



Preliminary Meeting Note

Summary of key points discussed and advice given

Application: Manston Airport

Reference: TR020002

Date: 9 January 2019

Venue: Margate Winter Gardens, Fort Crescent, Margate, CT9 1HX

This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed and responses given. An audio recording of the event is available on the National Infrastructure Planning website.

In attendance from the Planning Inspectorate (the Inspectorate):

- Kelvin MacDonald (Examining Authority)
- Martin Broderick (Examining Authority)
- Jonathan Hockley (Examining Authority)
- Jonathan Manning (Examining Authority)
- Richard Price (National Infrastructure Case Manager)
- Peter Rickett (Senior Communications Officer)
- Dean Alford (Case Officer)
- James Bunten (Case Officer)

1. Welcome and introductions

Kelvin MacDonald (KM) opened the meeting at 10.00am, introducing himself as the lead member of the Examining Authority (ExA) appointed by the Secretary of State for Housing, Communities and Local Government to examine the application for development consent made by RiverOak Strategic Partners Limited (RSP) to reopen and develop Manston Airport. The other members of the ExA introduced themselves: **Martin Broderick (MB)**; **Jonathan Hockley (JH)**; and **Jonathan Manning (JM)**.

KM introduced **Richard Price (RP)** (Case Manager), **James Bunten (JB)** (Case Officer), **Dean Alford** (Case Officer) as members of the Inspectorate's Case Team. **Peter Rickett** (Senior Communications Officer) was also in attendance representing the Inspectorate and was identified by **KM** to deal with any enquiries from the press. **JB** would take a note of the meeting which would be published on the National Infrastructure Planning website following the Preliminary Meeting. If there were any procedural enquiries to be made in the course of the day, these should be addressed to a member of the Case Team identified above.

KM gave housekeeping instructions including emergency arrangements and general facilities details for the venue.

2. Participation at Examination events and the public record

KM explained that a digital audio recording of the Preliminary Meeting and subsequent hearings would be taken, to be made available on the Manston Airport page of the National Infrastructure Planning website and retained for the public record. This was so that any Interested Party (IP) that had not attended an event, or any member of the public interested in the Examination, could find out what had happened.

KM outlined the Inspectorate's duty to comply with General Data Protection Regulations (GDPR). Persons present who intended to record, photograph, tweet or film the proceedings were asked to identify themselves and were reminded that in doing so they took personal responsibility for their own actions in respect of the GDPR. Attendees who did not wish to be photographed or filmed were asked to identify themselves, and **KM** asked for persons filming or taking photographs to respect the wishes of those attendees.

KM established that the only official record of the days' proceedings were the Inspectorate's note and audio recording.

KM explained that it was the Inspectorate's practice to retain and publish the audio recordings of Examination events for a period of five years following the Secretary of State's decision on the Development Consent Order (DCO). The ExA would only ever ask for information to be placed on the public record that was important and relevant to the planning decision and requested that, where possible, private and confidential information was not entered into the Examination. Where private and confidential information was shared at an oral Examination event, the ExA would seek to intervene. If an IP thought it to be essential to make representations containing private and confidential information, the ExA would ask the IP to make it in written form. Subsequently the ExA would take a discretionary view on the relevance and importance of the private and confidential element of the representation, and where appropriate, for the Inspectorate to apply its redaction policy prior to publication.

KM emphasised that the purpose of the Preliminary Meeting was focussed solely on the way in which the ExA would examine the application; no evidence in respect of the merits of the Proposed Development could be heard. **KM** explained the reason for using the Margate Winter Gardens as the venue for Preliminary Meeting and confirmed that the ExA would consider alternative venues/ locations for future hearings in the course of the Examination. **KM** outlined how persons present should behave during the proceedings; emphasising that all parties should remain respectful of each other's right to give evidence pertaining to their own views.

3. Introduction of attendees

KM invited those attendees who were affected by Compulsory Acquisition (CA) to introduce themselves. **Celina Colquhoun (CC)** introduced herself as Counsel, instructed by Pinsent Masons, to represent the principal landowners Stone Hill Park Limited (SHP). **CC** introduced the other individuals present representing SHP. **CC** referred to SHP's letter of 21 December 2018 setting out the representations that it had intended to make. **KM** acknowledged the letter and requested that its content was provided orally at the Preliminary Meeting. The letter would be treated as a submission for Deadline 1 in the Examination Timetable.

