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11 October 2017

Dear Sirs

**THE FORMER MANSTON AIRPORT SITE
LETTER OF CONCERN REGARDING THE PROPOSED APPLICATION FOR A
DEVELOPMENT CONSENT ORDER TO UPGRADE AND RE-OPEN MANSTON AIRPORT
AND INAPPROPRIATE USE OF THE PLANNING ACT 2008**

We confirm that we act for Stone Hill Park Limited ("**SHP**"), the freehold owner of the former Manston Airport site (the "**Site**").

Further to our meeting with the Planning Inspectorate on 27 September 2017, we write to express our serious concerns over the attempted use of the Planning Act 2008 (the "**2008 Act**") by RiverOak Strategic Partners Limited ("**RSP**") in order to try and seek a development consent order ("**DCO**") for its proposal for an alteration of the airport by upgrading and re-opening the airport primarily for cargo, with some passenger services, at the Site.

For the reasons set out in this letter:

1. RSP's proposals do not meet the statutory thresholds under the Planning Act 2008 ("**2008 Act**") to be considered a "nationally significant infrastructure project" ("**NSIP**"). Its proposed application for a Development Consent Order ("**DCO**"), therefore, cannot proceed, and should not be proceeding, under the 2008 Act. For this reason alone, RSP should be asked to withdraw its proposals from the DCO process forthwith. In addition to this fundamental issue, the following points are other reasons why the proposed DCO application cannot lawfully proceed. They are made independently of and without prejudice to the fundamental issue;
2. RSP's proposed DCO application is proceeding unlawfully by seeking to circumvent the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the "**2017 Regulations**") in respect of how applicants should approach the environmental assessment of their proposals. RSP is unable to proceed on this basis;

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3. There has been inadequate pre-application consultation undertaken by RSP in respect of the proposed DCO application and it is unable to proceed on this basis;
4. There has been, and remains, a lack of clarity over both the identity of the proposed applicant and its financial standing throughout the process. The proposed DCO application cannot proceed as there is no evidence of the ability of RSP to meet the financial liabilities relating to costs and compensation arising in relation to the application process. Any attempt to move forward with proposals should be supported by evidence related to the ability to fund them, including the costs of the application process (including challenges), compulsory land acquisition costs and compensation including proceedings, blight (including noise, air quality and property depreciation blight) caused by airport operations as well as blight affecting the SHP development proposals, required impact mitigation, construction, licensing, and operational requirements required to deliver the RSP proposals. There is an absence of any evidence of sufficient financial capability for RSP to be in a position to reimburse both SHP's costs from SHP's objections in relation to the proposed application (should SHP's objections succeed or due to the conduct of RSP in relation to the application process), or the consequential losses which SHP has suffered and is continuing to suffer from the blight and delay caused to SHP's own major new settlement-led proposals for the Site arising from RSP's proposals, not to mention potential costs claims from other parties. The proposed DCO application cannot appropriately proceed on this basis;
5. The proposed applicant does not own or control any part of the Site and is unable to progress any application for compulsory acquisition powers as it has not demonstrated that compulsory acquisition powers are a last resort following meaningful attempts to negotiate to acquire the Site or otherwise deliver the proposals by agreement with the owners of the Site, nor has it justified the extent of the land identified or evidenced any real and meaningful attempts to consider alternatives;
6. Flowing from all of the above, the proposed application is incapable of acceptance under section 55(3)(f) of the 2008 Act in that it will plainly not be of a satisfactory standard. The proposed application has no reasonable prospect of being granted or the proposals successfully proceeding – in reality, the proposals are unrealistic and an attempted abuse of the DCO process.

It is blatantly obvious that the only reason why RSP has sought to attempt to promote its proposals under the 2008 Act is so that it can try and take advantage of the wide powers available under the 2008 Act to secure unfair commercial advantage by threatening the use of compulsory acquisition. The history of the proposals makes this clear, including the background to the involvement of a number of particular individuals in RSP itself.

You and your team at the Planning Inspectorate are requested to please carefully consider the contents of this letter, and revert with confirmation to us of the Planning Inspectorate's position on the points raised. No doubt you will wish to discuss these matters with RSP in the ongoing pre-submission discussions we understand are taking place.

Before presenting the detail in support of the points we have set out above, we first set out our client's interest in the matter and the importance of these issues from their point of view.

1. **BACKGROUND TO SHP, ITS OWNERSHIP OF THE SITE, AND SHP'S EXPERT TEAM**

1.1 Further to our meeting with you, as explained, SHP is a JV comprising:

- 1.1.1 80% shareholding by Invicta Asset Management Limited, which is controlled by experienced major mixed-use developers, Trevor Cartner and Chris Musgrave. Trevor Cartner is also Chairman of Helios Property

Group. Helios Property Group and Mr Cartner are master-developers with a successful track record of leading major residential and mixed-use schemes. Mr Cartner and Mr Musgrave recently developed the Discovery Park business park scheme in Kent, having successfully revived the site (located near Manston at Sandwich) bringing 2,000 extra jobs following the exit of long term occupier Pfizer. In addition they are developing Wynyard Park and Tunstall Park in the North East and Flaxby Park in Yorkshire which together account for some 10,000 new homes and 2 million square feet of commercial space. Invicta is providing SHP with an experienced team which has master planned the Site as a major vibrant, mixed-use and sustainable new settlement community called "Stone Hill Park" to provide thousands of much needed homes and jobs to the area, with a current planning application submitted and progressing. Further significant work is being undertaken in relation to the Stone Hill Park project and proposals are being progressed, though the RSP proposals are causing delay and uncertainty and consequential losses to SHP given the threat of compulsory acquisition of the Site. SHP is strongly committed to progressing the Stone Hill Park proposals despite the RSP proposals;

- 1.1.2 20% shareholding by Highland and Universal Investments Limited, a highly experienced private equity investment company.
- 1.2 SHP and its shareholders are all incorporated in England and Wales, and are therefore subject to the transparent filing requirements of Companies House.
- 1.3 SHP has been the freehold owner of the Site since October 2014.¹ This of course means that SHP is a "Category 1" person under section 44(1) of the 2008 Act.
- 1.4 It should be noted that RSP has no legal or equitable interest in the Site whatsoever.
- 1.5 The closure of Manston Airport in May 2014 and the emergence of our client's proposals was preceded by a series of unsuccessful attempts over more than 10 years to run a viable airport operation from the Site, as set out in summary below:
 - 1.5.1 the owner of Manston Airport from 1998-2005 (Wiggins Group) went into administration in 2005 with a long track record of failing to achieve anywhere close to their forecast increase in passenger numbers and freight;
 - 1.5.2 Manston Airport was acquired from administrators by Infratil Ltd (a well respected global infrastructure company which owned airports around the world) who owned the Airport from 2005 – 2013. During this period, Infratil Ltd made repeated attempts to increase passenger and freight growth to sustainable levels. However, the company incurred substantial losses (c.£50m) at Manston Airport and the Airport was put up for sale in March 2012;
 - 1.5.3 Manston Airport was sold to Manston Skyport Limited at the end of December 2013. As expansion opportunities with Ryanair and cargo operators failed to materialise, and with the scale of losses at a level that could no longer be sustained, the Airport closed in May 2014;
 - 1.5.4 SHP acquired the Site in October 2014, with airport operations at the Site having ceased in May 2014, following the failure of repeated efforts to deliver viable airport operations at the Site, as highlighted above. SHP wished to progress proposals to transform this brownfield site into a vibrant and exciting sustainable new settlement, as a dynamic place to live, work and

¹ Stone Hill Park Limited, Company number 09223403, previously named Lothian Shelf (718) Limited.

play, delivering a sustainable new community and much needed new housing and jobs (see further below in section 2);

- 1.5.5 Although airport operations at the Site had closed, despite the failure of repeated efforts to keep it open, Thanet District Council ("TDC") wished to explore whether airport operations could be viably and sustainably re-commenced. TDC therefore embarked on a process to try to find an indemnity partner (which included detailed consideration of the former applicant of the current RSP proposals – a company called RiverOak Investment Corporation LLC ("RIC") incorporated in the United States of America ("USA")) in order to potentially compulsorily acquire the Site or acquire it by agreement and re-commence airport operations. However, despite such a process, the Council's cabinet decided on two occasions, most recently in October 2015, to take no further action to progress a compulsory purchase order of the Site as there was no credible indemnity partner who could demonstrate a viable and deliverable plan for airport operations to re-commence on the Site. Part of its decision in October 2015 was that RIC did not fulfil the requirements of the Council for a suitable indemnity partner.
- 1.6 Following this unsuccessful attempt to find an indemnity partner, TDC commissioned AviaSolutions, an aviation industry consultancy, to provide an independent assessment of the prospects for re-opening airport operations at the Site. AviaSolutions' findings (published in September 2016 in a report titled "Commercial Viability of Manston Airport"), found that *"airport operations at Manston are very unlikely to be financially viable in the longer term, and almost certainly not possible in the period to 2031"*. With this independent evidence base, and with the consistent demonstration for over 10 years that airport operations at the Site have simply not been viable, together with the clear national, regional and local need for more homes and jobs, and recognising that the Site is the largest brownfield opportunity site in TDC's area, TDC progressed the Site through the TDC Local Plan process for allocation as a major mixed use new settlement (see section 2 below).
- 1.7 SHP has since been working closely with TDC to deliver the aims and aspirations of the emerging Local Plan. As is explained in section 2 below, the Site is a highly significant site in the delivery of TDC's required housing numbers. Given that it has been consistently shown that airport operations at the Site are unviable, and with TDC's own independent report looking ahead into the future and concluding that *"airport operations at Manston are very unlikely to be financially viable in the longer term, and almost certainly not possible in the period to 2031"*, re-development of the Site is the only sensible course of action to take.
- 1.8 In order to both continue to move its new settlement plans forward for the Site, and to deal with the RSP proposals and the effect of them, SHP has engaged a highly experienced team of professionals, including as follows:
 - 1.8.1 Martin Kingston Q.C., Leading Counsel;
 - 1.8.2 Pinsent Masons LLP, legal advisors;
 - 1.8.3 GVA, DCO, planning and compulsory acquisition advisors;
 - 1.8.4 AECOM, transport and surface access advisors;
 - 1.8.5 WSP, environmental impact consultants; and
 - 1.8.6 Three very well respected mainstream UK and internationally recognised airport consultants;

- (a) York Aviation, specialists in freight and passenger airports;
- (b) Altitude Aviation Advisory, specialists in freight and passenger airports;
- (c) Oxera Consulting LLP, specialists in airport economics, funding and viability.

It is worth noting that RSP's aviation consultant, Dr Sally Dixon of Azimuth Associates, has incorrectly cited York Aviation's work in support of its proposals, which York Aviation will be dealing with as part of SHP's evidence to deal with the RSP proposals in the event that they are not withdrawn forthwith. We note that RSP describes Dr Sally Dixon, a former colleague of Anthony Freudmann at Wiggins Group (owners of Manston Airport from 1998 – 2005, and where Dr Dixon was involved in producing the Master Plan for Manston Airport in 2000-2001), as an "aviation academic". It has not been confirmed if Dr Sally Dixon has any tangible experience or track record of advising on commercial airport operations, successful or otherwise.

1.9 Input from all of the above expert professionals has been received in assessing the RSP proposals.

2. SHP'S PLANS FOR THE SITE

2.1 SHP is actively promoting a major new settlement on the Site. Overall, the Site has capacity for around 3,500 to 4,000 new homes; a major Advanced Manufacturing Park creating over 2,000 jobs; a major sports and leisure village including destination attractions and a hotel, the first 50m Olympic sized swimming pool and leisure complex in Kent; visitor attractions including revamped heritage Spitfire and RAF Museums, heritage trails and attractions honouring the airfield and airport history of the Site; and a country park incorporating most of the old runway to promote healthy living. A heritage aviation component is also being progressed. The proposals would provide thousands of new homes and jobs for local people including employment opportunities for the young and specialised housing for older people, important transport infrastructure upgrades, and essential investment of hundreds of millions of pounds into Thanet District and the Kent region. SHP's plans are for a vibrant and sustainable new settlement, providing a huge boost, not just locally, but regionally and nationally in terms of the pressing need for housing, jobs and high quality sustainable development.

2.2 A planning application for a phase comprising 2,500 homes, the Advanced Manufacturing Park, a community centre, the sports and leisure village and the major country park has been lodged with TDC. This planning application covers the whole Site, but with development focused on the southern part of the Site (see the red line plan and illustrative masterplan submitted with the application in 2016 contained in **Enclosure 1**). SHP is currently finalising requests from TDC for some additional information, which will be submitted to TDC shortly.

2.3 This planning application accords with the January 2017 emerging Local Plan policy for the Site and is supported by Council officers. Draft policy SP05 allocates the Site for a new settlement, with *at least* 2,500 homes and up to 85,000sqm employment and leisure floorspace to be delivered in the plan period, community business space and leisure uses/recreational facilities, as well as green space and significant highways and transport improvements. TDC officers have prepared the policy in reliance on its independent evidence base, which confirms that airport operations on the Site are not viable (as summarised in section 1 above) and that this large brownfield site should not be left sterilised by out of date planning policy.

