

## 1. Introduction

- 1.1. KFL is an affected party as holder of a first legal charge over the land owned by Stone Hill Park Ltd (“SHP”) that forms the vast majority of the land to which the DCO application relates, and over which RSP is seeking compulsory acquisition powers.
- 1.2. This is a unique DCO application for many reasons, including most notably;
  - it being the first airport DCO, but clearly not what was intended by the Planning Act 2008 with material issues regarding its compliance with the s23 criteria;
  - the lack of robustness and independence of the evidence presented to support the need case (the project is not supported by an NPS), which has been contradicted and shown as having no credibility by numerous experienced, well regarded aviation industry experts;
  - the lack of any evidence to enable the Examining Authority (“ExA”) to determine funding could be secured to complete the proposed project;
  - the lack of transparency over RSP’s beneficial owners and lack of evidence regarding the track record of the directors (and failure to disclose that record);
  - the scale of the compulsory acquisition powers sought by a private entity with anonymous owners; and
  - the scale and nature of the purported “associated development”.
- 1.3. KFL strongly objects to the application and wishes to take part in the examination. The key subject areas that will be the subject of the written representations are summarised below.

## 2. NSIP Justification

- 2.1. It is understood that PINS accepted the information contained in the NSIP Justification at face value in making its determination regarding satisfaction of the s.23 test. It is assumed that the evidence provided by the site owner, that existing capability is c.21,000 freight ATMs, was not taken into account as it did not form part of the application.
- 2.2. RSP’s NSIP Justification claims current capability is zero on the basis that a number of infrastructure items are “*currently missing or unusable at the airport and would require planning permission*”. These claims are based on inaccurate information and is contradictory as shown below;
  - 2.2.1. RSP is wrong in claiming the fire station has no roof and this is even contradicted in RSP’s Design and Access Statement at para 3.03;
  - 2.2.2. There is no requirement for a radar to be provided on site, with other options (e.g. radar feed available from other airports).
  - 2.2.3. The air traffic control tower can be re-equipped and made operable again without the need for planning permission.
  - 2.2.4. There is no requirement at all in planning or operational terms for there to be an onsite fuel farm. As noted below, it is also contradictory for RSP to make this argument given other information provided in the NSIP Justification.
  - 2.2.5. It is further noted that RSP undermines its own claims that the purported issues in relation to the fire station and fuel farm mean that the airport has zero capability. In its own NSIP Justification, both were listed as associated development and are therefore not part of creating the requisite “effect” referred to in s.23 (5)(b) of the Planning Act 2008. It is noted RSP has tried to reclassify the fire station in its updated NSIP, without providing any justification.
- 2.3. Notwithstanding the above and assuming that RSP is correct in its assertion that any one of the issues would render the airport’s capability as being zero ATMs, it would follow that the owner of the airport

would be required to submit a DCO application even if only for the purpose of either replacing the roof on the fire station or refitting the radar apparatus to an existing tower. Failure to follow the DCO process would be unlawful under section 160 of the Planning Act 2008. In summary, for the airport to have zero capability, RSP would have to be correct in its assertions and the ExA would need to determine that a DCO application would be required to rectify any of the four purported issues identified by RSP.

### 3. Lack of any robust evidence to support the need case or forecasts

- 3.1. Without NPS support for the project's need case, the quality, reliability and independence of the aviation evidence is of critical importance. RSP engaged Dr Sally Dixon of Azimuth Associates, who from a review of the website and LinkedIn profile has limited credentials (an extract of Dr Dixon's publically available LinkedIn profile is attached as Appendix 1). The most relevant experience appears to be from 2000-2001 when Dr Dixon worked "*with colleagues to produce the Master Plan for Manston Airport*". RSP director Tony Freudmann was a colleague (Senior Vice President, Wiggins Group) with responsibility for Manston Airport at the time. Further information regarding the track record of the promoter and its principals is included in Section 7.
- 3.2. The entire DCO case is based on highly partial and deeply flawed "evidence" presented in document APP-085 (7.4 - Azimuth Report). Its forecasts and conclusions have been contradicted and shown as having no credibility by numerous experienced, well regarded aviation industry experts including York Aviation, Altitude Aviation Advisory, both for SHP, and AviaSolutions on behalf of Thanet District Council ("TDC") (NB. all reports were appended to RR-1601). A review of the credentials of each of these aviation firms suggest they all have the necessary depth of expertise to dissect the misleading assertions, highly selective use of references and baseless conclusions that characterise the Azimuth report.
- 3.3. As a starting point, it is worth considering how the CAA statistics on the UK's air freight market demonstrates RSP's claim that they will target non-domestic daytime cargo flights (and deliver >10,000 ATMs in the 5<sup>th</sup> year of operation) lacks any credibility.