Marcus Russell (MR) introduced himself as a member of the board of trustees at the RAF Manston Spitfire and Hurricane Memorial Museum (RMSHM), and confirmed RMSHM's location within the lands affected by the DCO.

KM invited the Applicant to introduce itself. **Isabella Tafur (IT)** introduced herself as a barrister representing RSP. Various other members of the Applicant's team were then introduced by **IT**.

KM invited any representatives present on behalf of national amenity/ representative bodies to introduce themselves. **Hilary Newport (HN)** introduced herself as representing the Kent branch of the Campaign to Protect Rural England (KCPRE).

KM invited any representatives of Statutory Undertakers to introduce themselves. **Davie Bowie (DB)** introduced himself as representing Highways England (HE). **DB** explained that he was the spatial planning manager for Kent and Sussex. HE was particularly interested in the effects of the Proposed Development on its assets in the A2/ M2 corridor.

KM invited representatives from local amenity societies, public bodies and/ or local groups to introduce themselves. **John Walker (JW)** introduced himself as a representative of the Ramsgate Society. **Susan Kennedy (SK)** introduced herself as one of the representatives of the No Night Flights group (NNF). **Dr Beau Webber (BW)** introduced himself as the chairman of the Save Manston Airport association (SMAa), and introduced other present individuals representing SMAa. **Richard Styles** introduced himself as the clerk of Ramsgate Town Council. **Angie Sutton (AS)** introduced herself as the representative of 'Why Not Manston?' group. **Ruth Bailey (RB)** introduced herself as the chair of Supporters of Manston Airport group (SMA). **Councillor Ash Ashby** introduced herself as the cabinet member for economic generation and regeneration for Thanet District Council (TDC). **Keith Nicholls** introduced himself as the chairman for the Kent Needs Manston Airport group (KNMA). **Dennis Houlton** introduced himself as representing TG Aviation Flying and Training School.

KM invited representatives from local authorities to introduce themselves. **Iain Livingstone (IL)** introduced himself as the representative for TDC, the host authority. **IL** introduced **Jonathan Buckwell** of DHA Planning which was assisting TDC. **Stevie Andrews (SA)** introduced herself as the representative for Canterbury City Council (CCC), a neighbouring authority. **Sarah Platts (SP)** introduced herself as the strategic planning and infrastructure manager and **James Wraights (JWr)** as the principle transport and development manager for Kent County Council (KCC), the host upper-tier authority. **April Newing (AN)** introduced herself as the representative for Dover District Council (DDC), a neighbouring authority.

4. The Examination process

KM explained that the process for examining applications for Nationally Significant Infrastructure Projects (NSIPs) was set out in the Planning Act 2008 (PA2008). Within the procedural framework established by the PA2008, it is for the ExA to decide how to examine an application.

KM explained that the ExA was employed by the Inspectorate; a joint executive agency of the Ministry of Housing & Local Government (MHCLG) and the Welsh Government. Following the examination of NSIPs, ExAs produce an independent and impartial report with a recommendation to the relevant Secretary of State (SoS) about whether development consent (and any Compulsory Acquisition powers) should be granted. It is the SoS who will take the final decision in this respect; in this case the Secretary of State for Transport (SoST).

KM explained that the SoS was required by the PA2008 to decide applications in accordance with any relevant National Policy Statement(s). The Airports National Policy Statement¹ (ANPS) deals with development consent applications for a Northwest Runway at Heathrow Airport, and on that basis did not have effect in the examination of the application by RSP. Notwithstanding this, the content of the ANPS would be a relevant and important consideration in the wider policy context. **CC** for SHP queried whether the ExA would be examining the application under s105 or s104 of the PA2008. **KM** explained the difference between the two sections and confirmed the ExA would be examining the application in line with s105 (decisions in cases where no national policy statement has effect).

KM explained that the examination of applications for development consent was an inquisitorial rather than adversarial process. This meant that the ExA would take the lead in asking written questions and posing questions at hearings in order to establish facts and opinions in a rigorous way that would lead the ExA to make a set of strictly evidenced recommendations to the SoST.

KM explained that the examination was primarily a written process, gained through a process of IPs providing Written Representations (WRs); responses to the ExA's questions; comments on the responses of other IPs; Local Impact Reports (LIR); Statements of Common Ground (SoCG); and matrices prepared initially by the Applicant that were required to enable the ExA to produce a Report on the Impact on European Sites (RIES).