- 2.4 SHP is also progressing work on further planning applications for the new settlement, with a further and enhanced iteration of the overall new settlement masterplan also being progressed. It is intended to lodge these applications within a number of months, following and informed by the appropriate pre-application consultation and engagement. These additional applications will increase the number of homes and employment uses on the entirety of the Site.
- 2.5 The importance of the Site locally, regionally and nationally, to housing need and the economy cannot be overstated. The Site is the largest strategic site allocation within the District, and also the largest brownfield site. The allocation of the Site for *at least* 2,500 homes in the next Plan Period accounts for 14% of total housing provision based on TDC's current projections (a significantly higher proportion than any other individual site, the next largest site contributing 8% on greenfield land). The Site's overall capacity means it can deliver significantly more homes beyond the Plan Period. TDC is due to submit its draft Local Plan to the Secretary of State for examination in early 2018. If TDC submits its draft Local Plan prior to the end of March 2018, the Council will need to identify sites to accommodate 17,140 homes over the Plan Period. However, to accord with the recently proposed new method by DCLG to calculate housing need across England, if submission of the TDC Local Plan was to be delayed beyond March 2018, TDC would need to identify sites for 20,563 homes. The contribution of at least 2,500 homes at the Site to meet this housing need is clearly highly significant in either case.
- 2.6 RSP's proposals for the Site are plainly incompatible with the emerging Local Plan whereas SHP's proposals fully accord with it. RSP's proposals would sterilise and prevent the delivery of a development with significant local, regional and national benefits to housing supply and job provision. RSP's proposals have the prospect of de-railing a district council's Local Plan, given that the removal of or delay to the coming forward of any part of the Site as a strategic housing site would result in TDC having to renew its evidence base and renew its search for a series of major housing sites in lieu. In turn, this would open up the prospect of a number of new greenfield sites having to be identified and allocated given the increase in housing numbers (compared with a brownfield site allocated to deliver at least 2,500 units in the Plan Period). The delay this would cause to the Local Plan would hold back the future development growth of the whole District. This hugely damaging impact of RSP's proposals has not even been assessed or addressed by RSP. The implications of losing or delaying the largest strategic site for housing delivery in the whole of TDC's area is simply ignored by RSP to the significant detriment of the whole of the Council area.
- 2.7 TDC have, in their consultation response to the RSP proposals, raised a number of serious concerns in relation to the proposals which we assume you have seen (see **Enclosure 2**).

3. **RSP'S PROPOSALS DO NOT QUALIFY AS A NSIP**

- 3.1 We understand from the public timetable on the Planning Inspectorate website (rather than from RSP), that RSP is intending to submit an application for a DCO in Q4 of 2017. This application, as noted on the website, would be for the *"upgrade and re-opening of Manston Airport primarily as a cargo airport, with some passenger services, with a capacity of at least 12,000 air cargo movements per year."* However, it is noted that there does not seem to be any reference to 12,000 air cargo movements anywhere else in the documents on the Planning Inspectorate website or the consultation documents made available by RSP. RSP forecasts that by year 20 of opening, there would be 17,171 freight ATMs per annum.
- 3.2 It is, however, clear that the proposals do not meet the thresholds to qualify as a NSIP under the 2008 Act. These thresholds are statutory and obviously important, as their

purpose is clearly to "filter out" proposals which are not properly considered to be of national importance, and for any such proposals to continue to be determined at local level, subject to the appropriate planning application and related processes.

- 3.3 This is not surprising, given entry into the 2008 Act process enables applicants to include in their application for development consent wide-ranging powers that are intended to be reserved only for projects of proper national significance. These powers are not made available to speculative development of less than national significance, which can be determined through other routes. Projects which benefit from designation as "nationally significant" are able to access these wide ranging powers, including, importantly, powers of compulsory acquisition, which are plainly to be used only as a matter of last resort, and involve significant interference with human rights; they should not be capable of being applied for under the 2008 Act unless the project clearly and properly meets the description for a NSIP. Whether the application fully satisfies the 2008 Act threshold tests for a NSIP is therefore a fundamental principle that must be thoroughly tested before the application can proceed any further and in any event on submission of any application. Of course, that is a core principle included in the acceptance process under section 55 of the 2008 Act. This is particularly so in this case given the extent of the compulsory acquisition being sought (i.e. the whole of the Site) and the speculative nature of the proposals.
- 3.4 Despite this, it is evident that the pre-application consultation materials from RSP fail to explain how RSP's proposals meet the tests to be considered a NSIP under the applicable statutory provisions (sections 14 and 23 of the 2008 Act).
- 3.5 Section 14(1)(i) prescribes airport-related development as a NSIP. Section 23 then defines what description of airport-related development falls within section 14. It is not a general inclusion of all airport-related development. Instead, it sets out three categories of development:
- (a) the construction of an airport in a case within subsection (2)
 - (b) the alteration of an airport in a case within subsection (4), or
 - (b) an increase in the permitted use of an airport in a case within subsection (7).
- 3.6 The descriptions provided by RSP make it clear that the development for which consent is sought is an **alteration** of the existing infrastructure at the Site and RSP acknowledge that the Site is a closed airport.
- 3.7 In this respect, an **alteration** of an airport proposal must meet the tests in subsection (4) of section 23 of the 2008 Act.
- 3.8 Subsection (4) requires that the airport is in England or in English waters, and the alteration is expected to have the effect specified in subsection (5).
- 3.9 Subsection (5) states that the effect is:
- "(a) to increase by at least 10 million per year the number of passengers for whom the airport is capable of providing air passenger transport serves, or*
- (b) to **increase by at least 10,000 per year** the number of air transport movements of cargo aircraft for which **the airport is capable of providing air cargo transport services**". (Emphasis added)*
- 3.10 The materials published by RSP to date do not demonstrate that RSP's proposals would meet either of the statutory thresholds in sub-section (5). The materials indicate that the proposal is focussed on freight and there is no suggestion that passenger

numbers will reach the required level for NSIP designation. For freight aircraft movements, the proposals must therefore have the effect of **an increase of at least 10,000 ATMs per year of cargo aircraft for which the airport is capable of providing air cargo transport services.**

- 3.11 The Statement of Community Consultation ("SoCC") at paragraph 1.2 and the Consultation feedback form describe the proposals as follows:

*"The airport would include **the ability to handle at least 10,000 air freight movements per year**, which means the project is classified as a 'Nationally Significant Infrastructure Project' by the Planning Act 2008".*

- 3.12 The SoCC goes on in section 2 to describe the existing airport, and the proposals to "secure the future of this valuable national asset by redeveloping and reopening it as a successful hub for international air freight which also offers passenger, executive travel and aircraft engineering services" (paragraph 2.1) and "RiverOak's plans to redevelop and reopen Manston as a mixed-use airport are anchored by a significant and much needed freight hub **able to handle at least 10,000 air freight movements a year**" (paragraph 2.2).

- 3.13 The same description as appears in paragraph 2.2 also appears in:

3.13.1 paragraph 1.3.1 of the Interim Consultation Report which was published in June 2017;

3.13.2 page 12 of the 2017 Consultation Overview Report; and

3.13.3 paragraph 5 of the Outline Business Case.

- 3.14 By contrast, paragraph 1.1.7 of the PEIR describes the test in different terms, and states that the development is considered to be a NSIP because it "*involves an alteration to an airport that is located within England, which is expected to lead to an increase in airport capacity of at least 10,000 ATMs of cargo aircraft **than currently provided by the airport***" (our emphasis).

- 3.15 The words highlighted in bold text above are those relied upon by RSP in its PEIR. However, these words plainly do **not** appear in the 2008 Act, and this interpretation plainly does **not** appear in the explanatory notes to the 2008 Act or any published guidance.

- 3.16 To take a starting position of no ATMs is simply manifestly incorrect with reference to section 23. The clear statutory wording and intention of section 23 is to capture projects where the effect of the development proposed would be to increase the number of ATMs that the airport is **capable** of handling by at least 10,000 ATMs per year of cargo aircraft. It would be nonsense for an airport site to have to go through the 2008 Act where its capability already exists at 10,000 ATMs per year or more simply because no aircraft currently fly from that airport. It is important (and obvious) to recognise that an airport's *current* ATM figure may not be the same (and rarely is the same) as its *capability* ATM figure.

- 3.17 The present planning permission for the Site is unconstrained in relation to both annual passenger throughput and in relation to annual freight ATMs. The only restriction on the operation of an airport at the Site is a restriction contained in a section 106 agreement dated 26 September 2000 in relation to noise limitations for night time flights.

- 3.18 Notwithstanding that it is currently closed, the permitted use in planning terms of the Site remains as an "airport" and that is obviously RSP's position too, both in its

proposed DCO application consultation material and in the fact that RSP objected to change of use proposals made by SHP on the basis that the existing airport use and the airport safeguarding of the Site should not be undermined by any change of use, even a temporary one.

- 3.19 SHP's expert aviation team have considered the number of ATMs of cargo aircraft for which the Site is capable of providing air cargo transport services. At this stage, their conclusion is that the Site is capable of providing at least 21,000 ATMs per year of cargo aircraft. Given RSP's year 20 forecast is 17,171 ATMs for freight, the Site is therefore perfectly capable of accommodating RSP's proposals without the need for seeking a DCO under the 2008 Act. RSP's proposals would clearly not, therefore, lead to an increase of at least 10,000 ATMs per year of cargo aircraft as the airport at the Site can already deliver at least 21,000 ATMs. The capability to handle the RSP forecast throughput is already there and is unconstrained by any planning conditions restricting cargo ATMs. The development proposed by RSP is therefore actually about "improving facilities at the Site" whilst "operating within the existing capability of the airport". That clearly does not qualify as a NSIP and no DCO can lawfully be applied for.
- 3.20 By way of illustration, this is no difference in concept to the development that has been undertaken at the new Heathrow Terminal 2 (which was granted planning permission under the Town and Country Planning Act 1990), which improved facilities for passengers whose flights could already be accommodated within the existing planning limitations on passenger throughput and ATMs, or the recently approved new passenger terminal at Stansted (approved under the Town and Country Planning Act 1990), or changes at East Midlands Airport to aprons (also approved under the Town and Country Planning Act 1990).
- 3.21 In planning, licensing and practical terms, what would be required for anyone seeking to deliver the so-called "business plan" outlined by RSP to progress the Site as a freight focussed airport, would be simply to:
- 3.21.1 apply to the CAA for an Aerodrome Licence to be granted (under the EASA Aerodrome regulations);
 - 3.21.2 reinstate/refurbish the internal fittings of existing buildings;
 - 3.21.3 rely on the permitted development rights conferred on airport operators to make any alterations required to the cargo aprons and to reinstate approach lighting and other airport equipment;
 - 3.21.4 apply for planning permission under the Town and Country Planning Act for any required replacement cargo sheds (if any such sheds were needed); and
 - 3.21.5 obtain the necessary agreement of the site's owner to such works and operations.
- 3.22 None of this would increase the "capability" of the Site by 10,000 ATMs of cargo aircraft as the airport at the Site has more than sufficient capability to accommodate the ATMs projected in RSP's so-called "business plan". It is therefore a clear attempted misuse of the 2008 Act for RSP to claim that its proposals meet the thresholds for a NSIP.
- 3.23 In order for affected parties and the public to be able to understand the nature of the development proposed and its effects on them, it must be clear on the face of the project description whether it is or is not a project which falls within sections 14 and 23 of the 2008 Act. In addition, it is obvious that in blight terms, particularly where compulsory acquisition powers are applied for, it is crucial that proposals which do not

clearly meet the required NSIP thresholds must not be allowed to proceed under the regime. RSP's proposals clearly do not meet the required thresholds.

