

**From:** [REDACTED]  
**To:** [Manston Airport](#)  
**Subject:** Response to Open Floor hearing submissions  
**Date:** 18 January 2019 18:48:09  
**Attachments:** [Manston Airport - Council Consultation Response to Airport Updated Annex 1.pdf](#)

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Dear Sirs,

I attended the Preliminary meeting of the Manston DCO and the Open Floor hearings on the Friday. It was declared by the examiners on a number of occasions that we the public could not rely on the examiners having knowledge of documents or reports in the public domain unless they were submitted to them during the examination stage. They would not be doing any research themselves. This puts a great deal of work on our shoulders.

A document mentioned in a submission was of a pole canvassing the opinion of the public with regard to Manston Airport development.

Also, claims by Save Manston Airport Association were made that Riveroak's DCO application had the backing of 80% of Thanet residents. I think the attached document "Draft of Thanet Council's Consultation Response to Manston Airport's Consultation on a Night Flying Policy". dated October 2011 shows a more accurate picture.

I submit the attached document.

As a local resident living on the Nethercourt Estate in Ramsgate I can say from local knowledge there was no local pressure group in Thanet calling for the closure of the airport during the time it was operated by the Ministry of Defence or during the time it was being operated as a civilian airport by the various private operators.

Objections began to be voiced over the plans by Infratil to introduce night flights. It was at this time that "No Night Flights Group" started to gather support. Various meetings were arranged that attracted many residents in opposition to night flights. On 17th May 2012 they gathered at the Council offices in their night wear to deliver a petition to Thanet District Council in opposition to the proposed night flights. See photo one. photo two shows support at a meeting against night flights October 2010.

Meanwhile support for Manston Airport occurred when the airport was put up for sale by Infratil and subsequently closed by Ann Gloag. It was clear the support was for the airport to remain open and continue as it was. Much of the support melted away when the Riveroak proposals for a freight hub became clear. Photo three Photo four Photo 5

Due to differences in opinions Save Manston Airport supporters split into separate groups in August 2014. Photo six

Save Manston Airport Association  
& Supporters of Manston Airport

I submit this information at deadline 1 as relevant material to Annex F

Regards

James Hose  
Ref MANS-S57179



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5

## Manston airport: Campaigners fighting to reopen Thanet airfield admit a split in their camp creating rival group could damage their efforts

KENT TRAVEL NEWS

SIGN ME UP FOR NEWS ALERTS

By Paul Francis [pfrancis@thekmgroupp.co.uk](mailto:pfrancis@thekmgroupp.co.uk)

Published: 00:00, 26 August 2014 | Updated: 10:16, 26 August 2014



A falling out among supporters trying to save Manston as an airport has led to a rival campaign group being set up.

A split in the ranks of supporters has seen the establishment of a breakaway group, led by several of the key figures who were originally involved in the Save Manston Airport Facebook group.

The new group - 'Supporters of Manston Airport' - was set up after arguments behind the scenes between committee members and the founder of the Save Manston Airport group, Keith Churcher.

Photo 6

## DRAFT OF THANET DISTRICT COUNCIL'S CONSULTATION RESPONSE TO MANSTON AIRPORT'S CONSULTATION ON A NIGHT FLYING POLICY

### 1. INTRODUCTION

1.1 This document is Thanet District Council's consultation response to the documents submitted to it by Manston Airport on 27 October 2011. Those documents comprised:

1.1.1 Manston Airport – Proposed Night-time Flying Policy;

1.1.2 Manston Airport – Economic Impact of Night Flying Policy, August 2011;

1.1.3 Manston Airport – Aircraft Night Noise Assessment Report, 25 October 2011 (with separate appendices); and

1.1.4 Manston Airport – Sound Insulation Scheme Key Proposals, 25 October 2011.

1.2 These documents were submitted to the Council by way of consultation pursuant to paragraph 1.1 of the second schedule to the section 106 agreement relating to the Airport which is set out below (along with other relevant provisions):