KM explained that written evidence would be supported, where required, by hearings (see item 8, below).

KM confirmed that there would be at least one Compulsory Acquisition Hearing held during the Examination and encouraged attendees to read the then Department for Communities and Local Government's (DCLG) guidance on procedures for the compulsory acquisition of land².

KM emphasised that the ExA would not be assisted by unsubstantiated assertions in submissions by IPs. All submissions should be substantiated with relevant evidence that supports any evaluation or assessment made.

KM explained that the PA2008 process allowed the ExA to disregard representations if it considered the representations were vexatious or frivolous; related to the merits of policy set out in a National Policy Statement; or related to compensation for the Compulsory Acquisition of land or of an interest in or right over land. **Graham Birchall (GB)** queried the ExA's definition of 'vexatious'. **KM** summarised that a vexatious representation was likely to comprise an un-evidenced assertion that may be accusatory in nature. **GB** queried whether or not verifiable facts would be considered vexatious. **KM** advised that if clearly evidenced, representations of that nature were unlikely to be considered vexatious. **Samara Jones-Hall (SJH)** queried what 'appropriate evidence' meant and asked whether the source of evidence was an important consideration. **KM** confirmed that the ExA would consider all relevant and important evidence submitted to the Examination, which would include consideration of its source.

¹ Available here: <https://www.gov.uk/government/publications/airports-national-policy-statement>

² Available here: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>

KM set out the Inspectorate's commitment to openness and explained that all representations made to the Examination would be published on the Manston Airport project page of the National Infrastructure Planning website. The record of representations on the website is supported by the publication of an 'Examination Library'; a standalone document listing all documents that had been submitted to the Examination as well as all Procedural Decisions issued by the ExA. The Examination Library would be updated at regular intervals in the course of the Examination. The procedure for examining NSIP applications was designed to give all IPs and Affected Persons an equal right to put forward their views and evidence and equal access to all the information related to the application.

KM explained that the PA2008 sets an absolute statutory time limit of six months for the examination of applications. The six month Examination stage begins on the day after the Preliminary Meeting takes place, and this case therefore would expire on 9 July 2019.

KM summarised the potential for applications for awards of costs, and drew attendees' attention to the guidance on costs issued by DCLG in 2013³.

Alan Welcome (AW) queried whether the ExA looked into whether the application was of 'national importance'. **KM** advised that the application had been accepted as an NSIP which a specific meaning in the PA2008. **AW** queried whether the ExA commissioned expert reports with regards to the national requirement for airports. **KM** explained that the ExA did not intend to commission further research and set out that the onus was on IPs to submit existing evidence to the ExA. The ExA could only consider evidence put before it by IPs in the course of the Examination.

SK for NNF noted the amount of research already conducted by IPs and queried the appropriate method to provide it as supporting evidence. **KM** advised that representations that referred to existing third party evidence must either quote the evidence accurately, or attach the evidence in full as a PDF. **GB** queried whether it was up to IPs to back up their representations with evidence. **KM** reiterated that supporting evidence must be submitted to the ExA in order for it to be considered. The ExA relied on all IPs (including Statutory Parties, the Applicant, Local Authorities, Statutory Undertakers, Affected Persons and members of the public) to present evidence to the examination.

5. Initial Assessment of Principal Issues

JM explained that s88(1) of the PA2008 had required the ExA to make an Initial Assessment of the Principal Issues (IAPI). The ExA's IAPI had been set out alphabetically in Annex B of the Rule 6 letter dated 11 December 2018. The Principal Issues had not been compiled in any specific order of importance or preference, and IPs should not conclude that an issue was of less importance simply because it was lower down on the list.

JM read out the list of IAPIs and invited comments from attendees.

CC for SHP requested that the following issues were added: 'the need for the project itself'; 'the viability and deliverability of the project'; 'the availability of funds to fully implement the project'; 'consideration as to whether the scale of development is

³ Available here: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>

justified'; 'whether there was a realistic prospect of the project proceeding' and 'consideration of alternatives, particularly in the context of Compulsory Acquisition'.

BW for SMAa requested that the Principal Issue 'scope for training schemes' under *Socio-economic issues* was amended to 'scope for education and training schemes'.