4. ASSOCIATED DEVELOPMENT AND THE STATUTORY TESTS

- 4.1 Entirely without prejudice to the above point (i.e. that RSP's proposals clearly do not amount to a NSIP), even if it were the case that providing capacity for at least 10,000 ATMs of cargo aircraft per annum (page 3, RSP's Overview Report) at the Site did bring RSP's proposals within the scope of section 23 of the 2008 Act, there are a number of elements of the RSP proposals that could not properly be said to form part of an airport-related NSIP in any event.
- 4.2 RSP sets out its proposed description of development in paragraph 3.2 of the PEIR on page 25. Additional development not mentioned in the list on page 25 of the PEIR is identified in the Outline Business Case published by RSP with its statutory consultation.
- 4.3 Under section 115 of the 2008 Act, development consent may be granted for development which is "*development for which development consent is required*" (i.e. the NSIP) or "*associated development*." Only some of the elements of the proposed development described by RSP could be considered to be operationally part of an airport, or integral for the operation of an airport, and therefore potentially part of a NSIP (should the statutory tests for a NSIP be met, which is obviously not accepted, as above).
- 4.4 Equally, only some of the elements described by RSP could be considered to be associated development. Section 115(2) defines "associated development" as development which "*is associated with*" the development for which development consent is required (i.e. the NSIP).
- 4.5 The DCLG "*Guidance on associated development applications for major infrastructure projects*" (April 2013) sets out the core principles that the Secretary of State will use in determining whether development should be treated as associated development. The first of these principles is that there is a requirement for "*a direct relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development, or help address its impacts*" (Paragraph 5(i)).
- 4.6 Principle (iii) set out in the DCLG Guidance is that "*Development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development. This does not mean that the applicant cannot cross subsidise, but if part of a proposal is only necessary as a means of cross-subsidising the principal development then that part should not be treated as associated development*".
- 4.7 In the opinion of SHP's expert aviation advisors, there are a number of components of RSP's proposals that are neither a NSIP nor part of the NSIP and do not satisfy the tests on associated development. For example, the purported NSIP in this case is airport-related development that is expected to have the effect of increasing by at least 10,000 ATMs per year the number of cargo aircraft for which the airport in question is capable of providing. The RSP consultation materials provide no explanation as to how, for example, any of the below are necessary for any of the reasons given in principle (i) of the DCLG Guidance described above:
- 4.7.1 a "museum quarter";
- 4.7.2 the creation of an "aircraft teardown and recycling facility";

- 4.7.3 a "flight training school";
- 4.7.4 a "fixed base operation for executive travel"; and
- 4.7.5 "business facilities for aviation related organisations".

On the face of the consultation materials, these facilities are required by RSP in order to provide early revenue streams and to subsidise the capital costs of the core airport proposal (the freight operations). As such, they are "only necessary" to cross subsidise and thus cannot be validly considered to be associated development. They are speculative uses necessary only to try and prop up what is in reality a commercially unviable scheme.

- 4.8 Indeed, RIC's Scoping Report described these facilities as being merely "to complement" freight services (paragraph 2.1.8 of the Scoping Report). However, associated development cannot be promoted (with accompanying powers of compulsory acquisition) for proposals which are not required to support construction or operation of the principal development (the development which meets the NSIP threshold). Merely "nice to have" or "complementary" proposals such as these do not justify inclusion in a statutory order with draconian compulsory acquisition powers. The Annex to the DCLG Guidance listing examples of the types of associated development that may be expected for an airport-related development lists only "*Freight distribution centre, including freight forwarding and temporary storage facilities*". RSP's proposals go far beyond what the 2008 Act regime was intended to cover as associated development, and include no justification beyond being necessary to create the asserted financial viability.
- 4.9 It should be clear to consultees which components of the proposal are considered to be part of the NSIP (noting above that SHP considers that RSP has not demonstrated that its proposals meet the thresholds for NSIP status), and which are associated development. Where they are proposed to be associated development, it must be made clear how those elements meet the definition set out in section 115 of the 2008 Act.
- 4.10 These are matters which require resolution now, at the pre-application stage, given the blighting effect on land included for such uses for intended compulsory acquisition. The inclusion of these uses is not justified for a project which not only fails to meet the thresholds in section 23, but also fails to demonstrate how the requirements of section 115 and the related guidance are met for the elements claimed as associated development.

5. THE IDENTITY OF THE APPLICANT

- 5.1 The pre-application materials are unclear as to the identity of the applicant. This is material at this stage in the process for the reasons set out above and later in this letter.
- 5.2 The "*upgrade and re-opening of Manston Airport primarily as a cargo airport, with some passenger services, with a capacity of at least 12,000 air cargo movements per year*" was originally notified to the Planning Inspectorate as a potential NSIP by RIC, a company incorporated and registered in the USA. It was RIC that submitted the request for a scoping opinion pursuant to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, and carried out the first public consultation on the proposal to upgrade and re-open Manston Airport. Throughout the public consultation materials published in 2016, RIC was described as "RiverOak".
- 5.3 However, the current promoter and applicant of the proposal to upgrade and re-open Manston Airport is an unconnected company, RSP, which was incorporated in

England and Wales on 8 July 2016 with Anthony Freudmann listed as the sole director and shareholder on Companies House records. The total issued share capital of RSP has a value of £1 (as evidenced by the confirmation statement filed at Companies House on 23 March 2017). The company's recent incorporation means it has no filed accounts.

5.4 The current shareholders of RSP are listed at Companies House as being RiverOak Manston Limited and M.I.O Investments Limited. Anthony Freudmann was no longer a direct shareholder with effect from 15 December 2016.

5.4.1 **M.I.O Investments Limited** is a company registered in the Commonwealth territory of Belize. The RSP website states that this company "*was established by our investors as a specific funding vehicle for their financial interests in the Manston Project, which is standard practice*". However, by being registered in Belize, there is no information in the public domain regarding the ownership of this company, or its financial standing.

5.4.2 **RiverOak Manston Limited** is a company registered in England and Wales which was also incorporated in July 2016. As with RSP, there are no filed accounts, as it is a recently established company. Its issued share capital is reported to be owned by **Anthony Freudmann, Niall Lawlor and GY Manston LLC**. GY Manston LLC is a company incorporated in the USA, registered in Delaware. The financial standing of the individuals is not known and the foreign incorporation of GY Manston LLC again means no information is in the public domain about the company or its financial means.

5.4.3 Only M.I.O Investments is mentioned on RSP's website, and no substantial information is given. Statements on RSP's website (see **Enclosure 3**) appear to suggest that anonymous investors channelling undisclosed amounts of funding through a Belize registered company is "*standard practice*" for the promotion and operation of an airport, a statement which cannot be substantiated and does not in any event address the applicant's responsibility for transparency when threatening the use of powers of compulsory acquisition regarding how the project costs, land acquisition costs and blight costs are to be met.

5.4.4 An applicant that is seeking to promote a supposedly nationally significant freight airport clearly needs to substantiate that it has sufficient financial standing to fund the costs of:

- (a) the application process (including challenges);
- (b) compulsory land acquisition costs and compensation and proceedings (including challenges);
- (c) blight (including noise, air quality and property depreciation blight) caused by airport operations as well as blight affecting the SHP development proposals;
- (d) required impact mitigation for the construction and operational phases of the proposed development;
- (e) construction of the proposed development;
- (f) licensing of the proposed development and predicted/claimed operations; and

- (g) operational requirements in connection with the proposed development and predicted/claimed operations.
- 5.4.5 In this case, it is also of especial importance given the applicant is seeking the wholesale compulsory acquisition of a site totalling 296 ha which is being promoted by its landowner and experienced developers for a major new settlement with hundreds of millions of pounds of investment planned.
- 5.4.6 The applicant must be held to account in terms of financial transparency and robustness in relation to all these areas. Please also refer to section 8 below.
- 5.5 It is clear following detailed examination that there is no connection between the original promoting entity and applicant, incorporated in the USA, and the new promoting entity and applicant, incorporated in England and Wales. This fact was not made clear. Indeed, our client only found out that RSP had been established and, we understand, acquired all rights and interests in the work paid for to date by RIC in the project through a planning application appeal process unconnected to this matter. Only when that occurred did RSP confirm that they were the new applicant (see press release dated 14 March 2017 at **Enclosure 3**). The press release states that RSP purchased from RIC all of RIC's interests in the development of the project. RIC's press release on 24 March 2017 (again in **Enclosure 4**) states that RSP "*is not affiliated with RiverOak Investment Corp., LLC,*" and confirmed that it will have no ongoing involvement in the project, stating that the re-opening of Manston Airport "*will be operated, owned and managed completely independently of RiverOak Investment Corp., LLC*".
- 5.6 RSP's solicitors, Bircham Dyson Bell (who previously also acted for RIC) only confirmed the change of applicant in a letter dated 30 March 2017, stating that RIC's exit from the project had taken place under an agreement dated 15 December 2016 (over three months earlier). In the meantime, RSP had purported to take entry to land under powers granted to RIC on 16 December 2016, claiming to be authorised to do so. In fact, RIC had not given any authority for RSP to enter land under the section 53 licence granted to RIC, and sent an email to SHP's solicitors which confirmed only that RIC was no longer involved in the project (also dated 30 March 2017).
- 5.7 The Planning Inspectorate confirmed in a letter dated 27 March 2017 that the section 53 authorisation granted was to RIC as a legal entity in its own right and not to RSP. RSP then proceeded to submit a new application to the Planning Inspectorate for authorisation to enter land, clearly acknowledging that the identity of the applicant was material.
- 5.8 In the same way that RSP failed to make clear that there had been a change of applicant in seeking to rely on section 53 access rights, the pre-application consultation materials do not clearly explain that there has been a change in the promoting entity. Pre-application advice recorded on PINs' website dated 8 March 2017 states "*If the Applicant for Manston Airport chooses to report on its non-statutory consultation in the CR submitted with an application, it would be reasonable to expect any change in name to be explained and for the steps the Applicant took to clarify the change to consultees to be summarised*". The change here is clearly much more significant than a change of name (as presented in the advice) – it is in fact a change of legal entity. In this case RSP is a different legal company and in fact registered in a different continent. No clarificatory statement or explanation was included in the consultation materials. No explanation has been given to consultees.
- 5.9 Instead, the promoted statutory consultation undertaken in 2017 is cryptic and unclear as to the identity of the promoter and applicant, and as to which entity has undertaken which parts of the project development. The consultation materials use the term

"RiverOak" to refer both to RSP and to the original promoter, who has no ongoing involvement in the project. See for example:

- 5.9.1 Page 12 of the Consultation Overview, where the current promoter, RSP is referred to as "RiverOak".
 - 5.9.2 Paragraph 1.1.3 of the Interim Consultation Report, in which RSP is referred to as "RiverOak", which states that the previous 2016 consultation was carried out by "RiverOak". However, it was, in fact, not carried out by the current promoter and applicant, RSP, but by RIC, a different entity altogether.
 - 5.9.3 The materials do not give the full company name, or number of RSP, making it very difficult for consultees to discern that a change of entity (as opposed to just a change of name of the same entity) has occurred.
- 5.10 Clarity on the identity of the promoting entity and applicant is much more than an administrative matter – it is clearly material to the pre-application processes including those relating to access to land, pre-application consultation, environmental impact assessment and the proposals for compulsory acquisition. It is also material generally as to the financial standing of the promoter and their ability to deliver and fund the costs and compensation of their proposals. The landowner of the Site (whose land is threatened by compulsory acquisition), other stakeholders and members of the public need to be able to clearly understand who the applicant is and the financial position of that applicant for all the reasons set out above. There is clear prejudice arising.

6. **ATTEMPT TO UNLAWFULLY CIRCUMVENT THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017**

- 6.1 It is clear from the information provided to date that the proposed development (if it was considered to meet the NSIP thresholds, which is clearly not the case as set out above), requires Environmental Impact Assessment ("EIA"). Projects seeking consent under the 2008 Act must carry out an assessment in accordance with the current regulations, which are the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the "**2017 Regulations**"). These 2017 Regulations were enacted to implement material changes to the consultation and publicity for EIA development, to the nature of the information to be contained in a PEIR and in an Environmental Statement compared to the previous Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the "**2009 Regulations**"). Applicants must comply with these 2017 Regulations unless they fall within the specified transitional arrangements in Regulation 37.
- 6.2 Regulation 37 states that the earlier 2009 Regulations continue to apply where, before the commencement of the 2017 Regulations (on 16 May 2017):

"(a) the applicant has –

(ii) requested the Secretary of State or the relevant authority to adopt a scoping opinion (as defined in the 2009 Regulations) in respect of the development to which the application relates;" (our emphasis)

- 6.3 The proposed application by RSP clearly does not fall within those transitional arrangements, as **the applicant**, RSP, did not seek a screening or scoping opinion on the project prior to 16 May 2017. Instead, the applicant is claiming that it may rely upon a scoping opinion sought by RIC, (which, as described above, is a separate and unconnected company which no longer has any interest in promoting a re-opened airport at the Site). A scoping opinion sought by another party does not satisfy the

requirement for **the applicant** to have sought an opinion to come within the transitional arrangements.