Since 2000, the number of cargo flights in the UK has halved (as bellyhold capacity and connectivity has increased), whilst also consolidating at East Midlands and Stansted airports, where the main integrators (DHL, UPS, Fedex and TNT-ASL, who dominate the dedicated cargo flight market) have investing heavily in basing operations – there is also significant additional unutilised capacity at other UK airports.

CAA statistics show that East Midlands and Stansted airports accounted for c.21,500 of the c.29,000 non-UK cargo flights in England & Wales in 2017 - of these, c.50% of the cargo flights using these two airports operate as night flights, meeting operational requirements of the express integrators. Therefore, despite Manston's vastly inferior geographic location and status, the stated plans of other existing airports to increase capacity further and the consolidation of the UK's logistics capacity in the corridor between London and Manchester, RSP claim that within 5 years of opening, a reopened Manston will secure c.50% of all non-UK daytime cargo flights in England & Wales. This is not remotely credible.

- 3.4. The Azimuth report is infected with so many flaws, inconsistencies and errors of understanding that its forecasts have no credibility at all. Whilst the report contains 4 volumes, there is a distinct lack of proper, or often any, evidence to support the assertions made in the report. We do not attempt to address all these issues here, as it would require a similar length report to rebut the claims made and we note that many of the bigger issues have been addressed in reports from aviation experts. However, we have identified below some of the key weaknesses of the Azimuth report (as also highlighted in the York Aviation, Altitude Aviation and AviaSolutions reports));
  - 3.4.1. Azimuth has failed to properly explain the characteristics of the air freight market in the UK and its drivers. There has been no substantive attempt to quantify the size of the markets Manston will be competing in, or how it would gain market share. Instead Azimuth has based its arguments about the need for Manston on circumstantial evidence related to the shortage of airport capacity in the south east of England, principally for passenger flights.