SK for NNF expressed concern that there was not adequate expertise within the ExA or at relevant local authorities/ statutory bodies to rigorously examine evidence specifically relating to human health, noise and Ramsgate's Heritage Action Zone, and requested for expert assessors to be appointed. **KM** reiterated that the ExA would not commission its own studies or research, but would be pro-active in asking searching questions to all parties providing evidence. The ExA would be looking closely at the evidence submitted and would ask for further evidence if the evidence provided was inadequate.

Simon Crow (SC) introduced himself as a local resident and member of the NNF group and requested that 'review of the business case' was added to the IAPI.

JW for the Ramsgate Society requested that the following issues were added: 'viability of the Applicant's business case' under *Funding*; 'review the evidence of past aviation' under *Need*; and 'the impact on the Ramsgate historical zone' under *Landscape, design, archaeology and heritage*. **JW** also requested that Ramsgate was included in the Accompanied Site Inspection (ASI).

Jason Jones-Hall (JJH) introduced himself as a local resident and business owner and requested the following issues were added: 'climate change'; 'the difference between funding and financing', 'indirect and catalytic costs' and 'funding issues relating to the purchase of the Jentex fuel site' under *Funding*; 'circumstances relating to local policy involving the Thanet Local Plan and the history of dispute' under *Local policy*; 'the Applicant's noise sampling and baseline methodology' under *Noise*; 'security, customs and border control issues' under Operational issues; 'cumulative effects of developments with Ramsgate port and seaboard freight' and 'effects of loss of housing land' under *Socio-economic issues*; and 'the risk to mitigation of the Thanet Parkway station development not proceeding' under *Traffic and transport*.

JJH requested clarification on whether 'Landscaping and planting schemes' under *Landscape, design, archaeology and heritage* covered the effects on outdoor recreational areas under the flight path and requested for 'the effects of Operation Stack and Operation Brock' under *Traffic and transport* to include 'Operation Fennel'.

JJH queried whether 'UK airport air cargo capacity and forecasts, including locational demands and cargo types/ markets' under *Need* should reference completion and displacement with regards to recently proposed airport developments, and whether 'Cumulative effects regionally in the South East of other proposed developments' under *Socio-economic issues* should be changed to cover all airports within the UK.

JJH requested that under *Socio-economic issues* 'scope for local employment' was reworded to 'net impact on employment' and 'community benefit' was reworded to 'community impact', and for 'what happens to the site if consent is granted and the scheme is not built' to be added under *Compulsory Acquisition*.

James Hose introduced himself as a Ramsgate resident and asked if, following examination of the Principal Issues, there was a mechanism to close the Examination

early if the ExA found the application to be flawed. **JM** confirmed that there was an Examination process to go through and that the ExA was required to write a Recommendation Report to SoS setting out its findings. .

HN for CPRE Kent requested that 'climate change' was included as a separate issue within the IAPI and that 'the unequal tax balance of the aviation industry' was added under *Socio-economic issues*.

GB requested 'suitability of RSP and its members' was added to the IAPI and enquired as to whether the ExA had conducted an assessment on the need case. **JM** explained that the Acceptance tests were different to what was examined once the Examination began. **KM** expanded further by differentiating between the tests applied at the Acceptance stage and the Examination stage and drew attention to the fact that the need case had been included within the IAPI.

Ros McIntyre (RM) requested the following issues were added: 'alternative locations for a new freight airport' and 'SHP scheme benefits that will be lost' under *Compulsory Acquisition*. **RM** also requested the ExA review the evidence-base for the draft Local Plan that was overturned by TDC under *Local policy*, and for the ExA to look at the past track records of RSP's directors and aviation consultant in identifying potential cargo airports.

RM requested the ExA examine the work of other aviation consultations, including the conclusions of the Department for Transport (DfT), in respect of the need case, viability, night flights, the worst case scenario and the noise impact of operations when Manston Airport was previously operational. **RM** acknowledged that the ExA had asked for a copy of the s106 agreement between TDC and Kent International Airport⁴, and drew attention to subsequent reviews of the agreement that had been applied in the years following.

Phil Rose (PR) introduced himself as a member of NNF and requested that the ExA drew on resources at DfT and the Department for Health to provide expert advice. **PR** stated that the application documents differed from those that had been consulted on and queried how IPs could identify where the differences lie.

David Green (DG) introduced himself as representing the residents of Nethercourt Estate. **DG** queried whether there had been LIRs or SoCGs submitted by TDC, and requested the ExA examined the evidence on alternative locations submitted by RSP. **JM** confirmed that LIRs and SoCGs had been requested to Deadline 3 in the Examination Timetable.