- 6.4 The transitional provisions are very clear that it is **the applicant** which must have sought the scoping opinion. This wording is clear and deliberate (see further below). As such, the applicant is obliged to comply with the current 2017 Regulations. RSP has not done so during its consultation carried out in June 2017.
- 6.5 This point is clearly a material one, as EIA is a process which includes not only the written Environmental Statement submitted with the final application for a DCO, but also (as defined in regulation 5) *"the carrying out of any consultation, publication and notification required under these [2017] regulations"*. Ensuring that it is the applicant who submits the application who has undertaken the whole of the (correct) EIA process throughout ensures consistency in the EIA process which is fundamental to the front-loading of any NSIP application. The processes summarised below are a fundamental part of the EIA process under the Directive and the implementing regulations, and must be carried out on the correct legal basis:
- 6.5.1 Consultation on and publication of a SoCC, under section 47 of the 2008 Act and Regulation 12 of the 2017 Regulations – RSP has not complied with Regulation 12 under the 2017 Regulations;
- 6.5.2 Regulation 8 notice – this requires *"A person who proposes to make an application for an order granting development consent"* before carrying out consultation under section 42 of the 2008 Act *"to notify the Secretary of State that **the person** proposes to provide an environmental statement in respect of that development"* (our emphasis). The identity of the applicant is material here – it is not something which can be done by another party. RSP has not complied with Regulation 8 under the 2017 Regulations;
- 6.5.3 Section 48 of the 2008 Act (Duty to Publicise) and Regulation 13 of the 2017 Regulations (**the applicant** must send copies of the section 48 notice to the prescribed consultation bodies). RSP has not complied with Regulation 13 of the 2017 Regulations;
- 6.5.4 Preliminary Environmental Information required in Regulation 12 of the 2017 Regulations, which must contain information which has been *"compiled by **the applicant**; and is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development and of any associated development"* (our emphasis) (the comparable definition of preliminary environmental information was materially different in the 2009 Regulations). RSP has not complied with Regulation 12 of the 2017 Regulations; and
- 6.5.5 The content of the final Environmental Statement, as set out in Regulation 14 and Regulation 5 of the 2017 Regulations (again, the scope of what was prescribed as the content of an Environmental Statement was materially different in the 2009 Regulations). RSP's PEIR did not contain preliminary information on the areas set out in Regulation 14 and Regulation 5 of the 2017 Regulations.
- 6.6 The purpose of the 2017 Regulations was to implement the changes introduced in the EIA Directive to improve the quality of information available to the consultation bodies during the pre-application stage, to the decision maker once an application is submitted, and to the public to aid public engagement in decision making. In seeking to rely upon transitional provisions which are not available to RSP as applicant, RSP is seeking to circumvent the proper application of the Directive and the 2017

Regulations. In short, RSP became the applicant too late to be able to rely on the 2009 Regulations.

- 6.7 As set out above, RSP is required to comply with the current 2017 Regulations unless the transitional provisions in Regulation 37 apply, which they do not. It is prejudicial to SHP and to other affected parties that RSP has not complied with the 2017 Regulations.
- 6.8 Identifying the correct regulations which apply to the proposed application by RSP is not simply a procedural point – it goes materially to defining the nature of the information to be provided at each stage of the process. This is not a matter which is capable of being rectified post-submission – it is a substantive point which informs the information which consultees are entitled to receive to be able to form "*an informed view of the likely significant environmental effects of the development and any associated development*".
- 6.9 A summary of the key points of difference is as follows:
- 6.9.1 revised definition of EIA process (Regulation 5);
 - 6.9.2 revised definition of an ES (in Regulation 14);
 - 6.9.3 revised definition of PEIR (in Regulation 12);
 - 6.9.4 new requirement for environmental information to be prepared by "competent experts" and for a statement of competence to be given (Regulation 14(4));
 - 6.9.5 new requirement for an Environmental Statement to be based upon the most recent scoping opinion adopted (in Regulation 14);
 - 6.9.6 a longer minimum consultation period of 30 days (Regulation 9 Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and Regulations 19 / 20 / 22 / 24 of the 2017 Regulations);
 - 6.9.7 changes to the prescribed content of an EIA in Schedule 4:
 - (a) a longer list of matters that the EIA must consider, including additionally population, human health, and climate (for example greenhouse gas emissions, impacts relevant to adaptation);
 - (b) description of the **reasonable alternatives** studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment...;
 - (c) Regulation 21 and Schedule 4 Paragraph 7 require a consideration of appropriate **monitoring measures**, and for an EIA to include a full description of monitoring arrangements proposed;
 - (d) Regulation 5(4) and Schedule 4 Paragraph 8 require the EIA to provide information on the expected significant effects arising from the **vulnerability of the proposed development to major accidents or disasters** that are relevant to that development.
- 6.10 The PEIR prepared by RSP and published with its purported statutory consultation in 2017 does not comply with these requirements, and does not allow consultees to have

an informed view of the likely significant environmental effects of the project in accordance with the 2017 Regulations. The EIA consultation and publicity processes have therefore been carried out in a deficient manner and not in accordance with the requirements of the 2017 Regulations.

- 6.11 If an application was to be submitted by RSP in reliance on consultation undertaken to date, the requirements of Chapter 2 of Part 5 to the 2008 Act would also not have been complied with. Should an application be submitted, it would fail the test under section 55(3)(e) of the 2008 Act when the Secretary of State would need to decide whether to accept the application. The application would also not be of a satisfactory standard as the Environmental Statement would have been prepared under the incorrect EIA Regulations, therefore the application would fail the test under section 55(3)(f) of the 2008 Act.
- 6.12 Allowing an application to proceed to submission when it has clearly failed to comply with the correct pre-application consultation requirements for the EIA process would be highly prejudicial, and would make a mockery of the integrity of both the EIA and the acceptance process as part of the 2008 Act. Should the application be accepted without the correct process being followed, there would be no immediate opportunity for SHP or others to seek judicial review of that acceptance decision, forcing SHP and others to expend very significant sums of money having to engage with an inappropriate Examination process, including preparation and submission of relevant representations, preparation of legal and other submissions at the Preliminary Meeting, written representations, attendance at hearings and compulsory acquisition hearings. This is highly prejudicial.
- 6.13 The applicant would need to prepare a compliant PEIR and consult on it correctly under the 2017 Regulations before any application could proceed to be considered for acceptance. This is necessary to allow those affected sufficient information to understand the proposals and the likely significant environmental effects in accordance with the 2017 Regulations.
- 6.14 Section 7 below considers the inadequacy of the content of the PEIR. The costs implications are set out in Section 9.

7. **INADEQUACY OF CONSULTATION**

- 7.1 The promoted statutory consultation carried out in relation to RSP's proposed application has clearly been inadequate, and the consultation has not enabled informed, meaningful engagement from the community and affected landowners due to the absence of appropriately detailed information and clarity as to the precise nature of what is being proposed and the likely significant and other environmental effects as a result.
- 7.2 **Inadequacies with the statement of community consultation:** The statutory consultation was required to be carried out in accordance with the SoCC. However, the SoCC is clearly inadequate, as supported by TDC's response on the draft SoCC dated 9 March 2017, and the way in which a great number of TDC's comments have been disregarded or ignored by RSP. It is clear TDC was very concerned about the draft SoCC and raised points highlighting various deficiencies, which have been simply ignored by RSP. SHP shares these concerns.
- 7.3 **Insufficient detail to allow for meaningful consultation:** It is clear that TDC has significant concerns in relation to the inadequacy of consultation. TDC raised concerns about the lack of information available regarding details of the RSP proposals, and that the level of information available may not allow meaningful comment by the local community. As we have set out elsewhere in this letter, SHP's team of highly qualified and experienced expert consultants is not clear from RSP's consultation documents

as to what is actually proposed with respect to the development and consider it is clearly not a NSIP, and therefore is ineligible to be assessed under the 2008 Act. If experienced expert consultants with a huge amount of expertise in the aviation industry cannot adequately decipher RSP's proposals, then members of the public cannot be reasonably expected to do so. This serves to highlight the inadequacy of the information available on consultation; it is abundantly clear that a proper opportunity for meaningful consultation on sufficiently clear and eligible proposals has not been afforded to the community and others whose interests may be affected by RSP's proposals if they were to proceed. PINS will no doubt be aware of the confusion and dissatisfaction surrounding the consultation carried out by RSP, based on the volume of section 51 correspondence it has received from members of the community.

- 7.4 **Deficiencies with the PEIR:** It is clear that the statutory consultation carried out on the preliminary environmental information was both flawed and premature, and that further consultation would be needed in order to rectify the identified failures and inadequacies, and to ensure that there is a proper opportunity for meaningful engagement. Not least, RSP has not complied with the 2017 Regulations which it must do for the reasons expressed in section 6 above.
- 7.5 Under the 2009 Regulations, a PEIR must contain such information as is "*reasonably required to assess the environmental effects of the development (and of any associated development)*." Under the 2017 Regulations, a PEIR must contain such information that is "*reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development (and of any associated development)*."
- 7.6 The 2017 Regulations, inter alia, put into legislation the requirement of Advice Note Seven.² For example, paragraph 2.4 of Advice Note Seven states that "*[A] good PEI document is one that enables consultees (both specialist and non-specialist) to understand the likely environmental effects of the proposed developments and helps to inform their consultation response.*"
- 7.7 SHP's expert consultants have reviewed the PEIR. The view of the professional team is that the PEIR information in relation to the likely significant environmental effects of the proposals is not such as to enable consultees to provide a properly informed view of RSP's proposals. For example, on a non-exhaustive basis:
- 7.7.1 **Transport** – the transport chapter has a deficient methodology, is missing key information and is incomplete. For example, despite RSP's proposals being for a freight air cargo hub, there is no trip generation for the operational phase of the development. Without such information, no-one can identify the likely transport impacts and whether any off-site mitigation measures are required and, if so, how they will be secured. It is therefore not possible to draw any conclusions regarding the likely significant or other impacts of RSP's proposals on the transport network;
- 7.7.2 **Air Quality** - the PEIR accepts that no transport data is available upon which to base an assessment for the operational phase of air quality effects. Consequently, many of the reported significance levels may in fact become significant impacts and need further mitigation. It is also evident that there is an absence of details to inform the extent of the likely aircraft operational effects on air quality. Accordingly, consultees can have no confidence over the content of the air quality chapter. If the significance increases, then consultees should be made aware of that increase before any application is submitted as it could change people's views;

² Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping., March 2015

- 7.7.3 **Noise and vibration** - in the absence of traffic data for the operational phase of the proposals, together with an absence of details to inform the extent of the project study area for noise and vibration, the likely significant and other effects are largely unknown with results being subject to change;
- 7.7.4 **Ecology** – the PEIR follows just a threadbare generic approach to the delivery of construction works and operation. Conclusions are premature and inadequately evidenced, especially in the absence of traffic data;
- 7.7.5 **Health impacts** - the PEIR does not provide a Health Impact Assessment but states that the potential for significant effects of the proposals on public health is considered within the air quality and noise technical chapters. However, in the absence of fundamental data, the effects on public health remain an issue that would clearly need to be considered further in order for consultees to understand the potential impacts. Note that this is one of the key differences between the 2009 Regulations and the 2017 Regulations. This is an example of how failure to comply with the relevant legislation cannot be "swept under the carpet" at the acceptance stage;
- 7.7.6 **Loss of housing** - there is no assessment of the impact on the housing market of the loss of the emerging Local Plan's largest strategic site for new housing. RSP's proposals would result in a loss of the *at least* 2,500 homes allocated in the emerging Local Plan with the Site's overall potential of between around 3,500 to 4,000 homes. The impact of that loss, for example the extent to which alternative sites on greenfield land would be required to be made available to meet the housing supply demands, and the resultant likely significant environmental effects of that, have not been assessed. Consultees need to be informed that the result of RSP's proposals would be this loss of this proposed housing allocation, the further housing capacity of the Site and the consequential effects in the identification and development of alternative housing sites and the likely significant effects of that. In addition, there is no discussion of the impact on the housing market of RSP's projected employment figures, a point raised by TDC but ignored by the applicant.
- 7.8 These are glaring omissions that need to be filled in order to provide consultees with an ability to properly understand the proposals and what the likely significant and other impacts are so that they can come to a properly informed view about the proposals.
- 7.9 **Lack of detail about mitigation and compensation schemes for Category 3 persons:** Given the "generic" approach of the PEIR and the absences of key data, the Planning Inspectorate must interrogate precisely how RSP has identified its Category 3 list of persons. For a proposal of this nature, which presents itself as a significant airport-related development, the methodology applied clearly needs to be particularly transparent and the Planning Inspectorate must ensure that it is clearly set out, explained and tested prior to any submission. Any doubt over the approach must then result in a refusal to accept any application on the grounds of an inadequate consultation under section 42 of the 2008 Act.
- 7.10 We also note that TDC raised significant concerns that the ramifications on the local community would not be objectively outlined in the statutory consultation, and the absence of detail in relation to any property mitigation and compensation scheme is further evidence of this.
- 7.11 It is completely unclear what, if any, actions have been taken by RSP with respect to any property blight scheme and compensation for those affected, particularly by noise, air quality and property depreciation. RSP's proposals, if they ever proceeded, would be likely to cause a significant detrimental impact not just on SHP's land and the

immediate surrounding area, but also on a wider area of many surrounding properties over large distances, including with daytime and night-time flights, as well as surface transport congestion (note the PEIR is so threadbare it is impossible to gauge the extent of the likely and other potential impacts). The consultation does not set out any property blight scheme details including the extent and calculation of anticipated compensation.

- 7.12 The Overview Report, as part of the consultation documents, simply makes a passing reference to a "Noise Mitigation Strategy" that will be implemented and states that an "aircraft noise insulation scheme" will be offered. The Overview Report states that details of this insulation scheme are being developed and will be subject to a separate consultation (Section 7.0 of the Overview Report). There is no further detail provided than this, including nothing in relation to how such a scheme will be funded and to what extent. We can find no evidence of this "separate consultation". If RSP intends to submit their application by Q4 2017, then that would clearly give no time for any meaningful consultation to be carried out on such an important scheme component which would materially affect homes and businesses and to be properly taken into account in any application. If RSP was to seek to submit an application without carrying out the consultation, then that would clearly be a procedural and substantive defect and there would be a breach of legitimate expectation in relation to the promised separate consultation.

