

CITY AIRPORT DEVELOPMENT PROGRAMME  
(CADP1) S73 APPLICATION

# ENVIRONMENTAL STATEMENT

VOLUME 2: APPENDICES

DECEMBER 2022



# Pell Frischmann

City Airport Development  
Programme (CADP1) S73  
Application

Volume 2: Appendices  
Appendix 13.4 Response to Natural  
England

December 2022

Pell Frischmann

London City Airport – EIA Scope for Ecology &  
Biodiversity

Response to Natural England letter of 24 August

EA ref: 403903

Topic	EN Detailed Comment + Response
General	<p>Annex A to the letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.</p> <p><b><u>Response</u></b></p> <p>We would question whether the NE advice is really appropriate in this instance as it seems to comprise a rather generic response which fails to acknowledge the nature of the Section 73 changes (i.e. with no changes to the already consented CADP1 passenger facilities and infrastructure).</p>
Cumulative effects	<p>The letter suggests that cumulative effects should be considered for committed schemes but also "plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects".</p> <p><b><u>Response</u></b></p> <p>Whilst all reasonable efforts will be taken to identify and assess such future developments, this advice appears contrary to the 2017 EIA Regulations which only requires the consideration of the "cumulation of effects with other existing and/or approved projects".</p>
Impact on Designated Sites	<p>"The ES should thoroughly assess the potential for the proposal to affect nationally and internationally designated sites of nature conservation importance, including:</p> <ul style="list-style-type: none"> <li>• Epping Forest SAC</li> </ul> <p>And the SSSI's at:</p> <ul style="list-style-type: none"> <li>• Oxleas Woodlands</li> <li>• Ingrebourne Marshes</li> <li>• Inner Thames Marshes</li> <li>• Epping Forest." <p><b><u>Response, Epping Forest SAC</u></b></p> <p>The nearest internationally designated site, which is identified by NE as being vulnerable to impacts from traffic emissions and recreational pressures, is Epping Forest Special Area of Conservation (EFSAC). Epping Forest contains Atlantic acidophilous beech forests which are an Annex 1 habitat. Although rare epiphytes (mosses and lichens) at the EFSAC have declined, largely as a result of air pollution, it remains important for a range of rare species, including the moss <i>Zygodon forsteri</i>.</p> <p>NE has issued formal advice concerning the handling of Habitats Regulations Assessment (HRA) in the vicinity of Epping Forest. This requires all residential development that falls within the 6.2km 'zone of influence' to be subject to a project-level HRA screening and where necessary, appropriate assessment. Were the reference to 'residential development' widened to include other types of development (including the airport) this requirement would not apply, as the airport falls outside this zone of influence as used in Newham planning policy (<a href="https://www.newham.gov.uk/planning-policy-local-plan/11">https://www.newham.gov.uk/planning-policy-local-plan/11</a>).</p> <p>Guidance from JNCC sets a distance boundary beyond which plan HRAs need not consider their calculated effects on designated sites (<a href="https://data.jncc.gov.uk/data/6cce4f2e-e481-4ec2-b369-2b4026c88447/JNCC-Report-696-Main-FINAL-WEB.pdf">https://data.jncc.gov.uk/data/6cce4f2e-e481-4ec2-b369-2b4026c88447/JNCC-Report-696-Main-FINAL-WEB.pdf</a>). The technical report which underpins the JNCC guidance (<a href="https://data.jncc.gov.uk/data/6cce4f2e-e481-4ec2-b369-">https://data.jncc.gov.uk/data/6cce4f2e-e481-4ec2-b369-</a></p> </li></ul>