Mark de Pulford introduced himself as a Thanet resident and a member of NNF and asked the ExA to include 'validity of RSP's assumptions of the realistic "worst case"' and 'the historic data available on the site' as Principal Issues.

Ken Wraight (KW) requested the ExA to look into the funding for the scheme to ensure RSP had the necessary funds to support the application and to fund the development, if consent was granted, and to examine whether funds were from a traceable source. **KW** also requested that the ExA thoroughly examine the number of night flights that were being proposed.

⁴ Dated 26 September 2000

JWr for KCC clarified that 'Strategic transport modelling, including the traffic effects of the Proposed Development on the national road network, notably the M2/ A2 corridor and cumulative impacts with other proposed developments' under *Traffic and transport* would also take account of the local road network and the adequacy of any mitigation package proposed.

SK for NNF noted that the number of pages of documentation provided to inform RSP's Pre-application statutory consultation differed greatly to the application formally submitted, and requested that RSP submit to the Examination a track-changed document to identify the changes. **IT** for RSP advised RSP would consider the request.

JM explained that the strategic headings for the Principal Issues had been drafted to encompass many of the topics suggested, but the ExA would consider all representations made in taking its decision about whether some of the Principal Issues should be expanded or added to. **JM** confirmed that the ExA would include 'climate change' as a Principal Issue.

KM acknowledged that the representations made would assist the ExA, and explained that all comments had been noted and would be considered when finalising the IAPIs. **KM** re-emphasised that the ExA was an independent panel, with no bias for any view, and that the Examination was not reliant solely on RSP's evidence; all evidence provided by IPs would be examined rigorously.

6. Draft Examination Timetable

JH explained again that the ExA was required to complete its examination of the application within a statutory period of six months. To ensure that the process ran smoothly it was therefore important that all representations were submitted by the deadlines set out in the Examination Timetable. **JH** re-emphasised that the examination would be primarily carried out in writing. Written questions were the ExA's primary means of seeking information, clarification and opinion, and to test the evidence submitted. To assist the ExA in this regard, IP were asked to support the process by answering questions openly and fully.

JH ran through the draft Examination Timetable set out in Annex C of the Rule 6 letter and confirmed the final Examination Timetable would be provided in the Rule 8 letter following the Preliminary Meeting. The ExA's written questions would be issued at the same time as the Rule 8 letter, as soon as practicable following the Preliminary Meeting.

JH explained that following the deadline of 9 July 2019 by which the ExA must have closed the Examination, the ExA had a statutory period of three months in which to prepare and submit its Recommendation Report to the SoST. In turn the SoST would have a further three months in which to consider the Recommendation Report and decide whether or not consent for the Proposed Development should be granted.

CC for SHP drew attention to the three days allocated for hearings in March 2019 under item 12 of the draft Examination Timetable, and the provision for further hearings in June 2019 under item 18. **CC** suggested that the ExA should allocate more reserve dates for hearings in March 2019. This would assist all parties by enabling key evidence to be entered into the Examination at an appropriately early stage. **CC** also suggested that the timing for the hearings provisionally proposed for June 2019 came quite late in the Examination process.

IT for RSP requested that the periods provided for IPs to respond to the ExA's written questions, to deadlines 3 and 6 in the draft Examination Timetable, was extended from 21 days to 28 days. This could be achieved by either by issuing the questions earlier or by pushing the deadlines back.

IT for RSP highlighted that submissions for Deadline 3 included SoCGs and requested for further deadlines to be established for updated versions of SoCGs in the course of the Examination.

IT for RSP acknowledged RSP's statutory duty to publish hearing notices no less than 21 days prior to the event and requested that the ExA issued its notifications for the events, under items 9 and 16 in the draft Examination Timetable, one or two days earlier to ensure the Applicant could provide its notices to the press in time for publication.

JWr for KCC noted that the draft Examination Timetable currently stated that LIRs should be submitted for Deadline 3, but queried whether provision for updated LIRs needed to be included following potential additional information that could influence the content of the Deadline 3 LIRs. **IT** for RSP clarified that the Applicant proposed to submit updated traffic modeling data and that this information would be submitted for deadlines within the Examination Timetable to ensure parties had a timetabled opportunity to comment on its content. **JH** established that KCC's LIR should be drafted on the evidence currently available. **IT** for RSP noted the reason for submitting updated traffic modeling data was due to KCC's request for RSP to provide an updated assessment of the proposed traffic forecast in light of KCC's traffic model baseline data. This had been provided to the Applicant after the application had been accepted for examination.