8. FAILURE TO COMPLY WITH COMPULSORY ACQUISITION LEGISLATIVE AND GUIDANCE REQUIREMENTS

- 8.1 So far as an application for the grant of compulsory acquisition powers is concerned, the Planning Inspectorate must be satisfied that the requirements of section 55 of the 2008 Act and any Guidance issued thereunder must have been complied with before any application is made.
- 8.2 In relation to compulsory acquisition powers, the *Guidance related to procedures for the compulsory acquisition of land* states at paragraph 21 that before an application is made an applicant must comply with the requirements of Chapter 2 of Part 5 of the Planning Act 2008. Further, paragraph 25 states that applicants should as a general rule seek to acquire land by agreement, and authority to acquire land compulsorily should only be sought as part of a DCO if attempts to acquire by agreement fail (the only exception to the rule relates to linear schemes, which is not relevant here).
- 8.3 There have been no attempts by RSP to acquire by agreement or otherwise deliver the proposals by agreement with the owners of the Site. Accordingly, the requirements of section 55 and related Guidance have not been met and any application which seeks compulsory acquisition powers is manifestly premature.
- 8.4 **Availability of powers:** outside of the 2008 Act, compulsory acquisition powers are obviously not usually available for commercial companies. In this instance, RSP relies entirely upon its claim that its project is a NSIP in order to avail itself of compulsory acquisition powers, and the ability to seek authorisation for rights of entry to land. For the reasons set out in section 3 above, however, the proposals are not a NSIP and, as such, RSP cannot legitimately seek powers of compulsory acquisition. Given in particular the blight issues that arise with proposals where compulsory acquisition powers are sought, this is a matter of utmost importance to be resolved at this stage (and should have been resolved already).
- 8.5 **No demonstration of compulsory acquisition as a last resort:** as set out above, compulsory acquisition powers are available only as a measure of last resort, requiring applicants to make meaningful attempts to acquire the interests they seek voluntarily by negotiation or otherwise deliver their proposals with the agreement of the owners of

the Site. That should include a consideration of alternatives in terms of site location, site operations and site layout / related land required.

- 8.6 SHP acquired the Site in 2014, after it was closed by its previous owners. Following closure of the airport, TDC therefore embarked on a process to try to find an indemnity partner (which included detailed consideration of the former applicant, RIC) in order to potentially compulsorily acquire the Site or acquire it by agreement and re-commence airport operations. However, despite such a process, the Council's cabinet decided on two occasions, most recently in October 2015, to take no further action to progress a compulsory purchase order of the Site as there was no credible indemnity partner who could demonstrate a viable and deliverable plan for airport operations to re-commence on the Site. Part of its decision in October 2015 was that RIC did not fulfil the requirements of the Council for a suitable indemnity partner.
- 8.7 No offers from RSP to acquire the Site by agreement or otherwise deliver the RSP proposals by agreement with the Site's owners have been received by SHP. RIC, the previous applicant, made an approach in June 2016 but RSP has made no formal attempts to negotiate.
- 8.8 RSP, the current applicant, has plainly not, therefore, used its best or any reasonable efforts to acquire the Site by agreement or otherwise deliver the RSP proposals by agreement with the Site's owners involving any alternatives to outright acquisition of the land; compulsory acquisition plainly therefore cannot be seen as a measure of last resort.
- 8.9 In the compulsory acquisition powers context, or otherwise, RSP has not demonstrated a commercially viable airport proposition, or evidence that its shareholders are willing to subsidise an unviable, loss making operation. The three previous commercial owners of Manston were all unable to run the airport without sustaining major ongoing losses. Furthermore, the advice of our client's set of expert aviation advisers (i.e. York Aviation - whose work is cited by RSP in their consultation materials as evidence to demonstrate need and viability for a cargo hub at Manston, Altitude Aviation Advisory and Oxera) as well as the Local Planning Authority's own evidence base for its emerging Local Plan, including a report prepared by aviation consultants, AviaSolutions, all concur that the Site is not viable as an airport and has no credible prospect of being viable. On the other hand, RSP is relying on the advice of an "aviation academic" whose experience of advising on any commercial airport operations is unknown, and who previously worked with Anthony Freudmann as part of a company who used to own Manston Airport but did not make a success of it. SHP has developed a masterplan for the Site, has progressed a significant planning application over a large part of the site, is preparing further applications and has emerging Local Plan support. In contrast, RSP's airport proposals are entirely speculative, not supported by the emerging Local Plan, the emerging Local Plan's evidence base or by any national policy.
- 8.10 **Inadequate justification of extent of land acquisition proposed and inadequate consideration of alternatives:** there has been no justification of the extent of the land proposed to be included in the limits of land sought to be acquired. There is very little explanation of what uses are to be sited on relevant parcels of the land and the rationale for that, and there is wholly inadequate consideration of the alternatives in both the compulsory acquisition and wider contexts. RSP has not demonstrated that it has made any attempt to reduce the extent of the land required to the minimum required - it has simply drawn a line around the whole of SHP's interests without any justification, rather than explaining the minimum land requirements. In the compulsory acquisition and other contexts, that is clearly inadequate.
- 8.11 As explained in section 4 above, it is unclear as to why all of the development that RSP is proposing is required and, therefore, why all of the land is required. Indeed,

SHP's aviation experts consider that, from what is discernible about the proposals, only a much reduced land area would be needed to carry out the proposals (though the ATM forecasts cited by RSP are not accepted by SHP as being realistic or achievable). The Inspectorate must require RSP to explain and justify why it needs the extent of land it is proposing. This is a glaring absence from all materials presented in the promoted statutory consultation.

- 8.12 **Extent of land for associated development:** However, RSP's aspirations for Manston go far beyond what is a NSIP airport development and incorporate significant amounts of commercial development which is only necessary to provide financial cross subsidy to an airport proposal which is not viable. RSP cannot legitimately seek compulsory acquisition powers for land to host development which is neither NSIP nor associated development.
- 8.13 **Lack of applicant credible financial standing:** The lack of credible financial standing of RSP is also a highly material concern. As identified in section 5 above in relation to the identity of the applicant, there is no evidence that RSP is of adequate financial standing to meet the financial tests necessary for a promoter to be granted powers of compulsory acquisition, let alone deliver the proposals. RSP is an independent stand-alone special purpose vehicle, incorporated in July 2016 with no trading history and no evidenced assets or ability to leverage the finance required to fund the cost of a NSIP application, land acquisition, construction and operational costs and compensation matters set out in paragraph 5.4.4 of this letter above.
- 8.14 The ultimate shareholders for RSP are individuals or foreign registered companies in jurisdictions where the level of information available to the public is extremely limited. In the event that RSP was to liquidate or otherwise failed to meet its liabilities in relation to the costs and compensation requirements referred to above, absent robust security as to costs and compensation, there is a risk that the corporate veil (given that RSP is an independent legal SPV entity) may apply and affected parties would have no recourse against any other company or individual. RSP has already behaved improperly towards SHP and others in failing to disclose the change in identity of the promoter, and in seeking improperly to rely upon section 53 authorisations which were not granted to RSP. It is also pertinent that RIC, a company with a longer trading history and more substantial reported assets than RSP, failed to convince TDC that it was of sufficient financial standing for the Council to accept a CPO indemnity to purchase the land to try and keep the airport open. It is manifestly inappropriate for an entity such as RSP, with no track record, no land interests and no evidence of adequate funding to be allowed to continue to blight land and continue to threaten compulsory acquisition, especially when the Site is a highly material strategic housing allocation, in the context of an urgent national, regional and local need for the acceleration of housing delivery and the Government's clear commitment to increase the delivery of housing as set out in the Housing White Paper.
- 8.15 **Land compensation:** No assessment has been made or information provided as to RSP's estimate of the extent of the land acquisition costs. There are bold assertions that RSP has the ability to meet the costs, but no demonstration of how this would be done. In previous negotiations, RIC significantly undervalued the Site and no realistic offers for the purchase of the land reflecting the value that would have to be paid under the Compensation Code were made. RSP has not made any offers.
- 8.16 **Blight and Category 3 persons:** In addition to being able to meet the land acquisition costs of the Site, RSP must also be able to demonstrate that it is of sufficient standing to meet the wider blight costs of the scheme including provision for dealing with any statutory as well as area wide blight. The effects of blight on the area are already being felt in relation to SHP's scheme as well as wider area blight concerns as a result of RSP's proposals.

- 8.17 As identified in section 7 on inadequacy of consultation, as there are such significant gaps in the information provided by RSP this, in turn, casts serious doubt over how RSP can have properly and comprehensively identified affected parties who could fall within Category 3 of section 44 of the 2008 Act. RSP's financial standing must be sufficiently robustly evidenced such that, in addition to the compensation costs for land acquisition and extinguishment of rights over the Site, the costs of meeting Category 3 claims can also be fully met.
- 8.18 **Noise mitigation and insulation schemes:** RSP has not offered or consulted on any noise mitigation or insulation schemes, which is highly unusual in relation to any supposedly nationally significant infrastructure airport project. A host of airports obviously have extensive noise mitigation and insulation schemes for private homes and public buildings and sensitive uses such as schools and hospitals. The lack of assessment and mitigation in this respect is indicative of the applicant's threadbare approach to the proposals. Indeed, the draft Airports NPS, which is an "*an important and relevant consideration in respect of applications for new runway capacity and other airport infrastructure in London and the South East of England*" (paragraph 1.10) makes it clear that in the context of expansion at other UK airports, there is an expectation that "*People are entitled to know what steps will be taken to help protect them against aircraft noise and, where appropriate, to help them to move house.*" (Paragraph 5.233). RSP has failed to provide any information on the costs of meeting the legitimate claims of affected neighbouring properties affected by noise.
- 8.19 **Costs of construction:** In addition to the compulsory acquisition costs, as set out above, there must also be a reasonable prospect that RSP can meet the likely costs of constructing the project, and that once constructed it will be capable of viable sustainable operation. Land should clearly not be acquired by compulsion for "white elephant" schemes, which have no genuine or credible prospects of long term operation. There is clear evidence from SHP's three expert aviation consultants, and from AviaSolutions (appointed by TDC and reporting as part of the local plan evidence base), that the long term operation of Manston airport is simply not a viable proposition. The application simply cannot proceed on any credible basis.
- 8.20 **Meeting costs awards:** It is also vital that RSP should be of sufficient financial standing to be able to meet any potential costs awards to those affected parties, such as SHP, forced to expend significant sums defending their interests against RSP's proposals in the event that their objections succeed. Please see section 9 below for more detail in relation to the costs position of SHP in respect of this proposed application.
- 8.21 **Security for compensation, blight and wasted costs:** RSP's proposals are blighting land now. There is no confidence or evidence that this company has the financial standing to complete the DCO examination process, let alone meet the host of other costs and compensation costs, which will run into tens of millions of pounds plus. RSP must credibly demonstrate the requisite funds to meet those costs and compensation. RSP has simply not done this. Instead, RSP's shareholders are companies in jurisdictions where there is an opaque public recording system. Therefore SHP, and indeed the wider public and the Planning Inspectorate, have manifestly insufficient idea about RSP's standing or where the funds would come from to meet its liabilities (see section 9 further below).
- 8.22 As well as evidence of sufficient financial standing of the applicant being required generally, in light of the above, it is clear that an Escrow account needs to be established now which needs to include the full amount of, at the very least, a robust estimate of the compulsory acquisition costs and compensation, blight compensation (not just for SHP but for affected Category 3 persons) and for an appropriate noise mitigation and insulation scheme. Appropriate security as to costs also needs to be provided in an Escrow account, as set out in section 9 below.