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	<p><a href="#">2b4026c88447/JNCC-Report-696-Technical-FINAL-WEB.pdf</a>) explains the rationale for this, which applies equally to individual developments and distances from those developments.</p> <p>In terms of traffic emissions, it is important to note that at Epping Forest (and other locations remote from the airport), the annual traffic impact of the S73 proposals is expected to be, at worst, neutral. This is because any traffic to and from London City Airport would otherwise be travelling to an alternative airport such as Stansted, Heathrow or Gatwick. In other words, if the airport's capacity and choice of routes were to be constrained, more people would choose to drive to other, potentially more distant airports.</p> <p>It is understood that Epping Forest District Council (EFDC) is proposing an Air Pollution Management Strategy (APMS) including the potential for a Clean Air Zone (CAZ) around the Forest. Therefore, any airport-derived traffic would be subject to restrictions imposed by these schemes.</p> <p>In view of the above, it can be concluded that there would be no net increase in traffic and related emissions on roads within 200m of the EFSAC boundary in the Development Case (CADP1 + proposed amendments) compared to the Do Minimum case. As such, there would be no adverse effect on the integrity of EFSAC and the pollution-vulnerable epiphytes which are located there.</p> <p><b><u>Response, Oxleas Woodlands SSSI</u></b></p> <p>Oxleas Woodlands SSSI consists of a series of woods (some Ancient Woodland) and meadows of approximately 133.5 hectares on the south and eastern side of Shooters Hill, in South-East London. It is bounded to the north by the A207, approximately 3km to the south of the airport.</p> <p>TfL's SATURN models, which have a dynamic reassignment function, suggests that in the future there will actually be a reduction in daily airport-derived traffic flows on the A207 through Oxleas Woodlands, albeit very small. As such, there will be no increase in air pollution (NOx and ammonia etc) at this SSSI and therefore no consequential impact on vegetation or other ecological receptors.</p> <p>This AADT calculation includes the total volume of traffic associated with the approved CADP1 scheme plus the proposed amendments. This modelling data will be contained in the Transport Assessment (TA) accompanying the S73 planning application.</p> <p>Due to absence of traffic and its distance from the airport, there is no likelihood that the S73 proposals would physically or otherwise affect the integrity of this SSSI site.</p> <p><b><u>Response, Ingrebourne Marshes SSSI</u></b></p> <p>Ingrebourne Marshes are a 74.8 hectare biological Site of Special Scientific Interest in Hornchurch in the London Borough of Havering, approximately 10km to the northeast of the airport and 4km to the north of the A13 (the nearest major road). Ingrebourne Valley Local Nature Reserve includes a small part of the SSSI west of the River Ingrebourne. The Marshes run along both sides of the river, the northern portion next to Hornchurch Country Park and stretching south to Rainham.</p> <p>Due to its distance from the airport there is no likelihood that the S73 proposals would impact upon this site.</p> <p><b><u>Response, Inner Thames Marshes SSSI</u></b></p> <p>The Inner Thames Marshes SSSI is approximately 7km to the east of the airport. They comprise 28 hectares of predominantly salt marsh used for grazing, but also include the Rainham Silt Lagoons. These lagoons were created by the PLA in the 1960s on land then owned by the Ministry of Defence to the northeast of the Rainham landfill, with a view to providing replacement capacity for the disposal of river dredgings as the Rainham landfill site became full. Dredgings disposal led to the creation of wet conditions that were favourable for over-wintering waterfowl, notably teal. The RSPB acquired the freehold to the lagoons early in 2009.</p>