1.1 *The Owner agrees not to cause suffer or permit any Regular Night Flying Operations at any time (subject to paragraph 1.4 below) before a Night-time Flying Noise Policy shall have been prepared and a copy lodged with the Council.*

1.2 *The Owner will prepare the Night-time Flying Noise Policy at least six months before the commencement of any Regular Night Flying Operations after consulting with the Council in accordance with paragraph 1.3 (in Italics) below. The policy will specifically address the following matters:*

1.2.1 *the restriction on those aircraft likely to cause unacceptable disturbance, such that no aircraft with a noise classification in excess of Quota Count 4 shall be permitted to take off or to land during Night-time*

1.2.2 *a process for the sharing of data on details of aircraft operating during Night-time; and*

1.2.3 *the embodiment of the principles of UK best practice at the time and the appropriateness of those principles to prevailing local conditions*

1.3 *The consultation process shall include providing all relevant information to the Council and affording an adequate period within which the Council may consider the issues arising and formulate its views which shall be taken into account by the Owner and due weight given to such views; in the event that the Owner does not propose to accept the views of the Council in formulating its policy it shall first provide to the Council a reasoned justification and shall take into account and give due weight to such further views of the Council as may be expressed*

"Regular Night Flying Operations" are defined as:

*Flights Movements which are scheduled or programmed and which occur frequently or regularly to the same or similar patterns for the same operator during Night-time*

"Night-time" is defined as:

*2300-0700 hours*

- 1.3 The consultation obligations under the section 106 agreement do not give the Council a right or power to approve/disapprove or give a consent for/refuse authorisation of the Proposed Night-time Flying Policy that the Airport has submitted. This consultation response is therefore not an approval, authorisation or consent of any kind but is the Council's consultation response to and observations on the Airport's Proposed Night-time Flying Policy document. The Council considers that the Airport is required, in formulating any Night-time Flying Noise Policy (as defined in the section 106 agreement) to take account of the Council's comments and observations in this document and to comply with the terms of the section 106 agreement in all other respects, including meeting the obligations under Clause 1.2.
- 1.4 Since receiving the Proposed Night-time Flying Policy document from the Airport, the Council has commissioned an independent review of the submitted information (from Parsons Brinkerhoff). That review has been made available publicly and it has informed the Council's consultation response.
- 1.5 The Council has also carried out its own sub-consultation with members of the public on the Proposed Night-time Flying Policy between 3 February and 2 March 2012. It has received a large number of responses. Those responses have also informed this consultation document. A summary of them is set out in section 2 and a full copy of all responses received is provided to the Airport. The Council considers that the Airport needs to take account of those responses in formulating any Night-time Flying Noise Policy.
- 1.6 The remainder of this consultation response is set out as follows:
  - 1.6.1 Section 2 is a summary and analysis of the consultation responses received by the Council;
  - 1.6.2 Section 3 is the Council's comments on the Airport's noise report and sound insulation scheme;
  - 1.6.3 Section 4 is the Council's comments on the Airport's report on economic benefits;
  - 1.6.4 Section 5 is the Council's comments relating to the use of the Airport and the potential implementation of night flights; and
  - 1.6.5 The responses received by the Council are at appendix 1.

## **2. SUMMARY OF CONSULTATION RESPONSES**

- 2.1 The Council has received 2,275 responses to its sub-consultation carried out between 3 February and 2 March 2012. The Council has reviewed the responses received and draws the following to the Airport's attention:
- 2.2 Approximately 26% were in favour of regular night flights / implementation of the night flights policy;
- 2.3 Approximately 73% were opposed to regular night flights / implementation of the night flights policy; and
- 2.4 Approximately 1% were either partly in favour and partly against regular night flights / the implementation of the night flights policy, or did not express a clear opinion either way.

