

**Planning Act 2008 – section 91**

**Application by RiverOak Strategic Partners Ltd for an Order Granting Development Consent for the upgrade and reopening of Manston Airport**

**Agenda for Issue Specific Hearing 1 dealing with matters relating to the draft Development Consent Order**

The Examining Authority (ExA) notified Interested Parties in its letter dated 11 December 2018 of the decision to hold an Issue Specific Hearing on the draft Development Consent Order (dDCO) on the following date:

<b>Hearing</b>	<b>Date and time</b>	<b>Location</b>
<b>Issue Specific Hearing 1</b> – Draft Development Consent Order	Thursday 10 January 2019 Seating available from 9.30am. The hearing will start at <b>10.00am</b>	Margate Winter Gardens, Fort Crescent, Margate, CT9 1HX

**PLEASE NOTE: This detailed agenda supersedes the initial agenda published on the project webpage on the National Infrastructure Planning website on 11 December 2018**

This agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered, may group items on the Agenda and will seek to allocate sufficient time to each issue to allow proper consideration of them.

The ExA will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the hearing will therefore be led by a member of the Panel, supported by other Panel members.

Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including through the inclusion of Written Questions in the course of the Examination.

Should the consideration of the issues take less time than anticipated, the ExA may conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, there may be a need to

continue the session for longer on the day or continue the hearing at a subsequent sitting.

Requests to question a person making oral representations directly under s94 of the Planning Act 2008 may be made but cross-questioning of the person giving evidence by another person will only be permitted if the ExA decide it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case.

All parties should also note that, unless otherwise specified in item 7, below, Article 9 - Guarantees in respect of payment of compensation, etc. – and Articles in Part 5 - Powers of Acquisition and Possession – will be examined through Written Questions and as part of a Compulsory Acquisition Hearing.

Throughout this hearing, the ExA will be referring to the following documents amongst others:

- **Draft Development Consent Order [APP-006]**
- **Explanatory Memorandum [APP-007]**
- **Register of Environmental Actions and Commitments [APP-010]**
- **Works Plans [APP-018]**
- **Details of other consents and licences that may be required [APP-087]**

References in square brackets are the unique document reference numbers in the Examination Library. The Examination Library is published on the project webpage on the National Infrastructure Planning website, here:

<https://infrastructure.planninginspectorate.gov.uk/document/TR020002-002558>

The ExA may also be referring to the following documents, amongst others, which are all available on or via the National Infrastructure Planning website:

- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
- The Infrastructure Planning (Examination Procedure) Rules 2010
- The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017  
(above all available on [legislation.gov.uk](http://legislation.gov.uk))
- DCLG Planning Act 2008: Guidance for the examination of applications for development consent, March 2015  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418015/examinations\\_guidance\\_-\\_final\\_for\\_publication.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance_-_final_for_publication.pdf)



## The Planning Inspectorate

- DCLG Planning Act 2008: Guidance on associated development applications for major infrastructure projects, April 2013  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/192681/Planning\\_Act\\_2008\\_-\\_Guidance\\_on\\_associated\\_development\\_applications\\_for\\_major\\_infrastructure\\_projects.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/192681/Planning_Act_2008_-_Guidance_on_associated_development_applications_for_major_infrastructure_projects.pdf)
- Planning Inspectorate Advice Note Thirteen: Preparation of a draft order granting development consent and explanatory memorandum, Version 2, April 2012  
[https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2014/12/Advice\\_note\\_13v2\\_1.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2014/12/Advice_note_13v2_1.pdf)
- Planning Inspectorate Advice Note Fifteen: Drafting Development Consent Orders, Version 2, July 2018  
[https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2014/10/advice\\_note\\_15\\_version\\_1.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2014/10/advice_note_15_version_1.pdf)