SJH queried provision for the Applicant to provide 'additional information' during the Examination. **JH** confirmed that the ExA's examination would focus on the application formally submitted and clarified that some in situations the ExA could take account of additional information. **SJH** queried why additional information not included in the application could be accepted and considered. **KM** explained that the ExA could request further information if it felt the evidence submitted was inadequate or needed clarification. However, **KM** established that the ExA could not examine or recommend consent for a significantly different scheme. **MB** confirmed that a material change to the application could not be made without a formal application to do so by the Applicant⁵. **John Pritchard** for SMAa requested the ExA explain, for persons present, the difference between material and non-material changes to applications under the PA2008 process. **KM** provided summarised in response.

SK for NNF noted that LIRs would not take account of any interrogation of the evidence presented within the application documents and therefore would be solely based on the figures provided by RSP. **JH** explained that LIRs could only be drafted on the basis of the evidence already submitted, but drew attention to ample provision for local authorities to comment on further evidence during the Examination. **SK** for NNF requested that local authorities consider all scenarios in their LIRs. **KM** explained that LIRs were the local authorities' documents and that it was for them to decide what

⁵ See the Inspectorate's 'Advice Note 16: How to request a changes which may be material', available here: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

was assessed; however, the ExA could query assessment within LIRs and request updates to or clarifications about content.

KM stated that all requests for changes to the draft Examination Timetable would be considered following the Preliminary Meeting, and reminded attendees that the final Examination Timetable would be provided in the Rule 8 letter following the Preliminary Meeting

7. Procedural Decisions and verbal reports requested by the ExA

KM read out a number of Procedural Decisions that the ExA had set out in Annex F to the Rule 6 letter; many of which had requested for RSP to provide missing or updated documents to Deadline 1 in the draft Examination Timetable (clean and track-changed versions).

KM explained that the Rule 6 letter had also requested a number of verbal statements by RSP and other bodies at the Preliminary Meeting, and dealt with each request in the order they appeared in the letter.

KM requested that RSP, in line with the s51 advice issued in alongside the Acceptance decision, confirm its timeline for the provision of the outstanding ecological survey data required to confirm the worst case ecological impact assessment. **IT** for RSP advised that the Applicant had worked the requested information into a table to be submitted at Deadline 1.

KM requested that RSP set out the progress made since the application had been submitted (17 July 2018) on a number of issues:

1. *Progress on acquiring the land and rights and interests it requires by agreement*

IT for RSP confirmed that 163 persons with an interest in the Order lands (140 owners, 12 lessees and tenants and 11 occupiers) had been contacted. Responses had been received from 25 of those persons. Of those 163 persons, 83 interests related to the proposed pipeline including persons interested in the subsoil only and/ or rights over land. The land interests affected by the proposed pipeline had been invited by the Applicant to a meeting on 14 January 2019. Three Statutory Undertakers had been identified as having an interest in the Order lands, and each of the parties identified within the Book of Reference (BoR) had been contacted at least once with a view to discussing acquisition by agreement. A table setting out correspondence with all Affected Persons would be submitted in due course.

2. *Progress on liaison with KCC, TDC, SHP and Nemo Link Limited in respect of land identified as forming part of a common or open space*

IT for RSP confirmed that the plots in question were located in Pegwell Bay. RSP were seeking rights of access only for maintenance purposes, and summarised liaison with the relevant parties in respect of those plots.

3. *Progress on liaison with MHCLG, the Secretary of State for Defence, the Government Legal Department and the Met Office in respect of land at 65 plots identified in Part 4 of the BoR as being Crown Land*

IT for RSP confirmed that discussions with the above bodies had taken place in respect of their interests, and established that RSP's submissions at Deadline 1 would set out the progress of those discussions.

4. *Progress on identifying and liaising with Statutory Undertakers (SU) that have the potential to be affected by the provisions in the PA2008 relating to statutory undertakers' land*

IT for RSP acknowledged that two SUs had submitted Relevant Representations – Network Rail (NR) and Southern Gas Networks (SGN) – and confirmed all identified SUs had been contacted in respect of the powers sought by the Applicant. Details of this correspondence would be included in RSP's submissions at Deadline 1.