9. **COSTS**

- 9.1 Given the above, it is clear our client, SHP, is being forced to expend significant costs in dealing with a manifestly inappropriate and deficient application (which should never have been made or been allowed to progress from the beginning) and is prejudiced by RSP's attempt to inappropriately take advantage of the NSIP procedure, in reality simply as a device to try and compulsorily acquire SHP's land after TDC refused to do so. To defend its interests against the DCO proposals and compulsory acquisition of its land, SHP has, and will continue to have to, incur significant costs unless the proposals to submit an application are immediately withdrawn, which is what should now happen.
- 9.2 As we discussed in our meeting with you, we formally put both RSP and the Secretary of State on notice that our client will pursue all necessary avenues to defend its interests and will be seeking to recover all of its costs incurred in the entire DCO process, including costs to date, plus compensation for consequential losses. Should the DCO application progress and be accepted and proceed to Examination, our client will be forced to incur further significant costs of defending its interests throughout. The intention is to include in a costs claim the following bases:
- 9.2.1 **Section 53** - Unrecovered costs from having to deal with requests under section 53 of the 2008 Act.
- 9.2.2 **Costs of defending compulsory acquisition of land** - If SHP was successful in objecting to RSP's request for the inclusion of compulsory acquisition powers in the DCO, and the Secretary of State either refuses development consent or makes a DCO without compulsory acquisition powers (of the whole or part of SHP's land), SHP will seek a full award of costs with respect to the costs incurred by SHP in preparation for and during the Examination. Similarly, SHP will seek recovery of SHP's costs if RSP asks for land to be excluded from the land for which it seeks compulsory acquisition powers during the Examination.
- 9.2.3 **Costs incurred as a result of the Applicant's unreasonable behaviour** – It is SHP's intention to seek (at an appropriate juncture e.g. following any withdrawal of the application for a DCO or curtailment or cancellation of the Examination following the Preliminary Meeting or otherwise, or in any event at the completion of any Examination) a full award for costs in relation to unnecessary or wasted expense incurred by SHP as a result of the unreasonable behaviour of RSP in the way it has made and pursued its application. RSP has made an application on a false premise, i.e. that the project is a NSIP, has clearly failed to comply with procedural requirements and to substantiate its case and it continues in unreasonable behaviour in pursuing its application based on a lack of credible evidence and disregarding or clearly paying insufficient attention to a host of important matters raised by SHP, TDC and a range of other parties.
- 9.2.4 **Costs incurred in judicially reviewing the making of a DCO** – In the light of the legal deficiencies we have identified, if the Secretary of State makes a DCO (with or without the full extent of compulsory acquisition powers sought) it is SHP's intention to submit a claim to judicially review that decision, and we will seek a full award of costs with respect to costs incurred by SHP if SHP is successful in taking such action. Having regard to the circumstances of the case the costs claimed will not be limited to those incurred in bringing the judicial review proceedings, and will include costs incurred from acceptance of the application and throughout the Examination. As you know, there is no statutory opportunity for SHP to judicially review decisions relating to acceptance or proceeding to Examination after the

Preliminary Meeting, and SHP will therefore be forced to engage in these processes by making submissions to the Planning Inspectorate and being involved in the Examination process. SHP is therefore reliant on the Secretary of State to be especially vigilant at those stages, in terms of ensuring procedural and substantive requirements are met. There must be no opportunity for abuse of the NSIP process, and that the application must be of a satisfactory standard, reinforced in these circumstances including by the threat of wholesale compulsory acquisition of the Site. Failure by the Secretary of State to adequately and thoroughly discharge its duties in this respect would have the consequence of our client being put to the great expense of incurring further significant costs in participating in every stage of the application process in order to protect its interests.

- 9.3 These costs will be substantial and, as highlighted in this letter, we have serious concerns over the lack of certainty that RSP will be able to meet any award of costs in our client's favour and in relation to any other party. We would therefore expect the Inspectorate to ensure that RSP is of sufficient financial standing before contemplating any further its application, which can only be achieved in this instance through the inclusion in the Escrow account referred to in section 8 above of sufficient sums to cover the costs which may become payable. We will supply further details of SHP's costs to inform this shortly but it is clear that the consequential losses to SHP arising from delay to its new settlement project will run into the many millions of pounds and that the costs for SHP (to date and to continue to defend its interests) are very significant.

10. **APPLICATION INCAPABLE OF ACCEPTANCE AS PLAINLY OF UNSATISFACTORY STANDARD**

- 10.1 For the reasons summarised above, the proposed application is manifestly incapable of acceptance under Section 55(3)(f) of the 2008 Act because it is not a NSIP and it is plainly not of a satisfactory standard even if it was. The proposed application has no reasonable prospect of being granted or the proposals successfully proceeding – in reality, the proposals are an attempted abuse of the DCO process.

11. **SECTION 51 ADVICE**

- 11.1 During the meeting on 27 September 2017, it was identified that the Planning Inspectorate's website required updating to reflect the change in applicant for the DCO. Section 51 advice dated 27 March 2017 attaches a copy of the letter sent by PINS to Herbert Smith Freehills, where it is noted "*on 14th March 2017, BDB on behalf of RiverOak Investment Corporation LLC wrote to the Planning Inspectorate ("the Inspectorate") to confirm that there had been a formal change in the identity of the promoter of the Manston Airport Development Consent Order (DCO) to RiverOak Strategic Partners Ltd (RSP). This is now reflected in the detail provided on the Inspectorate's internet project page for Manston Airport*". This was a material change, and given the circumstances that later came to light (i.e. that RIC had transferred its interest to RSP on 15 December 2016), it is important that BDB's written correspondence from 14 March 2017 is published as either a document or as section 51 advice. Such correspondence is required in its entirety to examine further the extent to which the change in identity of the applicant was done on a transparent basis or not. Please could you provide an update as to when outstanding section 51 advice will be published on the website?

12. CONCLUSION

- 12.1 As was discussed during the section 51 meeting held on 27 September 2017, this letter has set out that:
- 12.1.1 RSP's proposals do not meet the statutory thresholds under the Planning Act 2008 to be considered a "nationally significant infrastructure project". Its proposed application for a Development Consent Order, therefore, cannot proceed, and should not be proceeding, under the 2008 Act. For this reason alone, RSP should be asked to withdraw its proposals from the DCO process forthwith. In addition to this fundamental issue the following points are other reasons why the proposed DCO application cannot lawfully proceed. They are made independently of and without prejudice to the fundamental issue;
 - 12.1.2 RSP's proposed DCO application is proceeding unlawfully by seeking to circumvent the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 in respect of how applicants should approach the environmental assessment of their proposals. RSP is unable to proceed on this basis;
 - 12.1.3 There has been inadequate pre-application consultation undertaken by RSP in respect of the proposed DCO application and it is unable to proceed on this basis;
 - 12.1.4 There has been, and remains, a lack of clarity over both the identity of the proposed applicant and its financial standing throughout the process. The proposed DCO application cannot proceed as there is no evidence of the ability of RSP to meet the financial liabilities relating to costs and compensation arising in relation to the application process. Any attempt to move forward with proposals should be supported by evidence related to the ability to fund them, including the costs of the application process (including challenges), compulsory land acquisition costs and compensations including proceedings, blight (including noise, air quality and property depreciation blight) caused by airport operations as well as blight affecting the SHP development proposals, required impact mitigation, construction, licensing, and operational requirements required to deliver the RSP proposals. There is an absence of any evidence of sufficient financial capability for RSP to be in a position to reimburse both SHP's costs from SHP's objections in relation to the proposed application (should SHP's objections succeed or due to the conduct of RSP in relation to the application process), or the consequential losses which SHP has suffered and is continuing to suffer from the blight and delay caused to SHP's own major new settlement-led proposals for the Site arising from RSP's proposals, not to mention potential costs claims from other parties. The proposed DCO application cannot appropriately proceed on this basis;
 - 12.1.5 The proposed applicant does not own or control any part of the Site and is unable to progress any application for compulsory acquisition powers as it has not demonstrated that compulsory acquisition powers are a last resort following meaningful attempts to negotiate to acquire the Site or otherwise deliver the proposals by agreement with the owners of the Site, nor has it justified the extent of the land identified or evidenced any real and meaningful attempts to consider alternatives;
 - 12.1.6 Flowing from all of the above, the proposed application is incapable of acceptance under Section 55(3)(f) of the 2008 Act in that it will plainly not be of a satisfactory standard. The proposed application has no reasonable

prospect of being granted or the proposals successfully proceeding – in reality, the proposals are unrealistic and an attempted abuse of the DCO process.

12.2 It is imperative that these issues are dealt with immediately prior to potential application submission, to avoid the attempted circumvention of primary and secondary legislation, international and UK EIA obligations, and to mitigate and prevent further prejudice, losses and consequential effects on SHP and other affected parties of proposals which are not properly within scope of the 2008 Act.

12.3 Should RSP decide to try and continue with its application notwithstanding these fundamental issues, the 2008 Act sets out the tests that the Secretary of State must have regard to when considering whether to accept an application in section 55 of the 2008 Act. Compliance with the list below is mandatory, thus, the Secretary of State cannot accept an application unless these requirements are met. Taking these in turn, RSP has failed to demonstrate compliance with the following:

12.3.1 Section 55(3)(c): *"that development consent is required for any of the development to which the application relates"*. As set out above, RSP has not demonstrated why a DCO would be required at all, with reference to the statutory thresholds set out in section 14 and section 23 of the 2008 Act.

12.3.2 Section 55(3)(e): *"that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure)"*. In this regard, the Secretary of State may have regard to *"the extent to which the applicant has had regard to any guidance issued under section 50"* (section 55(4)(c)). As set out above, the pre-application consultation requirements, and those contained in the 2017 Regulations have not been fulfilled, and there are multiple shortcomings which cannot be overcome post-submission.

12.3.3 Section 55(3)(f) *"that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory"*. When considering whether the conclusion of satisfactory standard in section 55(3)(f) can be made, the Secretary of State *"must have regard to the extent to which—*

(a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5), and

(b) any applicable guidance given under section 37(4) has been followed in relation to the application".

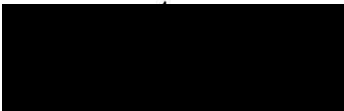
Failure to comply with any of the 2017 Regulations, the applicable guidance on associated development and in relation to compulsory acquisition would result in RSP not satisfying this test.

12.4 This letter covers the key points of principle which SHP considers must be resolved immediately, and is not seeking to cover all the flaws and concerns with the application. SHP will be writing with further concerns in due course as required.

12.5 We should be grateful if the Planning Inspectorate would please acknowledge receipt of this letter by return. We would ask for confirmation that its contents will be taken into account by the Planning Inspectorate in relation to further section 51 advice being sought by RSP in advance of submission of any application. A written response from the Planning Inspectorate to the points raised is also requested.

- 12.6 We would request a further meeting with the Planning Inspectorate under section 51 to discuss further the contents of this letter.
13. A copy of this letter is being sent to Bircham Dyson Bell (the solicitors acting for RSP), and also to TDC as the relevant local planning authority.

Yours faithfully



Pinsent Masons LLP .

Enclosures:

Enclosure 1: Plan of the site

Enclosure 2: TDC response to statutory consultation

Enclosure 3: RSP statements in relation to its role as the applicant

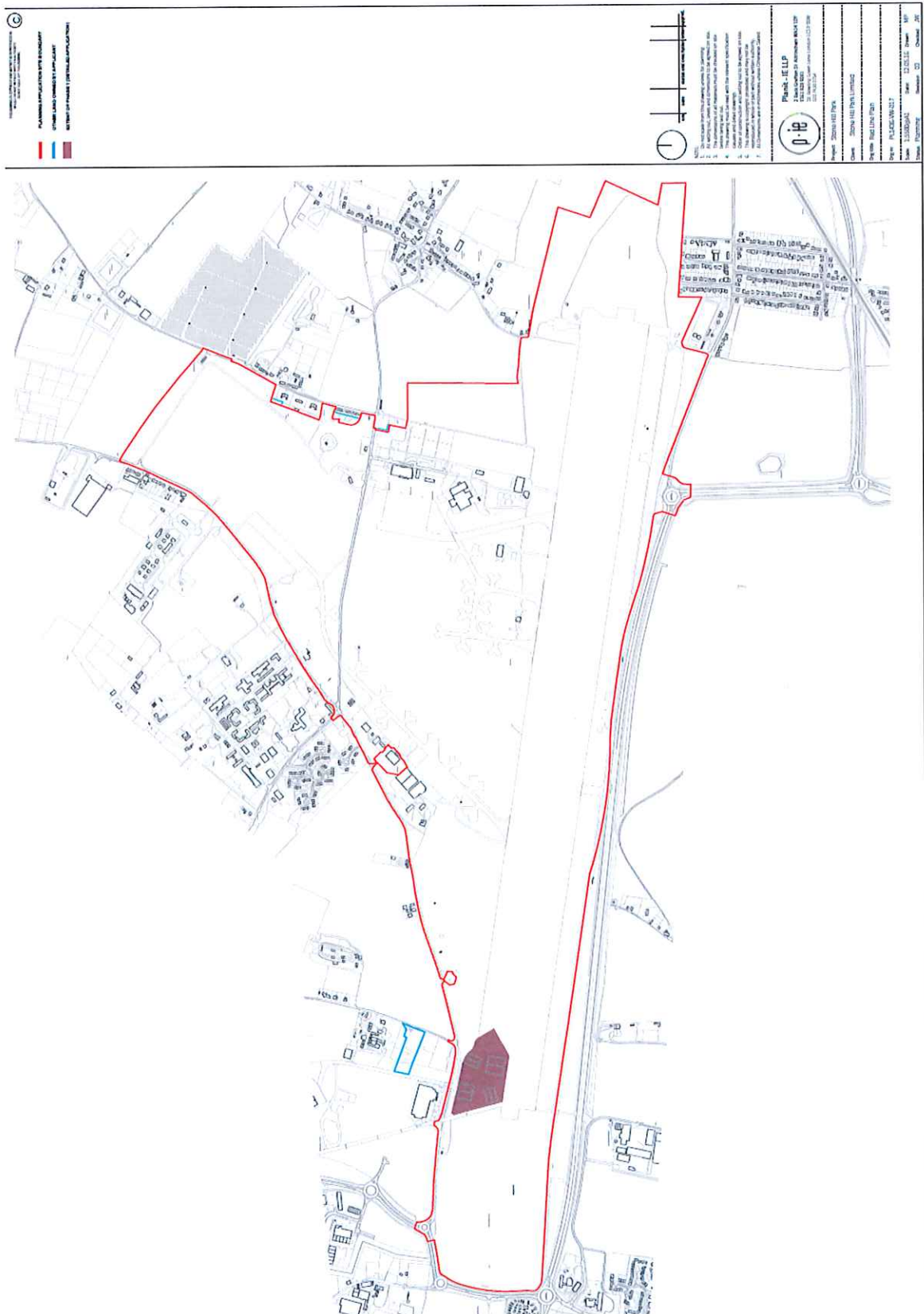
Enclosure 4: RSP and RIC press releases

cc:

Iain Livingstone, Thanet District Council

RSP c/o - Angus Walker, Bircham Dyson Bell

Enclosure 1: Red line plan & Illustrative masterplan from SHP's planning application, 2016







Enclosure 2: TDC response to RSP's statutory consultation

COMMUNITY SERVICES

Please ask for: Iain Livingstone
Direct Line: 01843 577140
Date: 20/07/17



Mr G Yerrall
Riveroak Strategic Partners
Audley House
9 North Audley Street
Mayfair, London
W1K 6WF

Dear Mr Yerrall,

Application by RiverOak Investment Corp LLC for an Order Granting Development Consent for Manston Airport

Statutory Consultation on Proposed Project

Thank you for your consulting Thanet District Council under the provisions of Section 42 of the Planning Act 2008.