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	<p>During the piling and decking works over KGV Dock (i.e .the first phase of CADP1, completed between 2018 and 2020) , the contractors transferred approximately 20,000 tonnes of clean excavated material by barge to the Rainham Marshes Habitat Creation Scheme. This initiative helped restore the wetland habitat in this area, enhancing this SSSI for wetland birds and wildlife, and therefore representing a positive environmental impact.</p> <p>Due to its distance from the airport and the fact that no additional material will be transported to Rainham Marshes during subsequent 'landside' stages of the CADP1 works, there is no likelihood that the S73 proposals would impact upon this feature, or the SSSI as a whole.</p>
Protected Species	<p>"The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats) ... Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area".</p> <p>"The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants".</p> <p><b><u>Response</u></b></p> <p>The site is urbanised in nature, dominated by airport infrastructure including the terminal, runway, ancillary buildings and car-parking space. The majority of the site therefore consists predominantly of buildings and hardstanding with very limited vegetation. It is also located within a heavily urbanised area comprising of predominantly residential, commercial and industrial land uses. As such, there are no existing or proposed "habitat linkages" to the airport and the wider area, except for KGV Dock which connects to the tidal river Thames (when the dock gates are opened). The creation of habitat linkages is not part of the approved CADP1 scheme, nor would this be appropriate or desirable given the airport overriding requirement to avoid bird-strike hazards and other risks to aircraft and passengers.</p> <p>An updated Preliminary Ecological Appraisal (PEA) has been produced based on an updated desk study and Phase 1 Habitat Survey undertaken by suitably qualified ecologists from RPS in April 2022. The PEA will be included as an appendix to the ES. As part of the desk study, Greenspace Information for Greater London CIC (GiGI) was contacted for details of non-statutory designated sites and records of protected and notable species within 1km of the site, and information about statutory designated sites within 1km was accessed via the government 'MAGIC' website. This confirmed that there are no records of protected species on the site.</p> <p>The PEA also confirms that ecological value of the site has remained low. None of the plants present on site are listed on Schedule 8 of the Wildlife and Countryside Act 1981 (as amended) or are otherwise of conservation interest, nor is it considered that the site contains habitat suitable to support statutorily protected species or species of conservation interest. Moreover, the airport does not comprise an urban 'Open Mosaic Habitat' as listed in the draft national Open Mosaic Habitat (OMH) inventory published by Natural England.</p> <p>As there are no proposed changes to the physical infrastructure of the approved CADP1 scheme and therefore no additional land-take, and the airport remains of low ecological value, the impacts and proposed mitigation measures (see below) are unchanged from those presented in the Updated Environmental Statement (UES) produced in 2015. Accordingly, there is no need to reassess such impacts in the forthcoming ES as there is no likelihood of new or materially different environmental effects.</p> <p>This approach to 'scoping out' of ecology is entirely consistent with the EIA Regulations 2017 and statutory guidance which state that an ES should be proportionate and focussed on the "main" and "likely" significant effects of a project. The proposed S73 amendments constitute a "change or extension to....a development that is already authorised, executed or in the process of being executed" (EIA Schedule 2.13). In such circumstances, the applicable criterion is whether or not "The development as changed or extended may have significant adverse effects</p>

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	<p><i>on the environment.</i>” As there are no changes to the physical form and footprint of the approved CADP1 scheme, this threshold has clearly not been met with respect to impacts on ecology.</p> <p>Notwithstanding the above, the ES will include a section on ‘ecology &amp; biodiversity’ which will act to:</p> <ol style="list-style-type: none"> <li>1. Summarise the conclusion of the 2015 UES together with the proposed and subsequently implemented mitigation and enhancement measures.</li> <li>2. Present the results of the most up-to-date PEA (April 2022) and photographic survey of the artificial fish refugia installed in KGV Dock in 2017.</li> <li>3. Reiterate the approved mitigation measures to protect wildlife during the remaining CADP1 construction works; particularly through procedures set out in the approved CEMP (in accordance with Condition 88 of the CADP1 planning permission).</li> <li>4. Describe the commitments undertaken by the airport to enhance biodiversity off-site and its appreciation in the local community as part of its existing Sustainability &amp; Biodiversity Strategy and recently published Sustainability Roadmap 2022 (see below).</li> </ol>
<p><i>Ancient Woodland, ancient and veteran trees</i></p>	<p>“The ES should assess the impacts of the proposal on any ancient woodland, ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.”</p> <p><b><u>Response</u></b></p> <p>This comment is not applicable as there are no ancient woodland or veteran trees on or in proximity to the airport.</p>
<p><i>Biodiversity</i></p>	<p>“Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.</p> <p>Biodiversity Net Gain is additional to statutory requirements relating to designated nature conservation sites and protected species.</p> <p>The ES should use an appropriate biodiversity metric such as Biodiversity Metric 3.0 together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain [etc].”</p> <p><b><u>Response</u></b></p> <p>In our opinion there is no statutory or policy basis for undertaking a biodiversity net gain calculation, given that the S73 application does not seek to vary the original CADP1 planning permission with respect to the form and spatial extent of the approved buildings and infrastructure. In essence, there will be no associated loss of habitats or related impacts to ecology which would necessitate any on- or off-site replacement or other compensation.</p> <p>The Updated Environmental Statement (UES, 2015) submitted with the CADP1 application demonstrated that there would be no significant impacts to ecology from the construction and operation of the CADP infrastructure, and this conclusion remains unaltered. Therefore, a further assessment of the ecology &amp; biodiversity/ BNG at this time is considered to be highly disproportionate to the limited environmental effects of the Section 73 amendments. In addition, this is not supported by either Government guidance (which states that EIA should focus on the ‘main’ and ‘likely significant environmental effects’ only) nor any case law precedents for EIA.</p> <p>Due to the operational and safety precedents which apply at the airport, together with its physically constrained nature (i.e. with no excess, non-operational land) there are no practicable options to significantly enhance on-site terrestrial biodiversity. However, LCY already invests considerable resources and funds to support various biodiversity initiatives:</p>