## Initial Agenda for Issue Specific Hearing 1 on the Draft Development Consent Order

Item	Matters
1.	<b>Introductions</b>
2.	<p><b>Opening remarks by the Examining Authority (ExA)</b> including consideration of other possible items for the Agenda of the Hearing.</p> <p><b>The ExA will ask the Applicant to outline the key elements of the Proposed Development and how these are secured through Schedule 1 and other elements of the draft Development Consent Order (dDCO).</b></p> <p>The ExA may examine item 7 av) at this point of the hearing.</p>
3.	<p><b>Update on progress with drafting and agreeing Protective Provisions</b></p> <p>This item will be omitted from the agenda if it has already been dealt with satisfactorily at the Preliminary Meeting held on 9 January 2019.</p>
4.	<p><b>Overall issues on drafting</b> including:</p> <p>a) The need to justify the inclusion of any Article or Requirement in terms of this application rather than in terms of other Development Consent Orders or the Model Provisions. The ExA notes, for example, that such a justification is used in the draft Explanatory Memorandum (dEM) [APP-007] in paragraphs 3.10; 3.13; 3.18; 3.19; 3.29; 3.31; 3.35; 3.37; 3.43; 3.44; 3.48; 3.50; 3.56; 3.65; 3.66; 3.72; 3.75; 3.80; 3.84; 3.86; 3.94; 3.95; 3.96; 3.99; and 4.3.</p> <p>b) The use of "Secretary of State" as a certifying or approving body, for example in and Articles 6, 9 and 41 and Requirements 3; 4; 5; 8; 10; 11; 12; 13; 14; 15; 16; and 18.</p> <p>The ExA notes that paragraph the dEM [APP-007] states, in respect to Schedule 2 as a whole that:</p> <p><i>"Approvals are to be sought from the Secretary of State for Transport, following consultation with the local planning authority and / or other relevant third party."</i></p> <p>The ExA will examine whether consultation with the local planning authority applies to all approvals or only where specified in a particular requirement.</p> <p>c) The use of the phrase "to the extent that [it] is unlikely to give rise to any materially new or materially different environmental effects from those identified in the environmental statement" in Article 2 – Interpretation; definition of "commence" and definition of "maintain"; and Schedule 1 – Authorised Development –</p>



	<p>further development (p).</p> <p>d) The Applicant should explain the drafting changes necessary as a result of the Housing and Planning Act 2016.</p> <p>e) The Applicant should ensure that the dDCO follows guidance and practice for Statutory Instrument (SI) drafting (including for example avoiding use of the words “<i>may</i>”; “<i>shall</i>”; “<i>should</i>”; and “<i>will</i>”) and is in the SI template when submitted.</p>
<b>5.</b>	<p><b>Associated Development</b></p> <p>The ExA notes that the dEM [APP-007] states, at 2.10, that:</p> <p><i>“RiverOak has chosen not to differentiate the NSIP and associated development works in Schedule 1 to the Order.”</i></p> <p>The ExA also notes that the document NSIP Justification [APP-008] does identify a list of works at paragraph 44 that:</p> <p><i>“are not part of the NSIP itself [but] can be categorised as supporting the operation of the NSIP or addressing its impacts, and are therefore associated development.”</i></p> <p>The ExA also notes that there is no definition of “<i>associated development</i>” in the dDCO [APP-006] Schedule 1, Article 2 but the ExA notes that “<i>associated development</i>” is referred to in the definition of “<i>authorised development</i>” and in Schedule 1.</p> <p>The ExA wishes to explore the Applicant’s approach to Associated Development.</p>
<b>6.</b>	<p><b>Limits of Deviation</b></p> <p>The ExA wishes to explore the Applicant’s approach to Limits of Deviation set out in Article 6 of the dDCO [APP-006] and, in particular but not exclusively, in Article 6(2).</p>
<b>7.</b>	<p><b>Discussion on specific parts of the dDCO [APP-006]</b></p> <p><b>Articles</b> including:</p> <p>a) <b>Article 2</b> - Interpretation, definition of “<i>commence</i>”</p> <p>The ExA will examine the activities included in, and excluded from, the definition of “<i>commence</i>”.</p> <p>b) <b>Article 2</b> - Interpretation, definition of “<i>limits of deviation</i>”</p> <p>The ExA will recommend adding the words “<i>and shown on the works plans</i>” to the end of this definition.</p> <p><b>NOTE:</b> Article 6 - Limits of Deviation is discussed at item 6 on this agenda.</p> <p>c) <b>Article 2</b> - Interpretation, definition of “<i>maintain</i>”</p> <p>The ExA will examine at item 4(c), above, in particular the breadth of the phrase “<i>to the extent that [it] is unlikely to give rise to any materially new or materially different</i></p>



*environmental effects from those identified in the Environmental Statement, and any derivative of "maintain" must be construed accordingly".*

- d) **Article 2** - Interpretation, definition of "statutory undertaker"

The ExA will recommend adding a reference to s138 (4A) and (4B) of the Planning Act 2008 (PA2008).

