB) and subject to approval by the LPA.</i></p> <p><i>Given the timescale for the increase in air traffic at the airport, including for passenger air transport movements, the timescale of monitoring annually for the first three years and then every five years would be inadequate. It would be better to link the review of the BCMP to increases in passenger aircraft movements at the airport.</i></p>	
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2.20	<b>General Comments</b>		
		<p>NE's comments in NE/101 on:</p> <ul style="list-style-type: none"> <li>• Calendar year aircraft movements (condition 19, ex 20) and</li> <li>• Night-time period (condition 23, ex 24)</li> </ul> <p>Have not been addressed and so these comments remain. These comments were:</p> <p><b>20 Calendar year aircraft movements:</b> The definition of Emergency and Governmental Activities includes both operational and training activities by naval, military and air force of any country. The military use of the Airport in particular by helicopters, is significant and this would allow a significant number of additional movements beyond the caps imposed by the condition.</p> <p>Natural England believes it may also be appropriate for conditions to be imposed which restrict the timing of commercial passenger aircraft movements and the</p>	<p>To ensure aircraft movement caps are not exceeded.</p>

		<p>number of movements in certain weight categories or types of aircraft.</p> <p><b>24 Night-time Period:</b> The definition of Emergency and Governmental Activities includes both operational and training activities by naval, military and air force of any country. The military use of the Airport in particular by helicopters, is significant and this would allow a significant number of additional movements beyond the caps imposed by the condition.</p>	
2.21	<b>Appendices</b>		
2.22	Appendix 1 Construction Management Strategy	<p>The section 'Site Roads and Haulage Routes' is missing is final paragraph, which should be re-instated:</p> <p><i>"The CEMP will need to account for the improvement works to the highway at the junction of the B2075 and A259 (known as Hammonds Corner) which must be undertaken prior to reaching 30,000 ppa."</i></p>	This appears to have been an error in transposition.
2.23	Appendix 2 Terrestrial Habitat Works	<p>Insert the words:</p> <p><i>"cut from this location only"</i></p>	This wording is required; otherwise all brush cut from the whole Airport could be dumped here. This would be

	on the Disused Runway Point 2		damaging on such a scale.
2.24	Appendix 7  Ditch Construction Management Plan	No plans have been attached.	NE reserves comment until we have seen the plans and checked them against what was agreed in the Statement of Common Ground. NE requests that these plans are now circulated so that we may check them.
2.25	Appendix 7  Point 4	NE believes it would be better for digger buckets to be used to move sediment, water and animals.	Failure to do this would risk causing too much damage to the animals.  NE would welcome the opportunity to meet with LAA's ecological consultants to discuss whether they agree that digger buckets would be suitable.
2.26	Appendix 8  Further Design Details of 1300m Replacement Ditch Length	No plans have been attached.	NE reserves comment until we have seen the plans and checked them against what was agreed in the Statement of Common Ground. NE requests that these plans are now circulated so that we may check them.
2.27	Appendix 10	8 <sup>th</sup> line – delete “that”.	This is a typographical error.

Natural England Comments – revised section 106 and planning conditions

	Point 2.4 Netting of Waterbodies		
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