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	<p>Firstly, condition 56 of the CADP1 planning permission requires LCY to develop and implement a Sustainability and Biodiversity Strategy. The Strategy is reviewed every 3 years, with the latest iteration produced in 2021 setting out new targets, actions and initiatives to enhance biodiversity off-site and to promoting access to, and the appreciation of, biodiversity in the wider community. The current strategy includes the following commitments:</p> <ul style="list-style-type: none"> <li>➤ Provide £10,000 a year to LBN for educational biodiversity and environmental programmes for the local community from 2023 onwards. Where LBN are unable to use the money within 6 months of it becoming available, transfer the money to the Community Trust Fund for use on projects relating to biodiversity in the next round of grant allocation; and</li> <li>➤ Fund other environmental and biodiversity projects with preference given to areas of nature deficiency from 2023 onwards. Subject to interest from schools and community groups, options could include <ul style="list-style-type: none"> <li>○ (1) funding allotment boxes in SINC;</li> <li>○ (2) enhancing biodiversity by installing bat boxes or hedgehog homes to protect these key species; or</li> <li>○ (3) funding biodiversity related projects in schools.</li> </ul> </li> </ul> <p>Secondly, in accordance with condition 68 of the CADP1 planning permission, LCY has installed an aquatic biodiversity enhancement feature known as the 'artificial fish refugia' which comprises wire mesh panels suspended from a concrete pontoon ('Dolphin') in KGV Dock. Since its installation in 2017, the fish refugia has successfully colonised with algae and other aquatic biota; providing shelter for fish fry and providing a source of food for fish which are known to inhabit the dock.</p> <p>Thirdly, in accordance with Condition 36 of the CADP1 planning permission, a Landscape Strategy was submitted to and approved by LBN in 2018 (ref: 18/00576/AOD) and subsequently updated in 2019 (ref: 19/02559/AOD). It will be implemented as the remaining elements of CADP1 get built out and includes the planting of indigenous plant species which contribute towards biodiversity whilst minimising bird attraction.</p> <p>Lastly, as part of the airport's Sustainability Roadmap which was published in 2022, a new biodiversity fund of £25,000 has also been committed to which will further support local projects to enhance nature and achieve biodiversity net gain off site.</p> <p>In view of the above, it is considered that the approved CADP1 scheme (and the discharge of subsequent planning conditions) already meets the expectations of the NPPF (paragraph 174) that the airport should "contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity etc."</p>
<i>Townscape and Visual Impacts</i>	<p>"A landscape and visual impact assessment should also be carried out for the proposed development and surrounding area"</p> <p><b><u>Response</u></b></p> <p>For the same reasons as set out in the Scoping Report, there is no justification for why a further townscape and visual impact assessment should be undertaken at this juncture, given that the 2015 UES contained such an assessment and the S73 application does not propose any amendments to the built form of the approved CADP1 scheme.</p>
<i>Heritage Assets</i>	<p>"The ES should include an assessment of the impacts on any land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific, or historic interest"</p> <p><b><u>Response</u></b></p> <p>For the same reasons as set out in the Scoping Report, there is no justification for why a further assessment of heritage assets should be undertaken at this juncture, given that the 2015 UES</p>