- e) **Article 2** - Interpretation, definition of "access and rights of way plans"

The ExA will recommend putting this definition in alphabetic order.

- f) **Article 2** - Interpretation, definition of "traffic regulation plans"

Article 2 states that "traffic regulation plans" means the plans certified by the Secretary of State under article 41".

The ExA will recommend adding Traffic Regulation Plans to Schedule 10.

- g) **Article 2(2) and 2(3)** – Interpretation

Articles 2(2) and 2(3) refer to measurements being approximate.

The ExA may consider these Articles under agenda item 6.

- h) **Article 2** – Interpretation

The ExA will examine whether the Crown Land Plans [APP-017] and Special Category Land Plan [APP-019] should be defined in Article 2 and listed in Schedule 10.

- i) **Article 2** – Interpretation

The ExA will examine whether documents referenced in the Register of Environmental Actions and Commitments [APP-010], such as the Mitigation and Habitat Creation Plan and the Spillage Environmental Response Plan, should be defined in Article 2 and listed in Schedule 10.

- j) **Article 3** – Development consent etc. granted by the Order

The ExA will examine whether the following phrase can be made more definable:

*"Any enactment applying to land within, adjoining or sharing a common boundary with the Order limits has effect subject to the provisions of this Order."*

- k) **Article 5(1)** – Maintenance of drainage works

The ExA will examine the breadth and possible implications of this Article.

The ExA will seek comments from, in particular, the Environment Agency.

- l) **Article 6(1)(b)(c) and 6(2)** – Limits of deviation



These Articles are examined at item 6 on this agenda.

m) **Article 7(2)** – Benefit of Order

The ExA will examine the application of Article 7(2) in the context of the Proposed Development.

n) **Article 8(1)** – Consent to transfer benefit of Order

The ExA will recommend adding the words "*written*" to the phrase "*with the consent of the Secretary of State*".

o) **Article 9** – Guarantees in respect of payment of compensation, etc.

**NOTE:** This Article will be examined through Written Questions and through a Compulsory Acquisition Hearing.

p) **Article 11** – Construction and maintenance of new, altered or diverted streets

The ExA will examine whether the streets referred to should be listed in a Schedule.

q) **Article 11(1)** – Construction and maintenance of new, altered or diverted streets

Article 11(1) states that:

*"Any street to be constructed under this Order must be completed to the reasonable satisfaction of the local highway authority in whose area the street lies"*

The ExA will:

- a) seek the comments of the highway authority on the acceptability of this Article; and
- b) recommend that the words "*in writing*" be inserted after "*agreed*" in Article 11(1).

u) **Article 12** – Temporary stopping up and restriction of use of streets

The ExA will examine whether the streets referred to be listed in a Schedule.

v) **Article 12(2)** – Temporary stopping up and restriction of use of streets

Article 12(2) states:

*"the undertaker may use any street temporarily stopped up or restricted under the powers conferred by this article and which is within the Order limits as a temporary working site"*

The ExA will examine:

- a) whether the highway authority is content with this Article;
- b) whether any additional permission beyond that referenced in Article 12(4) should be required for use as a temporary working site; and