- 3.4.2. Furthermore Azimuth incorrectly seeks to rely on reports prepared by York Aviation in 2013 and 2015, which when read, do not support Azimuth's conclusion that there would be a substantive role for Manston in the UK air freight industry.
- 3.4.3. Azimuth's analysis demonstrates a lack of understanding of the economics of the air freight market, failing to acknowledge;
- There is no overall shortage of freight capacity in the UK or South East specifically - while Heathrow is currently constrained (but has plans to double freight capacity), there is significant spare freight capacity at the established dedicated freighter hubs at Stansted and East Midlands;
  - Cargo activity in the UK has become very consolidated on the 3 cargo hubs (Heathrow, Stansted and East Midlands), each of which has plans to significantly expand cargo capacity,. Furthermore, other established passenger airports have the capability of handling much higher cargo volumes if demand existed, both through dedicated freighters and through bellyhold capacity.
  - There has been a strong trend towards bellyhold freight, with the role of dedicated freighters diminishing. The most recent (2017) Department for Transport ("DfT") forecasts to 2050 assume the number of freighter flights in the UK will remain flat at 2016 levels.
  - Trucking is a highly integrated component of the air freight business model, and not merely a substitute for air freighter flights when airport capacity is constrained. The increasing use of truck feeder services is due to cost efficiencies and is not restricted to the UK.
  - Manston is in a poor location to serve the wider South East or UK market. Other structural disadvantages include lack of critical mass, lack of a passenger hub, and night flight restrictions. These factors previously limited Manston's role to that of a niche freight airport, which was ultimately unviable and led to its closure.
- 3.4.4. Azimuth freight "forecasts" are not credible, with negligible supporting evidence. In particular:
- The approach to preparing forecasts is deeply flawed. Historic performance is ignored, no analysis of the UK market is provided and there is a heavy reliance on qualitative techniques, Azimuth's interview survey relies on a very small group of, mainly local, companies (some of whom were involved with the airport previously and not all of who are still trading), and cannot seriously be considered a robust basis on which to prepare forecasts.
  - The total lack of credibility in the Azimuth report is further demonstrated by the analysis of the proposed airline and fleet mix as set out in Volume 3 and supported by Appendix 3.3 to the ES. This suggests that an integrator will contribute nearly 50% of the total freight ATMs, with the rest made up of Iran Air, Amazon, Pakistani airlines, and others. Many of these airlines do not operate freighters at all, and others not to the UK (e.g. Amazon). This is simply not credible and shows that Azimuth's forecasts are no more than an aspirational and unevicenced forecast. Similarly, the pattern of operations assumed by Azimuth is not reflective of the market.
  - Many of the references from published studies are too generic to be meaningful and there are material concerns that references cited are misleading – either by not clearly distinguishing between the source material and Azimuth's viewpoint, or by taking quotes out of their original context.
  - The clearest example of this is Azimuth's failure to acknowledge its error in misrepresenting the reports prepared by York Aviation for the Freight Transport Association and Transport for London in 2013 and 2015 as detailed in York Aviation's 2017 report which was appended to SHP's relevant representations (RR-1601).
  - Whilst the misinterpretation of York Aviation's work is the most significant, another clear example is shown in paragraph 2.3.8 of Volume 1 of the Azimuth Report. In relation to the National Policy Statement, Azimuth state that: *"The Airport NPS indicates the Government's*

*concerns over capacity constraints, pointing to the impact on connectivity. Profit maximisation means that profitable routes are operated at higher frequencies but other routes cease to be served, reducing the possibility of using belly freight to those destinations and increasing the need for dedicated freighters".* The conclusion about increasing the need for dedicated freighters appears to be from Azimuth rather than the National Policy Statement (there is no reference to freighters in the National Policy Statement). Any credible report should be clear in differentiating opinion from factual evidence.

- Other examples include the highly selective use of data points, for example taking only favourable years, geographies (global rather than UK) and measures (e.g. using Global FTKs rather than UK specific tonnage or ATMs)) that are not often relevant. This makes it incredibly difficult for the reader to gain a proper understanding of the freight market in the UK and its drivers. This approach contrasts sharply with the approach taken by the 3 experienced firms (York Aviation, Altitude Aviation and AviaSolutions) each of whom have provided evidence based explanation of the UK freight market (and its drivers) and the bleak prospects for a reopened Manston.
- 3.5. The information provided in the Azimuth reports form the foundations of the whole DCO case presented by RSP. The other members of RSP's advisory team have stated that they prepared submissions and undertaken assessments (e.g. of environmental effects) based on the information provided in the Azimuth reports. This means that they themselves are not confirming they agree with Azimuth's conclusions. As RSP's other advisors, e.g. RPS and Wood, defer to the Azimuth work, the reports are therefore infected to a certain degree by the same fundamental flaws.
  - 3.6. It is important that the ExA has due regard to both the independence and robustness of the evidence prepared by Azimuth. On the issue of independence, the lack of any relevant track record and Azimuth's previous links to RSP directors must be taken into account. The ExA advised interested parties at the preliminary hearing that it cannot take into account unevidenced assertions made to the examination. We take comfort that this same standard will be applied to the Azimuth reports, where assertions and conclusions are not evidenced. Further, where "supporting evidence" (e.g. quotes from reports) is provided, it is often irrelevant and/or misrepresents the position made in the underlying reports as noted above.
  - 3.7. We consider it is of critical importance that the ExA robustly and thoroughly test the assertions made in the Azimuth reports and assess the credibility of this "so-called evidence" against the conflicting evidence backed reports provided by the other 3 aviation consultants referred to above. We note that the ExA has directed some questions at Azimuth in its first round of questions, and would hope that this is only a precursor to the much more comprehensive testing of Azimuth's evidence.
  - 3.8. It should be noted the local plan being progressed by TDC does not seek to protect the existing airport use, nor can it lawfully do so. The reason for this is that its own up-to-date evidence base (the reports prepared by AviaSolutions) confirms that the airport is very unlikely to be financially viable in the longer term. It is further noted that TDC Officers' clear recommendation to TDC's Cabinet were that the subject land be allocated for mixed use development, based on its independent evidence base. The Officers recommendation was not supported by Councillors and it is important that the ExA is aware that steps have been taken by local politicians to influence the process through inappropriately seeking to withdraw TDC's response to RSP's statutory consultation in February 2018 and other actions that have been contrary to TDC's evidence base.
  - 3.9. One example of this is the statement by local MP Craig Mackinlay at an airport supporters meeting held on 11 February 2018. For background context, the event followed a TDC meeting in January 2018 at which councillors rejected the draft local plan recommended by professional officers. The local plan would have supported the land owned by SHP being redesignated for mixed use development. Mr Mackinlay lobbied councillors to reject the local plan, with the primary driver appearing to be a concern that a mixed use allocation would make it more expensive for RSP to acquire SHP's land should they succeed in a DCO. In expressing his delight for the members decision to reject the local plan, Mr Mackinlay made the following revealing statement (see first two minutes of the video available on the following link [REDACTED]