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	contained such an assessment and the S73 application does not propose any amendments to the built form of the approved CADP1 scheme.
<i>Heritage Landscapes</i>	<p data-bbox="402 264 1437 352">“The ES should include an assessment of the impacts on any land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific, or historic interest”</p> <p data-bbox="402 380 518 411"><b><u>Response</u></b></p> <p data-bbox="402 438 1369 499">There are no such areas of qualifying land and so this suggestion/ requirement is wholly unjustified.</p>
<i>Connecting People with Nature</i>	<p data-bbox="402 537 1446 625">“The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development”,</p> <p data-bbox="402 653 518 684"><b><u>Response</u></b></p> <p data-bbox="402 711 1446 800">There are no such areas of common land, public rights of way etc, in proximity to the airport. Moreover, such matters have already been properly considered (and scoped out) as part of the 2015 UES.</p>
<i>Soils and Agricultural Land Quality</i>	<p data-bbox="402 837 1406 898">“Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered in line with paragraphs 174 and 175 of the NPPF”</p> <p data-bbox="402 926 518 957"><b><u>Response</u></b></p> <p data-bbox="402 984 1425 1045">This is clearly and evidentially not a matter which is applicable to the airport or the EIA for the proposed S73 amendments. There is no such land on or in proximity to the airport.</p>
<i>Air Quality</i>	<p data-bbox="402 1077 1459 1192">“The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or Shared Nitrogen Action Plans (SNAPs) which may be being developed or implemented to mitigate the impacts on air quality”</p> <p data-bbox="402 1220 518 1251"><b><u>Response</u></b></p> <p data-bbox="402 1278 1450 1394">For the reasons set out previously, it is not considered that LCY traffic-derived air pollutants will have any detrimental effect or measurable harm to the distant protected wildlife sites including Epping Forest SAC. All other “risks of air pollution and how these can be managed or reduced” will be properly considered in the ES.</p>
<i>Water Quality</i>	<p data-bbox="402 1434 1393 1495">“The assessment should take account of the risks of water pollution and how these can be managed or reduced,”</p> <p data-bbox="402 1522 1451 1610">“The ES needs to take account of any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans, which may be being developed or implemented to mitigate and address the impacts of elevated nutrient levels.”</p> <p data-bbox="402 1638 518 1669"><b><u>Response</u></b></p> <p data-bbox="402 1696 1450 1841">As set out in the Scoping Report, there is no risk of any ‘likely significant effect’ on water quality as a consequence of the remaining CADP1 construction works, nor from the proposed S73 amendments. Water Quality was a matter that was thoroughly and properly assessed in the 2015 UES and no significant effects were identified, accounting for appropriate mitigation measures (including the approved CEMP).</p> <p data-bbox="402 1869 1333 1929">The impact on “nutrient neutrality or Diffuse Water Pollution Plans” are not a relevant consideration as the airport falls outside of such designated areas.</p>

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<p><i>Climate Change</i></p>	<p>“The ES should identify how the development affects the ability of the natural environment (including habitats, species, and natural processes) to adapt to climate change, including its ability to provide adaption for people. This should include impacts on the vulnerability or resilience of a natural features etc”</p> <p>“The ES should also identify how the development impacts the natural environment’s ability to store and sequester greenhouse gases, in relation to climate change mitigation and the natural environment’s contribution to achieving net zero by 2050.”</p> <p><b><u>Response</u></b></p> <p>Whilst the proposed S73 amendments are highly unlikely to “affect the ability of the natural environment .....to adapt to climate change” this is a matter which will be duly considered in the climate change chapter of the ES.</p> <p>Net zero carbon policy requirements will be considered in the ‘Carbon’ chapter of the ES.</p>
<p><i>Contribution to local environmental initiatives and priorities</i></p>	<p>“The ES should consider the contribution the development could make to relevant local environmental initiatives and priorities to enhance the environmental quality of the development and deliver wider environmental gains”</p> <p><b><u>Response</u></b></p> <p>These matters will be addressed throughout relevant chapters of the ES and in the planning statement accompanying the S73 planning application.</p>