- c) whether the use of streets as temporary working sites been assessed in the Environmental Statement.
- w) **Article 13** – Permanent stopping up of public rights of way  
The ExA will examine whether a date by which any substitute public right of way has to be completed be inserted.  
The ExA will seek, in particular, the views of Kent County Council.
- x) **Article 13** – Permanent stopping up of public rights of way  
The ExA will recommend that reference to the Access and Rights of Way Plans [APP-020] be made in this Article.
- y) **Article 14** – Access to works  
The ExA will examine the necessity of this Article in the circumstances of this particular project.
- z) **Article 15** – Traffic regulation  
The ExA will seek the views of the highway authority.
- aa) **Article 16(8)(a)** – Discharge of water  
At item 4(d) on this agenda, the ExA will recommend that the Applicant should consider any drafting changes required as a consequence of the Homes and Communities Agency being replaced by Homes England.
- ab) **NOTE:** In addition to those detailed below, all Articles in **Part 5:** Powers of Acquisition and Possession will be examined through Written Questions and through a Compulsory Acquisition Hearing (including matters in respect of funding).
- ac) **Article 19(1)** – Compulsory acquisition of land  
The ExA will recommend that the words "*as described in the Book of Reference should be added*" to the end of the sentence.
- ad) **Article 22** – Compulsory acquisition of rights and restrictive covenants  
The ExA will examine the nature of, and justification for, the proposed right to impose restrictive covenants.  
The ExA notes also the references to restrictive covenants in Articles 23; 24; 29; 31; and Schedule 6
- ae) **Articles 25 and 26** – Application of the Compulsory Purchase Act 1965 and Application of the Compulsory Purchase (Vesting Declarations) Act 1981  
At item 4(d) on this agenda, the ExA will recommend that the drafting of these Articles must reflect changes to statutory provisions made by or related to the Housing and Planning Act 2016.
- af) **Article 31** – Statutory undertakers





The Applicant and Affected Persons should note that, where a representation is made under section 127 of the PA2008 and has not been withdrawn, the Secretary of State will be unable to authorise Article 31 unless satisfied of specified matters in section 127.

The ExA will seek an update on progress in respect of negotiations with Statutory Undertakers to the extent that it has not already been dealt with under item 3 of this agenda.

- ag) **Article 34** - Felling or lopping of trees and removal of hedgerows

The ExA will examine whether, where any trees covered by this article are protected by virtue of Tree Preservation Orders (TPO) or being situated in a conservation area, they should be identified in a Schedule

- ah) **Article 34** - Felling or lopping of trees and removal of hedgerows

The ExA will examine whether, where it is known that specific hedgerows need to be removed, they should be listed in a Schedule and this Article amended to refer to the Schedule.

- ai) **Article 34** - Felling or lopping of trees and removal of hedgerows

The ExA will examine whether an additional paragraph should be added to this Article to the effect that any other hedgerows should only be removed once the prior consent of the local planning authority has been obtained.

- aj) **Article 34** - Felling or lopping of trees and removal of hedgerows

The ExA will examine whether there is the need for a Tree and Hedges Management Plan and whether this should be defined in Article 2 and listed in Schedule 10.

- ak) **Article 35** - Abrogation of agreement

The ExA will examine the necessity for this Article.

The ExA notes that paragraph 3.88 of the dEM [APP- 007] states that:

*"The obligations under the agreement which is abrogated by this article will be replaced by modernised obligations which will be secured by requirement in Schedule 2."*

**NOTE:** The ExA has requested in the Rule 6 letter dated 11 December 2018 that a copy of the s106 Agreement referred to in this Article be entered into the Examination.

The ExA will seek, in particular, the views of Thanet District Council on this Article.

- al) **Article 36** - Application of landlord and tenant law

The ExA will examine the necessity of this Article in the



circumstances of this particular project.

- am) **Article 37** - Operational land for purposes of the Town and Country Planning Act 1990

The ExA will examine:

- a) the necessity of this Article in the circumstances of this particular project; and
- b) with reference to paragraph 3.91 of the dEM [APP-007], whether the Applicant can identify the permitted development rights that may be available as a result of this Article.

- an) **Article 40** – Crown rights

**NOTE:** This Article will be examined through Written Questions and through a Compulsory Acquisition Hearing.

- ao) **Article 43** - Arbitration

The ExA will examine whether the following wording “*to be appointed on the application of either party (after giving notice in writing to the other) by the Secretary of State*” be substituted at the end of this Article.

### **Possible additional Articles and Requirements**

- ap) **Local Employment**

The ExA notes that the Register of Environmental Actions and Commitments [APP- 010] references:

*“Measures to optimise local recruitment during construction and operation, including possible measures to ensure linkages to local training initiatives and/or voluntary agreements relating to local recruitment.”*

**NOTE:** The ExA will examine the possible need for a Requirement designed to promote and secure local employment through Written Questions and, if required, an Issue Specific Hearing.