2.5 Key reasons for those who were in favour were:

- Jobs/employment needed
- Regeneration/economy of Thanet needs to grow
- Want airport to expand/develop
- Airport has been there for years
- Night flights needed to ensure the viability of the airport

2.6 Key reasons for those who objected were:

- Disturbance to sleep
- Effect on health/well being/quality of life
- Noise disturbance
- Detrimental impact on the local economy
- Economic benefits overstated

2.7 The responses have also been analysed based on area:

2.8 Total responses of those under the flight path: 1082

In favour: 10%

Opposed: 89%

Middle ground/unclear: 1%

2.9 Total responses of those within Thanet: 1956

In favour: 25%

Opposed: 74%

Middle ground/unclear: 1%

2.10 Total responses of those outside of Thanet: 318

In favour: 30%

Opposed: 66%

Middle ground/unclear: 4%

2.11 Consultation responses received are available for members to inspect on request.

2.12 The Council expects that the Airport will consider the responses passed to it by the council when considering its next steps.

### 3. **RESPONSE TO AIRPORT'S NOISE REPORT AND PROPOSALS**

3.1 The second schedule of the Section 106 agreement requires the Airport to submit any proposed night time flying policy six months before regular night flights commence.

The agreement states that the proposed policy should specifically address the following:

- No aircraft to operate at night with a Quota Count in excess of 4;
- A process of sharing data with the Council on night operations;
- The embodiment of the principles of UK best practice at the time and the appropriateness of those principles to prevailing local circumstances;

A policy exemption is in place for 0600 and 0700 for departures to Europe and arrivals from North America by solely passenger carrying aircraft.

3.2 In relation to noise limitations, the daytime noise contour in the submitted documents is benchmarked against the 63 dB(A) contour from 1996. Details of an Insulation Scheme, Noise Abatement routes, preferred departure runway and noise monitoring are also set out.

3.3 There are no other specific requirements in the section 106 agreement for the night time noise policy, but the policy must comply with the other requirements of the section 106 agreement. These include, along with specific requirements in respect of the Night-time Flying Noise policy:

3.3.1 the requirements under paragraph 8 of Schedule 1 which applies equally to night as well as day time operations; therefore the night time policy must comply with the maximum noise level requirements of paragraph 8.1 of Schedule 1 (amongst other things);

3.3.2 there should be no night flying of planes with a QC>4 (paragraph 1.5.1 of Schedule 1); and

3.3.3 there is a ban on training flights in the night-time by any jet or large aircraft (paragraph 1.5.2 of Schedule 1).

There are no stated restrictions on the number of movements of aircraft if they comply with these requirements.

#### 3.4 **Comments in relation to Night Time Noise Policy and Noise Assessment**

3.5 The draft night time noise policy is submitted with an assessment undertaken by Bickerdike Allen and Partners. The Bickerdike Allen report entitled "Manston Airport Aircraft Night Noise Assessment Report" dated 25 October 2011 presents a literature review of current noise policy in the UK as it relates to night time operations, and it concludes that the LAeq,8hr and the SEL should be used to control night noise. This is considered to be in accordance with current practice.

3.6 However, whilst this literature review appears to be comprehensive, it fails to reflect or address the weight to be given to each document reviewed, and where it considers façade or window loss in order to correct the predicted outdoor to indoor noise levels it mainly considers the situation on the assumption that windows are closed, so allowing for a 27 dB reduction of noise internally. This approach fails to consider the effect of the partially open window situation described in both WHO guidelines and Planning Policy Guidance note 24, which might be expected particularly in the late spring, summer and early autumn months of the year. This corresponds to the months of year covered by the summer timetable in which the bulk of activity occurs at most airports in the UK.

3.7 Therefore the thresholds suggested by the Airport as being appropriate for Manston are likely to understate the impacts, particularly for those within the 90 – 95 SEL contours, where currently in the Airport's document only a slight impact is predicted.

Moreover even at the assumed rate of 1 in 75 people that are predicted to be woken up by aircraft movements, the 312 people predicted to be within this contour could give rise to at least 4 complainants for 2.3 events per night.

3.8 In relation to the noise predictions, the calculations appear to be in accordance with current good practice, subject to validation of the input data (by others).