*“we all know that the DCO would have trumped whatever happened in that local plan, but the fear would have been that had it been redesignated away from aviation for mixed use, it would have instantly inflated the value, possibly to unacceptable levels in the future. That was my great worry.”*

Notwithstanding these arguments, as noted in paragraph 3.8 above, the local plan subsequently approved by TDC Councillors removes the aviation policy protection for the site, on the basis of legal advice that its retention would be unlawful.

4. Lack of any evidence to demonstrate viability or that funding could be secured:

- 4.1. Despite PINS advising (May 2018) that the first Funding Statement was inadequate, RSP was unable to address this in its 2nd application as noted in PINS' s51 advice following acceptance.
- 4.2. RSP claims it has secured commitments for £15m for statutory CPO obligations, blight and related costs and acknowledges it has no funding secured for any construction costs. A letter from PwC stating that amounts held in two different bank accounts (of anonymous individuals) on two different dates exceeded £15m is the sum of the “evidence” provides no comfort.
- 4.3. RSP's Funding Statement claims it has *“obtained advice from surveyors CBRE that the total cost of acquiring the necessary land for the project at its value in the ‘no-scheme world’, the basis upon which compensation for compulsory acquisition is calculated, as no more than £7.5 million.”* The wording is exactly the same as in the withdrawn April 2018 application and appears to be based on the misleading position presented in paragraph 8.106 of the Planning Statement which claimed the new local plan would protect the site for aviation use. Well before it submitted its second application, RSP were aware that aviation only policy protection could not lawfully be retained, as noted in the local plan now being advanced. Therefore, EXA can take no comfort over the relevance of the “CBRE advice” or that the £15m that is purported to have been committed is sufficient to cover the CPO costs. RSP must be required to provide written evidence confirming whether or not the CBRE “valuation advice” reflects emerging local plan and is fully consistent with the compulsory purchase valuation principles.
- 4.4. No case at all has been presented to either demonstrate the project's viability or that £300m of construction costs could be funded. RSP fails to provide the requisite information that would allow any reputable, rational investor to undertake even the most basic preliminary assessment of the viability and fundability of the project. In absence of this information, the EXA will be unable to assess whether the project has any prospect of securing funding. The failure to provide any evidence (or disclose the identity of the beneficial owners / “investors”) fuels suspicions that this is no more than a speculative attempt by anonymous investors to use the DCO process to secure CPO powers over SHP's site.
- 4.5. It is noted that the Applicant has failed to meet the ExA's deadline for providing further information on its funding. There is no excuse for this failure, and highlights the need for the ExA to ensure that this issue is thoroughly examined and robustly tested. The failure to provide information in a timely manner has been prejudicial to interested parties.