5. *Progress with SUs on potential Protective Provisions (PP)*

IT for RSP highlighted a number of draft PPs already set out within the draft DCO. NR would provide its own standard PPs whilst SGN had provided two sets of comments on the proposed PPs. Southern Water and UK Power Networks had yet to provide any comments but had undertaken to do so. **KM** explained that the proposed PPs may be examined in more detail at the ISH on the draft DCO.

6. *Progress on Local Impact Reports*

KM explained that LIRs were prepared by local authorities in order to identify the local policy context and to inform the Examination in respect of the local authorities' evidenced views about potential impacts – positive, negative or neutral. In the absence of a relevant National Policy Statement, LIRs take on added importance. **KM** asked for an update from KCC, TDC, CCC and DDC on the progress of either unilateral or joint LIRs and on the progress of any SoCGs.

TDC, KCC, CCC and DDC all confirmed their intention to submit individual LIRs, and that each council would enter into separate bilateral SoCGs with the Applicant. KCC would also enter into a SoCG with the Applicant and English Heritage.

Alan Terry queried whether the LIRs should be submitted for Deadline 1, as per Annex F to the ExA's Rule 6 letter. **KM** explained that only a confirmation in writing of the verbal update provided at the Preliminary Meeting was required for Deadline 1; not the LIRs themselves.

7. *Progress in liaising with the SoST; Civil Aviation Authority (CAA); the Environment Agency (EA); the relevant highways authorities; the relevant Local Authority; Natural England (NE); the relevant sewerage undertaker; and any other relevant bodies in respect of seeking the consents and licenses*

IT for RSP confirmed that the Applicant had been in regular contact with NE with a view to preparing a SoCG that would cover licensing issues. The majority of the required licenses and consents with the above bodies would be attained post-consent, with this approach agreed within distinct SoCGs (eg waste management licenses from the EA). **IT** also explained that RSP was working towards a SoCG with Southern Water with regards to the pipeline and discharge of waste water. RSP hoped that a 'Letter of No Impediment' in respect of protected species would be provided by NE. A Statement of Need had been submitted to the CAA to inform

an application under the CAA's airspace change process. **MB** asked whether RSP was confident that an airspace change decision would be made before the close of the Examination. **IT** advised that consent could not be achieved before the close of the Examination as the process would take about 18 months; plus potentially up to six months for a decision to be issued. **MB** queried whether the CAA would be able to provide a document analogous to a 'Letter of No Impediment' in respect of airspace change. **IT** stated that RSP hoped it would be covered in a proposed SoCG with the CAA.

8. Progress on Statement of Common Grounds

KM explained that the aim of SoCGs was to agree factual information and to inform the ExA and all other parties by identifying the areas of agreement and disagreement between particular parties at an early stage in the Examination process. Parties should agree SoCGs with RSP, who will in turn submit them to appropriate deadline(s) in the Examination Timetable.

KM read out the list of SoCGs requested by the ExA in Annex F to the Rule 6 letter, and asked if any of the named parties present wished to provide an update on progress.

DB for HE confirmed that HE was looking into entering into a SoCG with RSP. **MR** for RMSHM confirmed that it had exchanged a SoCG with RSP. **CC** for SHP confirmed it had exchanged correspondence with RSP agreeing to enter into a SoCG, but had not yet had a reply. **IT** for RSP confirmed that it intended to reply in due course in order to progress discussions.

KM requested an update on the SoCGs with the named parties not present. **IT** for RSP confirmed the Applicant had corresponded with all 26 of the parties identified by the ExA in Annex F to the Rule 6 letter, and that it hoped to enter into SoCGs with all of them.

8. Hearings and Accompanied Site Inspection

MB summarised the types of hearings provided for in the PA2008 process.

MB explained that any IP was entitled to request and speak at an Open Floor Hearing (OFH) and that the ExA had already decided to include initial OFHs within the Examination Timetable⁶. **JM** established that further OFHs would be held in the course of the Examination at different locations.

MB explained that Issue Specific Hearings (ISH) would also be held in the course of the Examination. These would deal with some or all of the key issues that were relevant to the Examination. The ExA had already decided to include an ISH dealing with the draft DCO in the Examination Timetable⁷. Further ISHs on need and noise were likely to take place in March 2019.