- aq) **Human Remains**

The ExA notes that a Relevant Representation [RR-0839] states that:

*“Located at Manston are twentieth century war graves.”*

The ExA will examine whether or not there is the need for an additional Article in the dDCO to deal with human remains.

- au) **Airport Consultative Committee**

The ExA notes that the Register of Environmental Actions and Commitments [APP- 010] contains a commitment to establish an Airport Consultative Committee and will examine whether this commitment should be secured through the DCO.



## **Schedule 1: Authorised Development**

### av) **Authorised Development**

The ExA will examine how all the elements of the Proposed Development as set out in, for example, paragraph 1.14 of the Planning Statement [AP- 080] and paragraph 2.2 of the dEM [APP-007] are secured through the works detailed in Schedule 1.

The examination will include:

- the installation of new high mast lighting for aprons and stands;
- safeguarding of existing facilities for museums on the site; and
- the extent of the demolition referenced in the description of further development (l) and (p).

### aw) **Work No.14** - The construction of a gatehouse

The ExA has requested, through the Rule 6 letter, for details of the dimensions of this Work to be provided.

## **Schedule 2: Part 1 - Requirements** including:

### ax) **Requirement 1** - Interpretation, definition of "*operation environmental management plan*" and **Requirement 7**

The ExA will examine:

- a) the status of the "*operation environmental management plan*" given that this document, or documents, is not listed in Schedule 10 of the dDCO; and
- b) whether the "*operation environmental management plan*" should be approved by the local planning authority and/ or another body.

### ay) **Requirement 3(1)** – Development masterplans

The ExA will examine:

- a) whether this Requirement provides unnecessary flexibility; and
- b) which body should be the approving body (see agenda item 4(b)).

### az) **Requirement 4** – Detailed design

The ExA will examine:

- a) whether this Requirement provides unnecessary flexibility;
- b) whilst noting Requirement 5, why Work No.19 – The construction of new or improved facilities to create an airport fuel farm - is excluded from elements of this



Requirement; and

- c) which body should be the approving body (see agenda item 4(b)).

aaa) **Requirement 5** – Detailed design of fuel depot

The ExA will examine whether the proposed specifications for Work No.19 contained in the Register of Environmental Actions and Commitments [APP-010] are adequately secured through Requirement 5.

The ExA notes that, in its Relevant Representation [RR-0538], the Environment Agency indicates that it agrees with this Requirement as outlined.

aab) **Requirement 6** - Construction environmental management plan

The ExA notes that a draft Construction Environmental Management Plan (CEMP) has been provided as part of the application documentation. However, unlike Requirement 7, Requirement 6 does not specify the contents of the CEMP.

The ExA notes, for example, that the Register of Environmental Actions and Commitments [APP- 010] specifies that the CEMP will contain a Dust Management Plan; measures to reduce or limit air quality effects during the construction phase; a water quality method statement; an Unexploded Ordnance (UXO) threat and risk assessment; *inter alia*.

The ExA will examine whether the contents of the CEMP should be specified in the dDCO.

The ExA notes that, in its Relevant Representation [RR-0538], the Environment Agency indicates that it agrees with this Requirement as outlined.

aac) **Requirement 7** - Operation environmental management plan

The ExA will examine whether, with particular reference to Requirement 7(b), whether this Requirement should contain a commitment to review and update the "*operation environmental management plan*".

aad) **Requirement 7** - Operation environmental management plan

See also item 7 ax), above.

The ExA notes that, in its Relevant Representation [RR-0538], the Environment Agency requests that the following additional items are included regarding the management of fuel storage and transport and in relation to vegetation management using herbicides:

(xii) Fuel storage and transport arrangements

(xiii) Operational use of herbicides to control vegetation.

The ExA will examine the need for these additional items.