5. Compulsory Acquisition

- 5.1. The DCO application seeks approval for powers to be granted to RSP (a private entity, the beneficial owners of whom are hidden behind an offshore corporate veil) to compulsorily acquire substantially all of the land to which the project relates. The land is currently owned by Stone Hill Park Ltd (“SHP”), a UK private entity pursuing its own plans for the site, which includes a heritage airport. The vast majority of this land is the subject of legal charges in favour of KFL.
- 5.2. We have not been able to identify any other DCO where CPO powers have been granted over as large a single land holding (732 acres held by SHP and charged to KFL) to another private entity.
- 5.3. If the examination was to accept the principle of an applicant being able to claim a project satisfies the NSIP criteria under s.23(1)(b) of the PA2008 (“the alteration of an airport”), despite it also requiring powers to compulsorily acquire every part of the existing airport that is subject to the alteration, this would effectively leave every other airport in the UK open to a hostile takeover by a third party via the same route taken by RSP. Based on the logic of RSP's NSIP Justification, all they would need to do is to seek planning for 3 additional aircraft stands to increase capability by >10,000 cargo ATMs per annum and so satisfy the s.23(1)(b) criteria. Irrespective of the prospects of success, based on this

project's precedent, any similar application from a hostile third party relating to an existing UK airport would be able to proceed to examination, which in itself could have a blighting effect on affected parties.

- 5.4. This DCO is breaking new ground and is unique for the many reasons set out in these representations. Any recommendation from the EXA to grant compulsory acquisition powers would clearly set new precedents and would be subject to intense scrutiny by experts across the UK.
  - 5.5. Notwithstanding this, it is clear that RSP will be unable to demonstrate that there is a compelling case in the public interest for the acquisition of land. The evidence submitted by RSP regarding the need for its project and the forecasts prepared by Azimuth Associates are in no way credible or robust as outlined in above. The independent analysis of AviaSolutions (on behalf of TDC) and York Aviation and Altitude Aviation on behalf of SHP firmly demonstrate that there is no need and certainly no viable economic case for the reopening of Manston airport.
  - 5.6. On the other hand SHP has realistic and deliverable plans of its own for a new settlement that would deliver on the much need requirement for Housing in the district, as emphasised in James Brokenshire's letter to TDC dated 28 January 2019 (Appendix 2). The plans are consistent with TDC's evidence base and TDC Officers recommendation that the land be allocated for mixed use development. RSP's plans have had a blighting effect for the last few years and if DCO powers are granted it would likely sterilise the site for many more, resulting in the unnecessary development of housing on less sustainable green field sites across Thanet. This cannot properly be the purpose of the Planning Act 2008 in introducing the NSIP regime.
  - 5.7. RSP's failure to properly consider any alternative locations is evident in Chapter 2 of the Environmental Statement, with the key unique advantage of the SHP site stated as being the "an existing 2,748m paved runway", i.e. something that would save RSP many tens of millions of pounds. Alternative sites have not been considered properly, failing to even consider the number of ex RAF airfields being sold off by Government, that are far better located for cargo operations. RSP has also given no consideration to any alternative sites that does not have a runway.
  - 5.8. As set out in the next section, RSP has completely failed in its obligations to explain and justify the works that it purports to be NSIP or associated development. Furthermore, it is demonstrated that vast parts of the proposed development run contrary to the core principles set out in the relevant guidance on associated development.
6. Land required for the proposed project
- 6.1. The scale of the proposed project is far larger than required to accommodate the full year 20 forecasts, and any development beyond phase 1 (of 4) would be subject to market and demand suggesting land requirement would be far smaller. Indeed, its full plans show a capability that could handle over 83,000 cargo flights – per the CAA statistics, the total size of the England & Wales market (including intra UK flights) was only c.42,000 in 2017 (or c.30,000 excluding night flights). There is a strong concern that the DCO process has been hijacked to facilitate a land grab and the project has been designed to maximise land use, in direct contravention of the guidelines.
  - 6.2. Despite 7 months passing since the application was submitted, RSP has still failed to provide any explanation or justification for all other elements of its proposal that it purports to be the NSIP and that which it considers to be associated development. It is clear that its application is not "examination ready". To date all it has provided is a list of works that it considers fall into each category, and a short note covering Works 15-17. Whilst a list is interesting, this in no way satisfies the requirements of the legislation and guidance.
  - 6.3. It is clear from the information provided in RSP's application documents that very little of the works would qualify as NSIP development. i.e. works that be considered as part of creating the requisite "effect" referred to in s.23 5(b) which is *"to increase by at least 10,000 per year the number of air transport movements of cargo aircraft for which the airport is capable of providing air cargo transport services"*. It is clear that the following works listed in Paragraph 43 of the revised NSIP Justification would not meet the required criteria and would need to be justified as associated development;