3.9 In relation to the proposed QC quota, the exclusion of the shoulder hours from the night time period is out of step with other airports, and could result in a “cramming” of movements into the shoulder hours, times in which much of the population is expected to be attempting to get to sleep, or before they would normally wake. This could well be the reality with the restrictions as currently written in the Policy, as movements in the night periods could incur financial penalties for the airport operator and therefore the shoulder hours may prove to be particularly attractive for the operator.

### 3.10 **Mitigation**

3.11 The noise mitigation scheme proposed by the operator goes further than that required by current Government guidance, but appears to reflect more the economics of the Airport's expansion than the risk of noise complaints from the larger aircraft movements at night. It is considered that there should be a threshold based on the number of movements of >QC2 aircraft, as well as the 48dB night time noise contours, as well as the 90dB SEL. The Airport also does not state categorically that it will bear the full financial cost of mitigation, but this is an expected requirement which should be included expressly.

### 3.12 **Summary**

3.13 The Airport has presented a substantive noise assessment for their proposed night noise policy. However the Council considers that the assessment fails to consider the impacts with windows open, there is an inappropriate exclusion of the shoulder periods, and the mitigation scheme does not reflect the noise risks from larger aircraft movements at night such that the proposals do not assess and protect the local amenity for nearby residents to the extent that they should. The analysis of the noise impacts is likely to have resulted in an underestimation of the potential adverse impacts on residents in the area.

## 4. **RESPONSE TO AIRPORT'S ECONOMIC BENEFITS REPORT**

4.1 An independent review of the York Aviation 'Economic Impact of Night Flying' Report has identified a number of issues with the data used and with the conclusions that have been presented within the report. The Council disputes a number of the conclusions made, but specifically that without granting night flights “...the combined impact of night time restrictions is not only a measurable loss of 1,450 jobs and £30.3m from the regional economy, but also the risk that the full wider economic benefits of having an airport are not realised”. The Council's reasons to dispute this are described in the paragraphs below.

4.2 Firstly, the passenger traffic forecasts provided within the report and which form the basis of the economic impact assessment are significantly overstated. The data used is based on traffic forecasts that were prepared for the Airports' Master Plan in November 2009 and do not take into account the decline in traffic experienced by Manston Airport in the 30 months since their Master Plan was published.

4.3 The forecasts used in the economic impact assessment, for example, show that over 200,000 passengers will use the airport during 2012. With the loss of Flybe as the main carrier at the end of the winter 2011/12 season and without a replacement carrier announced, this demonstrates a significant difference between what has actually occurred and that forecast within the report.



- 4.4 The reality is that to build back up to even a starting point of 200,000 passengers will take the airport a number of years, especially set against the ongoing economic slowdown and the reluctance of airlines to establish new routes away from major cities or conurbations. This suggests to the Council that a key underlying assumption of the economic impact assessment is considerably overstated.
- 4.5 Secondly, the freight forecasts that form another crucial part of the economic impact assessment are also overstated. The forecasts provided within the York Report estimate freight tonnage to be 45,200 during 2011. The actual tonnage, as reported by the CAA was 27,495. The difference is 39% and means the forecast used in the economic impact assessment is significantly overstated even in its first two years.
- 4.6 Furthermore, to justify the large increases over the forecast horizon, York argue that as capacity fills up at Heathrow, Manston is “...*ideally geographically located*” to benefit from overspill. The Council disagrees with this assumption. The evidence indicates that both Stansted, and Gatwick to a lesser degree, have significant additional capacity to accept freight overspill from Heathrow and are strategically better located close to motorways, rail networks and major conurbations.
- 4.7 An independent review has also been carried out to validate the quantitative assessment methodology of the economic impact assessment as well as to comment on the suitability of the qualitative analysis of the wider impacts. The overall general approach conforms to what would be considered ‘industry standard’ for an economic impact assessment of this kind. There are however a few points which the Council is not clear on:
- 4.7.1 It is not clear what York Aviation's methodology was to derive the ‘workload units’ (especially the relationship between a passenger and 100kg of freight);
- 4.7.2 In assessing the future direct employment on site, York Aviation has undertaken a regression analysis of 6 comparator airports to calculate the employment generated per million workload. No details of the 6 airports have been provided to ensure the comparator airports are similar in nature to Manston. In addition, one of the airports provided seems high when compared to the other airports provided and could have impacted the line of best fit (denoted by the R2 value); and
- 4.7.3 When establishing the economic benefit to the local area, the multiplier of 0.25 does not appear to be based on any specific evidence.
- 4.8 The report suggests that Night Flying would generate 1,452 jobs and £30.4m gross value added. The Council considers that the above indicate that this has not been demonstrated and that it is difficult to for the Council to validate this given the above points noted in relation to the economic benefits report.