The ExA notes that, in its Relevant Representation [RR-0538], the Environment Agency welcomes the overarching outlining of mitigation measures in the Register of Environmental Actions and Commitments [APP- 010] and as required by Requirement 7(2) (d) of the dDCO.

aae) **Requirement 8** – Ecological mitigation

The ExA will examine whether written details of the proposed on-site and off-site ecological mitigation, including its monitoring and management, should be embodied within a named document defined in the dDCO and listed in Schedule 10.

aaf) **Requirement 9** – Noise mitigation

The ExA will examine:

- a) whether the wording of this Requirement is sufficiently robust; and
- b) whether the implementation of elements of the noise mitigation plan should be a Requirement to allow the start of operation of the Proposed Development.

aag) **Requirement 10** – Landscaping

The ExA will examine whether the landscaping scheme should be embodied within a named document defined in the dDCO and listed in Schedule 10.

aah) **Requirement 10(1) and (4)** – Landscaping

The ExA will examine which body should be the approving body (see agenda item 4(b)).

aa) **Requirement 11** – Contaminated land and groundwater

The ExA notes that, in its Relevant Representation [RR-0538], the Environment Agency states that:

*“This requirement refers to ‘contaminated land’. This is a term with a strict legal definition. We request that the wording of this requirement is amended slightly to reflect this and also expanded to include the full wording of our standard approach to land contamination as outlined with additional wording in (4) and (5) below, changes are **highlighted**.*

*11.—(1) In the event that **land affected by contamination**, including groundwater, is found at any time when carrying out the authorised development which was not previously identified in the environmental statement, it must be reported as soon as reasonably practicable to the Secretary of State, the relevant planning authority and the Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the relevant planning authority and the Environment Agency.*

*(2) Where the undertaker determines that remediation of the **contamination identified in, on, or under land from***



***detailed site investigations, or as an unexpected discovery***, is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function and the Environment Agency.

**(3) Any required and agreed** remediation must be carried out in accordance with the scheme approved under subparagraph (2).

**(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation scheme in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function and the Environment Agency.**

**(5) Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.”** [emphasis added by ExA]

The ExA will examine the need for these proposed additions.

aaj) **Requirement 12(3)** – Protected species

The ExA will examine the appropriateness of this Requirement.

aak) **Requirement 13** – Surface and foul water drainage

The ExA will examine whether this Requirement should contain phasing for the completion of the elements of the relevant Work in relation to the start of operation of the Proposed Development.

The ExA notes that, in its Relevant Representation [RR-0538], the Environment Agency indicates that it agrees with this Requirement as outlined.

aal) **Requirement 13(2)** – Surface and foul water drainage

The ExA will examine the breadth and phraseology of this Requirement (see agenda item 4(c)).

aam) **Requirement 14(1)** – Traffic management



	<p>The ExA notes the reference to a “<i>construction traffic management plan</i>” in this Requirement and will examine whether this document should be defined in Article 2 and listed in Schedule 10.</p> <p>The ExA will also examine the reference to those to be consulted.</p> <p>aan) <b>Requirement 15</b> – Piling and other intrusive works</p> <p>The ExA notes that, in its Relevant Representation [RR-0538], the Environment Agency indicates that it agrees with this Requirement as outlined.</p> <p>aa) <b>Requirement 16</b> – Archaeological remains</p> <p>The ExA will examine the adequacy of this Requirement in the event of discovering archaeological remains of national significance.</p> <p>aap) <b>Requirement 16</b> – Archaeological remains</p> <p>The ExA notes that the Relevant Representation from Kent County Council [RR- 0975] states that:</p> <p><i>“a DCO requirement should cover the need to preserve the archaeology including through adjustment of development parameters as well as covering the necessary stages of evaluation and investigation. The requirements should also cover extensive investigation of those areas of the airport where archaeology will be affected by development but is not to be preserved in situ. The County Council welcomes the intention to agree a Written Scheme of Investigation for future archaeological investigations.”</i></p> <p>The ExA will examine the adequacy of Requirement 16 in these respects.</p> <p>aaq) <b>Requirement 16</b> – Archaeological remains</p> <p>The ExA will examine whether the words “<i>unless otherwise agreed in writing</i>” should be removed.</p> <p><b>Schedule 2: Part 2 - Discharge of Requirements</b> including:</p> <p>aa) <b>Requirements 18 to 21</b></p> <p>The ExA draws the Applicant’s attention to paragraph 19 of the Planning Inspectorate’s Advice Note Fifteen: Drafting Development Consent Orders (v2, July 2018) (AN15) – Good practice point 3 and Appendix 1.</p> <p>The ExA will examine any justification for the departure from the wording suggested in AN15.</p>
8.	<b>Any other relevant business</b>
9.	<b>Close of the Issue Specific Hearing on the dDCO</b>