We will outline our specific comments on the information provided at this pre-application consultation stage of the process.

Principle and Policy Conflict

The proposed redevelopment of the Manston Airport site as a dedicated freight airport with additional uses would be directly contrary to the emerging Local Plan (to 2031) policy SP05, which allocates the site for a mixed use development with the capacity to deliver at least 2,500 new dwellings and up to 85,000sqm employment and leisure floorspace. It is considered on the basis of the Council's empirical evidence that airport operations at Manston are very unlikely to be financially viable in the longer term, and not possible in the period to 2031, and this has informed the proposed allocation within the preferred options revisions consulted upon in January 2017.

Basis of Project and Business Case

We have reviewed the 'Outline Business Case' submitted as part of your public consultation. This provides a high-level overview of the perceived benefits of the project, rather than as a business case for how the project will be funded and delivered. For example, at a basic level it does not include any breakdown of the cost of the proposed work (6a-m). There is a severe lack of detail about where additional investment, to develop the airport to the point where the development would be capable of providing services to handle 10,000 air transport movements of cargo aircraft a year, will come from, and what the actual amount of investment required to achieve 10,000 air transport movements is. It is also the case that there is a lack of information or evidence about how these 10,000 flights will occur without any operators identified or secured for the site, and only limited interest has been outlined in the background documentation from two smaller operators.

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The resource implications of both acquiring the land and implementing the project will need to be provided in the full submission, including outlining the degree to which other bodies have agreed to make financial contributions or to underwrite the scheme to fill any shortfall, and on what basis such contribution or underwriting has been made. Without this information there is significant uncertainty about the delivery of the project.

Putting aside what the Planning Inspectorate might want to see we would expect additional financial information to provide certainty about the delivery of the project, at the same level as the requirements on public-funded bodies under 'The Green Book' appraisal approach to provide certainty to the local community and the Inspectorate about the delivery of the project.

Economic impacts

The 'Overview Report' states that by year two of operation, you expect 850 people to be directly employed on the site, with a further 5,000 people employed within the region in the supply chain, in associated industries or businesses or as a result of the airport's presence in the economy. By year 20 these figures are expected to rise to over 4,200 people at the airport site and a further 26,000 in the wider regional economy. The 'wider regional economy' is not defined in any of the consultation documentation, and we would expect this to be defined clearly in the full submission, linked to empirical evidence of regional economic impacts from airports so that its impact can be assessed independently.

The job numbers have been derived from the estimates from the Azimuth Associates documentation to create a formulae linking freight tonnage to job numbers on a theoretical basis. No optimism bias has been allowed for in these estimates, nor has the growth in automation been considered in this academic study. Without any information about who is going to deliver the freight tonnage and therefore create the job numbers stated we question whether the economic benefits of the airport in terms of job creation can be considered deliverable.

In turn this uncertainty makes us question the significance of the beneficial socio-economic impacts from the development within your Preliminary Environmental Information Report (PEIR).

On the critical point of economic impact we would want to see greater use of different sources of data to reduce the dependence on this academic study.

Housing Requirements

Notwithstanding these concerns, the implications of proposed job creation on the amount of housing required in both Thanet and East Kent is a significant concern. This is briefly mentioned at point 13.9.8 of the PEIR, characterised as a major adverse – significant (impact). The emerging Local Plan's stated housing need to 2031 (17,140 homes) is predicated upon the expected addition of 5000 jobs in the same period. The development of your airport, by virtue of the estimated job numbers created both directly and within the supply chain, has the potential to significantly affect the objectively assessed need (OAN) for housing within the East Kent region.

The impact is a likely significant increase in housing land requirements. This may result in indirect effects, such as additional loss of countryside through housing development, which has not been assessed in the PEIR and significant new infrastructure demands. An assessment must be carried out within the full submission reviewing job creation in your project and the relevant plan documents in Thanet, Dover and Canterbury (phased over respective plan periods), reviewing the labour supply with existing studies available in all three areas, assessing where the projected workforce will be drawn from to the airport, modelling migration adjustment from this information therefore deriving implications on housing need in the district and the region.

The loss of the site as an allocation in the emerging Local Plan, for at least 2,500 dwellings, does not appear to have been considered in your submission. The proposal would also result in the loss of 56 open market units and 56no. extra care units approved on the Jentex site, meaning the total housing



shortfall resulting from this development would be at least 2,612. This would be a direct impact from your project, and the ramifications for this on Thanet's countryside must be adequately assessed within your submission (including within the socio-economic and landscape visual impact sections of the Environment Statement (ES)).

Other socio-economic impacts

Additional burdens on local services are considered to be major adverse impact during operation in the PEIR, which would result from the increase in residence of operational workers in the district. This effect should be linked to the work to be carried out around the increase housing requirement in the district and neighbouring authorities (above in Housing Requirement section), to quantify the impact on local services as accurately as possible.

No mention is provided about an on-site education/training facility, as referenced in the Azimuth Associates report within the masterplan, overview report or PEIR, and therefore it is assumed that this will not form part of the submission. In terms of learning and development opportunities, these are broadly mentioned in the Azimuth Associates report, however not outlined in the Socio-Economic impacts section of the PEIR. It would therefore appear that there is limited weight that can be attributed to any beneficial impacts on learning and development from the project given this lack of detail about discussions with any providers and how any measures will be integrated into the project. Paragraph 13.9.7 indicates that specific surveys of the location and character of vulnerable groups and community facilities will be undertaken, with more details to be provided in the ES. We will await this information, and request that the potential for local employment and training during construction and operational phase be outlined in full in the ES and subsequently secured via appropriate obligations.

The tourism profile of the district provided within the PEIR should be updated to reflect available data on visitors from the 2015 Cambridge Economic Impact Model, further information can be found via: <https://www.visitthanetbusiness.co.uk/>. The Council has adopted its Economic Growth Strategy, which is referenced at PEIR section 13.4.27, however the Experian report from 2012 was not adopted and is not considered up-to-date. We welcome the acknowledgement of the potential significant impact on businesses from noise and traffic and transportation however this should be elaborated upon in the ES. The impact on tourism is characterised at operational stage as moderate adverse, and we await information on how the likely effects on local amenity, businesses, the destination and the experience of visitors will be mitigated by environmental measures. It is stated that this could be through limiting night flights and aircraft flightpaths, however all indicative flight paths would travel over Ramsgate, and night flight mitigation would not impact on the multiple flights during the day that could adversely affect local business and tourism and the destination.

Noise and impact on living conditions

We are significantly concerned about the potential impact from your proposed development on the living conditions of those residential occupiers within close proximity of the airport, those residents living under the (indicative) flight paths, especially in relation to night flights, as well as disruption to multiple schools within Ramsgate. This impact has been characterised as major adverse – significant in the PEIR, and it is noted that further detailed assessment work is being carried out regarding construction and operational noise, including aircraft air noise which is pending further work on routes, aircraft type and specification. It will be necessary to consider the cumulative impact of existing aircraft operations in the vicinity, proposed airside operations as well as all training flights at the airport, and that this information should be submitted within the ES.

We would expect the final submission to include the full details of the proposed noise mitigation strategy as well as the noise insulation scheme (include those properties that you believe would be covered by the scheme on the basis of the information available at the time). It is noted that the document states that the noise contour map for the project will extend daytime and nighttime contours in comparison to the previously produced contour map for the previous use of the airport, but this is not being consulted on at this stage.



We would advise that an additional noise baseline observation location should be included within the Nethercourt residential estate, given its proximity to the airport and the anticipated landing/take off routes, as well as the approved Manston Green development location, with consideration of a permanent noise monitoring station on the site if any Development Consent Order (DCO) is approved.

Until the further assessment work has been completed and data made available we are unable to comment on whether the impacts have been adequately quantified and mitigated. We will therefore await this information before commenting in detail within the Council's Local Impact Report.

Notwithstanding the above concerns, if approved by the Planning Inspectorate we would expect that a Section 106 agreement would be formulated to cover all monitoring and mitigation for the use of the airport, with controls on noise levels, as well as controls on the number of night flights (capped at 8 movements as an absolute maximum given that this is the level to be assessed in the ES).

On a detailed layout point, the masterplan shows industrial buildings directly adjacent to residential properties on Manston Court road. The layout of this area should maximise the distance between industrial development and residential properties, with appropriate proposed use/heights/lighting to avoid harm to living conditions of those occupiers.

It is noted that the Secretary of State has required consideration of Vortex Strike arising from plane movements, but this has not been included in the noise assessment. We would welcome information on where this has been considered within the submission.

Landscape and Visual Impact

The development would result in a highly urbanising effect of the landscape, due to the amount and height of the buildings proposed. Particular impacts will result from the new Air Traffic Control Centre building, 28metres above ground level, and hanger buildings and cargo facilities at 29m and 21m above ground level. The impact on residential and recreational visual receptors is acknowledged in the PEIR as significant. The number of viewpoints in Figure 11.2 appears to be limited for a development which could have a significant effect on Thanet's landscape, with no separate between short, medium or long range viewpoints. We would advise a number of additional viewpoints are added, at a minimum in the following locations:

- A viewpoint on Shottendane Road close to Minster Road, to show the landscape impact from Westgate
- A viewpoint (a256) on Haine Road (adjacent to eastern extent of the site), just south of the approved Manston Green layout.
- A viewpoint from Grinsell Road looking north.
- A viewpoint from Canterbury Road West adjacent to Jentex site (western side).
- A viewpoint on Manston Road between the two Museums,
- A viewpoint on Manston Road adjacent to Charles River site.

We are happy to provide further detail about the proposed locations above if necessary. In addition, the following points are made about the proposed viewpoint locations:

- Viewpoint 3 should be assessed at nighttime to visualise extent of light intrusion into landscape when viewed from the north on Vincent Road.
- Viewpoint 6 and new viewpoint above should include nighttime assessment.
- A viewpoint (a256) on Haine Road (adjacent to eastern extent of the site) should be selected, just south of the approved Manston Green layout.

The above should be included within the baseline of data utilised for the further assessments in the DCO. There is also a general lack of viewpoints to the south of the site, where the impact from the development on the designated landscape character areas in Thanet are defined as significant by the



PEIR. Whilst this partial relates to noise and aircraft movements affecting the character and tranquility of the area, there will be a visual impact from the structures proposed. Whilst the impact on visual receptors using the transport network has been considered to be "not significant", we would suggest that a day/night viewpoint is selected on the A256 north bound when approaching the brow of the hill before descending to the roundabout with the A299. Some structures appear visible on the airport site from this road and therefore this should be assessed to ensure that the assessment currently provided in the PEIR is adequate and impact on this view quantified in the ES.

Whilst a baseline from the assessment of landscape has been produced for the PEIR, the results of this work at this stage does not appear to have informed the masterplan of the site, or this has not been explicitly outlined in the information, nor whether the further work in the ES will alter this layout at all. No mitigation measures are outlined, and we await the "Manston Airport Design Principles" document to assess the adequacy of the measures proposed.

The PEIR mentions a "Masterplan narrative" (RPS, February 2017) document, but this is not included and does not appear to be in the public domain as part of this consultation. It is assumed that this will form part of the "Manston Airport Design Principles" document.