## 5. **USE OF THE AIRPORT AND THE PROPOSED NIGHT NOISE POLICY**

- 5.1 This section sets out matters the Council wishes to draw to the attention of the Airport.

- 5.2 This consultation document does not and should not be taken as expressing any view on whether the proposed activities, if they were to occur, would be lawful or whether, for example, they would amount to an intensification constituting a material change of use requiring planning permission / any other consent or a material change of use generally. Nor is it a document which constitutes any decision, approval or authorisation in relation to the Habitats Regulations or otherwise. This consultation response is provided without prejudice to the Council's powers and duties in respect of any planning, environmental or other powers.
- 5.3 **Use of the Airport**
- 5.4 The Council considers that the Proposed Night-time Flying Policy which has been submitted for consultation cannot, of itself, constitute an intensification or change of use of the Airport. The proposed Policy is a statement of how the Airport intends to operate flights in the future from the Airport if they were to occur. The Council is not being asked to assess and is not in a position to assess whether actual operation of the Proposed Night-time Flying Policy would in fact give rise to any relevant intensification or change of use. Such assessment would depend upon the flights to be operated and all other relevant considerations.
- 5.5 The Council will continue to review the Airport's operations as appropriate and reserves its rights and the operation of its statutory functions in respect of any changes in existing activity (whether in terms of intensification or otherwise) that may occur at the Airport under the proposed Policy or otherwise.
- 5.6 **Habitats Regulations**
- 5.7 Given the international designations of sites on the coasts around the Airport, the Council has considered the effect of Proposed Night-time Flying Policy in terms of the provisions of the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations). It draws the following to the attention of the Airport without prejudice to the Council's powers and duties under those Regulations.
- 5.8 Regulation 61 of the Habitats Regulations provides:
- (1) *A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—*
    - (a) *is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
    - (b) *is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.*
- 5.9 The Council is itself a competent authority for the purposes of Regulation 61 in respect of any consent, permission or other authorisation for a relevant plan or project. But as this consultation process does not entail the Council giving any "consent, permission or other authorisation" in relation to the proposed Policy or any operations that might occur in the future under such Policy (and this consultation response is not to be treated as such), the Council does not consider that its duties under Regulation 61 of the Habitats Regulations are engaged by this consultation exercise. The Council reserves its rights in respect of its performance of its statutory duties under this and any other legislation in the future.
- 5.10 However, the Airport is also a competent authority for the purposes of Regulation 61 as it is understood to be a 'relevant airport operator' designated under the Airports Act 1986. The Council considers that in consulting on this proposed Policy, the Airport is considering the implementation of that Policy and considering the operation of night time flights under that Policy. The Council therefore considers it is incumbent on the

Airport as a competent authority to address whether the Proposed Night-time Flying Policy constitutes a "plan or project" for the purposes of the Habitats Regulations and if it does to address the obligations under Regulation 61 before deciding to undertake any such plan or project through the adoption of the draft Policy.

5.11 That process would include consideration of whether the policy (in combination with other plans or projects) is likely to have a significant effect on relevant European sites (as the policy is clearly not being connected to the management of those sites) and, depending on the answer to that question, consideration of the further steps set out in Regulation 61.

5.12 The terms 'plan' and 'project' are not defined in the Regulations, nor in the Habitats Directive. However the Council notes the following:

5.13 Managing Natura 2000 Sites – European Commission guidance, 2000:

"the Directive does not circumscribe the scope of either 'plan' or 'project' by reference to particular categories of either. Instead, the key limiting factor is whether or not they are likely to have a significant effect on a site" (paragraph 4.3)

Referring to the definition of 'Project' in the EIA Directive: "Directive 85/337/EEC provides that 'project' means:

'– the execution of construction works or of other installations or schemes

– other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources.'