MB emphasised that it was for the ExA to decide which specific issues required an ISH to be held. If the ExA decided not to hold a hearing on a particular issue, it didn't mean that that issue had not been fully considered by the ExA when preparing its

⁶ At 7.00pm on Thursday 10 January 2019 and 10.00am on Friday 11 January 2019

⁷ At 10.00am on Thursday 10 January

recommendation to SoS. It was for the ExA alone to decide how to examine the application.

MB explained that Compulsory Acquisition Hearings (CAH) related to the application for powers of Compulsory Acquisition (and other land matters, including funding) in the DCO. At least one CAH would be held in the course of the Examination.

MB summarised the role of site inspections (both accompanied and unaccompanied) in the PA2008 process. An ASI had been scheduled for 19 March 2019 in the draft Examination Timetable.

MB confirmed there would be a third round of hearings in week commencing 10 June 2019, provisionally addressing such issues as air quality; biodiversity; traffic and transport; socio-economic issues; and, if required, a second CAH.

MB invited any questions on hearings and ASIs.

CC for SHP requested for a CAH to be held and for ISHs to be held dealing with need, viability and funding. SHP intended to request for cross-examination to be allowed as part of those hearings. **MB** confirmed a CAH would be held and noted that cross-examination would only be allowed at the discretion of the ExA. The ExA would consider requests for cross-examination at the start of each hearing.

RS for Ramsgate Town Council stated that a number of IPs based in Ramsgate wanted the ExA to visit the area and offered the council's assistance in the ExA's preparations to meet those parties during the ASI. **MB** asked **RS** to confirm this in writing and noted the ExA had already visited Ramsgate as part of its Unaccompanied Site Inspection on 8 January 2018. **KM** established that oral evidence could not be considered during ASIs. IPs could only make factual observations or point out physical features that had been previously identified in representations.

MR for the RMSHM invited the ExA to visit the museum during the ASI. **MB** asked **MR** to submit this request in writing. **CC** for SHP explained that the potential impact of Operation Brock should be considered by the Inspectorate when making arrangements for the ASI in March 2019.

9. Any other matters

KM acknowledged a written submission that had been received by the ExA highlighting differences in the item descriptions for the content of SoCGs with local authorities (Annex F to the Rule 6 letter). **KM** advised that the requested SoCGs content was not exclusive, but committed to revisit descriptions to ensure inclusion and consistency.

AT asked for clarification about the procedure for late submissions that missed a particular deadline in the Examination Timetable. **MB** explained that the ExA could use its discretion to accept late submissions and include late evidence in the examination.

JJH noted the inconsistency between the documentation that was consulted on and the application that was formally submitted and requested that the potential for material changes was included in the ExA's IAPIs. **KM** noted the request and explained that whether or not the application included material changes would, by necessity, form part of the ExA's examination.

CC for SHP requested expert assessors to be appointed.

KM asked RSP to comment on the request for a tracked-changed document identifying changes between the documentation provided at statutory consultation and the documents comprising the submitted application.

IT for RSP explained that the documentation produced to inform statutory consultation was limited to the documents that were required to be consulted on. Those documents were different to the documents included in the submitted application. **IT** stated that a document setting out the changes between the two suites of documentation served little purpose and therefore would not be produced by the Applicant.

JJH asserted that the tracking document was warranted to verify the additional application documentation. **IT** for RSP stated that the additional application documentation was not entirely produced in response to the consultation, and pointed out that the test as to whether material changes had arisen were taken solely from the Proposed Developed described in the application as submitted; not in consideration of design evolution during the consultation stage. **KM** clarified that one of the tests applied at the Acceptance stage was in respect of how RSP had taken account of the responses received during its statutory consultation and whether or not they had led to a change to the application.

AW noted that the first application submitted had been withdrawn, amended and subsequently resubmitted following advice from the Inspectorate. **KM** explained that all the advice issued by the Inspectorate on the matter had been published as s51 advice on the National Infrastructure Planning website.

HB for KCPRE queried when the audio recording and note of the Preliminary Meeting would be made available. **RP** confirmed both would be available as soon as practicable following the close of the meeting.

10. Closing remarks

KM thanked those who had attended and contributed to the Preliminary Meeting.

KM confirmed that the ExA's Procedural Decisions in respect of the matters discussed at the Preliminary Meeting would be confirmed as part of its Rule 8 letter, which would also set out the final Examination Timetable. Written summaries of oral submissions made at the Preliminary Meeting were requested to be submitted to Deadline 1 in the Examination Timetable.

The Preliminary Meeting closed at 3.55pm