It is noted that no assessment of the effects of lighting from the proposed development has occurred according to the PEIR, and we await further information on the impact on visual receptors from this element of the development.

Air Quality

Aircraft emissions have been assessed within the PEIR, and indicate there will be no exceedance of the air quality objective for nitrogen dioxide or pm10 in the vicinity of the airport where existing background levels are low (taken from extensive Council baseline monitoring). However, by year 20 a rise of around 5ug/m3 is predicted at the nearest residential receptors and this is yet to include transport related emissions as these data are as yet unavailable. Therefore an emissions mitigation assessment must be provided in accordance with Thanet District Council Air Quality Technical Planning guidance 2016. The air quality assessment should also include flight training school operations, fire training (plume dispersal) and airside aircraft maintenance emissions. The assessment methodology was passed to Defra's air quality helpdesk for comment as guided to by the LAQM TG16 Technical Guidance and their recommendation was for a full technical peer review.

The applicant should also consider installation of a permanent air quality monitoring station on approval.

A qualitative assessment of aircraft odour emissions given the history of odour complaints from the former airport use should also be provided in the ES.

Land Quality and Freshwater

A draft Phase 1 Geo-environmental report has been completed (appendix 10.1) outlining the potential contaminants of concern based on the historic site uses. It is noted that breaking of aircraft at the former airport is not included and should also be added as a potential contaminant source within the conceptual model.

Additional reports referenced in the PEIR highlight complete pollutant linkages at the adjacent Jentex site and former airport bulk fuel installation. Accordingly, the Planning Inspectorate advised that ground investigation is required; with the scope and methodology to be agreed by the Environment Agency (including appropriate mitigation measures during any borehole construction to safeguard the Southern Water public abstraction) and the Council. The Phase 1 investigation states that a phased approach will be taken when considering the use of direct groundwater monitoring to minimise disturbance to the aquifer. In addition to EA requirements in relation to groundwater, the Council should be consulted regarding the scope of the proposed intrusive investigations, and any subsequent remediation requirements, as these are material planning considerations.



Within the PEIR significance evaluation for land quality, negligible magnitude of the adverse effects on human health and groundwater has been considered for the application site itself, with the proviso that appropriate investigation and mitigation will be undertaken to safeguard sensitive receptors. However, a number of 'site specific measures' will be required to address effective identification, protection, containment, attenuation, management and recovery of potential contaminants at the site during the construction and operational phases. These are yet to be agreed by the regulators.

Accurate assessment of the adverse effects on identified receptors is contingent upon appropriate containment and management measures being introduced at the site. With regard to the operational phase, it is stated that the project will use 'in-built (embedded design) mitigation' which will require sign-off by relevant regulators. An updated assessment based on these specific measures is therefore required.

Although the likelihood is low, impacts of a plane crash outside contained areas must also be considered as part of the PEIR. This has not been looked at in the preliminary significance evaluation and it is understood that further work is currently being undertaken by Amec Foster Wheeler to address this. Manston airport benefits from a particularly wide (and long) runway. However, the adverse effects for this scenario should be considered in conjunction with appropriate emergency and pollution response plans. These must have capacity to prevent potential spread of contamination (e.g. fuels and fire retardant foams), which could impact the public water supply or SSSI at Pegwell Bay following an incident; including possible damage to impermeable hardstandings.

Likewise, the magnitude of effects on human health from UXOs are described as negligible provided detailed threat and risk assessments are completed prior to groundworks. Additional precautions may need to be considered as part of the CEMP however as effects may be significant should unsuspected munitions be encountered during any digging operations. Further specialist advice is required regarding the UXO assessment and any necessary precautions.

We are aware that the location and design of fuel tanks for the proposed freight hub is still under discussion with the Environment Agency and Southern Water, including possible use of the Jentex site. This option will require redevelopment of the existing facility. EA Groundwater Protection Policies (March 2017) do not support the siting of bulk fuel farms within Groundwater Source Protection Zone 1. Therefore, the requirements for siting and options for above ground tanks must be explored with Environment Agency. A relevant Bristol airport case study is referenced in the PEIR and further details should be provided.

It is noted that a Construction Environmental Management Plan (CEMP) is to be submitted as part of the DCO to reduce effects of pollution from the construction phase. The CEMP must be informed by the findings of intrusive investigation work. Please note that any works must be carried in a strictly controlled manner to ensure that contaminants are not exposed and releases allowed to air, land or controlled waters, which could cause pollution, harm or nuisance. Construction works must also comply with the Control of Pollution Act 1974 (e.g. any works likely to cause nuisance to neighbouring properties must not commence prior to 8:00am with stated weekday working hours are 07:30-17:30hrs).

Historical Environment

Kent County Council (KCC) and Historical England have been consulted on the proposal, and these bodies are key consultees and their expertise should be relied upon.

In relation to the impact on heritage assets, there may be non-designated heritage assets not identified in the Kent County Council Historic Environment Record which could be affected by the proposal, and the assessment criteria should make provision for these potentially being identified through the DCO process.



Any harm arising from new buildings or building increasing in scale should consider the potential alteration of design, form or siting of the proposed development to mitigate any impacts, as additional planting or screening as suggested in unlikely to be effective.

The approach to the use of photomontages for the visual representations of the levels of possible harm should be agreed with the Council as well as Historic England.

From the PEIR, it appears that you seek to rely upon information from trial trenching carried out in support of the current planning application for the redevelopment of the airport site to assess future studies. It is important to note the agreed trial trenching was connected to the proposed layout of that scheme, with no trial trenching on the northern grass area. Given the extent of development on the section of land within your proposal, it is considered highly likely that you will be required to carry out your own trial trenching in this location to support your DCO submission, however we defer to KCC to comment.

Traffic and Transportation

KCC will comment on the impact from the development on the highway network, and their expertise should be relied upon.

We are concerned about the potential impacts on the network surrounding the site from both construction and operational phase given the likely level of traffic generated by the proposed development, especially regarding Spitfire Way, Spitfire Junction and Manston Court Road. At this stage in the process there is insufficient information to consider these impacts. We therefore await further information about the scope of the transport assessment, which should including any additional housing requirement (see Economic impacts section), the methodology for distributing trips on the network and physical improvements to the network as well as mitigation measures in due course.

We request that we are directly involved in coordinating the list of committed development to be included within the future baselines with KCC. An assessment of the impact from the proposed development on the Thanet Transport Strategy must also be included within the submission, which should also be taken into account when agreeing modelling scenarios with KCC.

As previously stated, we believe that operational and junction capacity assessment should be included within the ES.

Biodiversity

KCC, Natural England and Environment Agency will comment as key consultees on the impact from the proposal on biodiversity and their expertise should be relied upon.

Other matters

The summary of the proposal includes an Aircraft Teardown facility as a "key component" of the project, however this does not appear to be mentioned at all in any of the documentation, including the site masterplan and the PEIR, and therefore it appears that you are not consulting on it at this stage. Despite that it is worth noting our concern with this proposal given the historic use of the site and enforcement action taken against similar operations previously due to potential contamination. It is imperative that more information is provided at the earliest stage to the local community about this facility, how it will operate. This should include but not be restricted to how fuels and other harmful or toxic materials will be removed from airplanes during breaking. We advise early discussions with the Environment Agency on this element of the project. On the basis of no information being provided about the facility, we are concerned about the need, viability and operation of such a facility within a Groundwater Source Protection Zone.



Within the PEIR, the assessment of cumulative impact is based upon a list of committed development which does not include the outline planning permission under reference OL/TH/11/0910, for the site known as Eurokent (approval for up to 550 houses and up to 63,000 sqm commercial floorspace with retail and community facilities) nor does it include the approval under reference OL/TH/14/0040 for up to 785 houses, primary school and community hall on the site known as Manston Green, which is directly adjacent to the eastern boundary of the airport site. Both of these must be included and taken into account within the PEIR, especially when considering the impact on the transportation network and on living conditions of future residents from the proposed development. Additional sites may be required for inclusion when the ES is finalised.

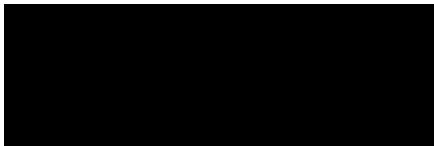
Conclusion

There are potentially significant detrimental environmental and amenity impacts on Thanet and its local community from the development. Therefore with regard to the public consultation we await further information following the completion of the required survey and investigatory work. However, particular concern is raised that the ramifications for the emerging Thanet Local Plan have not been adequately quantified, and there is a lack of information relating to delivery of the project.

If the DCO and compulsory acquisition is successful, you will be required to work with the Council as the host authority, when dealing with detailed matters for the project. We are extremely disappointed that you have been unwilling to enter into a Planning Performance Agreement (PPA) with Thanet District Council, our neighbouring authorities Dover District Council and Canterbury City Council in East Kent and KCC, to allow us to ensure that adequate resources for handling the NSIP process are available and to encourage joint working between the applicant and statutory consultees. We would welcome the opportunity to do this through a PPA.

The above comments are made without prejudice to the Council's written representation submission, adequacy of consultation and local impact report on the Development Consent Order application.

Yours sincerely



Iain Livingstone
Planning Applications Manager



Enclosure 3: Statements on RSP's website

RSP RiverOak Strategic Partners

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George Yerrall confirms RSP ownership of Manston Airport DCO project and consistency of team

Published on March 14th, 2017

In response to a question during the Lothian Shelf planning appeal, George Yerrall, a director of RiverOak Strategic Partners Limited (RSP), confirmed that RSP, a UK registered company, purchased all rights and interests in the Manston project from RiverOak Investment Corp in December 2016. RSP has retained the same professional team including lawyers and all other consultancies, to ensure that the project can continue working towards statutory consultation in May 2017.

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RSP RiverOak Strategic Partners

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The formation and funding of RiverOak Strategic Partners

Published on March 30th, 2017

We know that there is considerable interest in the formation and funding of RiverOak Strategic Partners, particularly the identity of our investors and we understand that this is born of a desire by many local people to feel confident that the DCO can proceed successfully and Manston can reopen as swiftly as possible.

We share your determination! The creation of RiverOak Strategic Partners meets our long held commitment to have a UK operating company. Our investors are represented on the RSP board by Nick Rothwell, Rico Sykes and Gerard Heusler. M.I.O Investments Limited has been established by our investors as a specific funding vehicle for their financial interests in the Manston project, which is standard practice. MIO Investments Limited is a company registered in the Commonwealth territory of Belize.

We have provided all required details of our company ownership structure to Companies House and also informed the Planning Inspectorate of the creation of RSP. Additional, comprehensive details of our funding partners and investment arrangements will of course be provided to PINS as part of the DCO application, providing solid evidence of our ability to meet all of the financial obligations associated with the acquisition, reopening and operation of the airport.

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Enclosure 4: RSP & RIC press releases

RiverOak Investment Corp announces new venture for Manston Airport DCO

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RiverOak Investment Corp announces new venture for Manston Airport DCO

NEWS PROVIDED BY
RiverOak Investment Corp., LLC →
24 Mar, 2017, 10:30 GMT

STAMFORD, Conn., March 24, 2017 /PRNewswire/ -- US based RiverOak Investment Corp., LLC today announced that RiverOak Strategic Partners Limited, a newly UK-registered joint venture company has acquired all rights and interests and has assumed full financial and operational responsibility for the Development Consent Order in respect of Manston Airport and the future reopening and operation of the airport.

The new operating company which is not affiliated with RiverOak Investment Corp., LLC, is fully resourced and funded to accommodate all costs arising from the Development Consent Order application to acquire and reinstate Manston as a fully operational airport and will be operated, owned and managed completely independently of RiverOak Investment Corp., LLC.

Directors of RiverOak Strategic Partners Limited are Niall Lawlor, Tony Freudmann, George Yerrall, Nick Rothwell, Rico Seitz and Gerard Heusler. Messrs. Lawlor, Freudmann and Yerrall have assumed day-to-day operational control of the project.



<http://www.prnewswire.co.uk/news-releases/riveroak-investment-corp-announces-ne...> 05/10/2017



Said Lawlor: "This is an important milestone for the Manston DCO. We have always been aware that, without a fully independent UK operating company, it has been much tougher to convince some of our stakeholders of our genuine commitment to Manston. The creation of RiverOak Strategic Partners Limited should therefore be viewed as a firm indication of our absolute and ongoing determination to revive Manston Airport as a successful and profitable airfreight hub, of national significance, with complementary passenger and engineering services."

"We believe that we can bring a comprehensive approach to the shaping of a stronger economic future for Thanet and the wider East Kent region, creating a vibrant economic air cargo hub which delivers high quality jobs for local people and utilizes the much-needed runway capacity for the South East that Manston is ready and able to provide."

Steve DeNardo, Chief Executive of RiverOak Investment Corp., LLC said that the best course forward for the success of the Manston DCO is to put it in the hands of RiverOak Strategic Partners Limited, the principals of which have worked tirelessly to revive Manston as a viable airport in Southeast England. We wish them and the supporters of the airport every success.

SOURCE RiverOak Investment Corp., LLC