As can be seen, this is a very broad definition... which is not limited to physical construction. For example, a significant intensification of agriculture which threatens to damage or destroy the semi-natural character of a site may be covered" (paragraph 4.3.1).

"The word 'plan' has a potentially very broad meaning... Of obvious relevance are land-use plans... Sectoral plans can also be considered as within the scope of Article 6(3), again in so far as they are likely to have a significant effect on a Natura 2000 site. Examples might include transport network plans, waste management plans and water management plans.

However, a distinction needs to be made with 'plans' which are in the nature of policy statements, i.e. policy documents which show the general political will or intention of a ministry or lower authority... It does not seem appropriate to treat these as 'plans' for purposes of Article 6(3)... However, where the link between the content of such an initiative and likely significant effects on a Natura 200 site is very clear and direct, Article 6(3) should be applied" (paragraph 4.3.2).

In conclusion, "The term 'project' should be given a broad interpretation to include both construction works and other interventions in the natural environment. The term 'plan' also has a broad meaning, including land-use plans and sectoral plans or programmes but leaving out general policy statements" (paragraph 4.3.3).

5.14 The *Waddenzee* case

Referring to the above definition of 'project' within the EIA Directive, the European Court of Justice stated in the context of the EIA Directive "Such a definition of project is relevant to defining the concept of plan or project as provided for in the Habitats Directive, which, as is clear from the foregoing, seeks, as does Directive 85/337, to prevent activities which are likely to damage the environment from being authorised without prior assessment of their impact on the environment" (paragraph 26).

5.15 *R (on the application of Friends of the Earth) v Environment Agency*

In deciding that an application to vary the conditions attached to a waste licence limiting the amount of waste that could be received was capable of being a 'plan or project', the court stated that "the words "plan or project" have an autonomous meaning... [and] should be given a broad interpretation, consistent with the underlying purpose of the Habitats Directive to protect the European ecological network known as Natura 2000" (paragraph 60).

5.16 *R (Akester) v DEFRA and Wightlink*

The court considered whether the introduction of a larger class of ferries was capable of being a 'plan or project' and held that, in the circumstances, it was. The court stated that it is precisely the effect of the relevant article in the Habitats Directive "that just because an action could potentially have an impact on the environment or on a European site, then it should be considered to be to be a 'plan or project'" (paragraph 76).

The judge considered whether *Waddenzee* should be distinguished "on the basis that the intervention in the natural surroundings was a direct effect of the dredging operations, whereas any effect of the use of the ferries is indirect" but held that "that is not a distinction of significance. The question is whether the activity gives rise to a risk of adverse effects on the protected sites, whether directly or indirectly" (paragraph 77).

The judge also stated that "a decision maker considering... whether the proposed introduction of the W class ferries was a plan or project within the meaning of the Habitats Directive and the Habitats Regulations would have been bound to conclude that the risk of significant adverse effects on the protected sites could not be excluded, and that in consequence the requirement for an appropriate assessment was triggered" (paragraph 81).

5.17 **Summary**

5.18 Overall in relation to the potential use of the Airport, the Council is not in a position to assess whether actual operation of the Proposed Night-time Flying Policy would in fact give rise to any relevant intensification or change of use. Such assessment would depend upon the flights to be operated and all other relevant considerations. The Council will continue to review the Airport's operations as appropriate and reserves its rights and the operation of its statutory functions in respect of any changes in existing activity that may occur at the Airport under the proposed Policy or otherwise.

5.19 In relation to the Habitats Regulations the Council considers it is incumbent on the Airport as a competent authority to address whether the Proposed Night-time Flying Policy constitutes a "plan or project" for the purposes of the Habitats Regulations and if it does, to address the obligations under Regulation 61 before deciding to undertake any such plan or project through the adoption of the draft Policy.