- 6.3.1. Work No 1: *“airside cargo facilities and ancillary offices with a total combined cargo and office footprint of 65,500m<sup>2</sup>”*. Based on the statements made in RSP’s own application documents, these works would not have created the “effect” noted above. Firstly, RSP’s explanation in Paragraph 21 of the NSIP Justification is unequivocal in stating that the size of cargo handling facilities is not relevant to freight ATM capability and the only requirement is for them to exist. Secondly, in Volume 1 of the ES, RSP confirms that the existing buildings include cargo handling facilities (Paragraph 3.2.2) and that it would be RSP’s intention to retain these facilities until Phase 3 (Paragraph 3.3.37). Therefore, the claim that Work No.1 is NSIP development is directly contradicted in its own application. The discretionary decision to build better or bigger cargo facilities has no effect on capability, in line with the agreement presented by RSP itself.
- 6.3.2. Work No. 2: "construction of eight light and business aircraft hangars and associated fixed based operator terminal". These works would have no effect on the freight ATM capability;
- 6.3.3. Work No.10: “The construction and rehabilitation of pavements for the creation of 3 Code C aircraft parking stands and associated pavement and infrastructure.” These works relate to the proposed aircraft recycling operations and would have no effect on the freight ATM capability;
- 6.3.4. Work No.11: “The construction and rehabilitation of pavements for the creation of 4 Code C aircraft parking stands and associated pavement and infrastructure.” These works relate to proposed passenger operations and would have no effect on the freight ATM capability.
- 6.3.5. Works No. 13: “the construction of a new airport fire station and associated storage areas”. RSP has wrongly asserted that the existing fire station has no roof and would need to be replaced. Again any discretionary choice of RSP to construct a new fire station would not, in itself, have any effect on the freight ATM capability. It is also noted that the Applicant had previously listed these works as associated development prior to reclassifying it as NSIP development in its updated NSIP Justification submitted at Deadline 1, but has provided no justification for this change. Also the claims made in respect of Works numbers 3 and 4 may be inaccurate. Existing capability is understood to be at least 21,000 freight ATMs, and unless the requirement for new radar and new Air Traffic Control Tower can be directly attributed to the need to provide the incremental capability of an additional c.62,000 freight ATMs, it would not meet the NSIP development criteria.
- 6.4. In terms of associated development, a clear case also needs to be established as to why each element of development proposed complies with the core principles set out in the relevant DCLG guidance. RSP has failed to do this and it is clear that many elements of the purported associated development do not have a direct relationship with the principal development (being the NSIP development and not the loose term “the airport” that RSP has incorrectly argued in its NSIP Justification).
- 6.5. The scale of the purported associated development is not proportionate to the nature and scale of the principal development. It is vastly excessive, and this position is worsened substantially once the purported NSIP works are correctly classified. Substantially all of the c.180,000m<sup>2</sup> of buildings proposed to be constructed as part of the development, would not meet the NSIP development criteria.
- 6.6. RSP has also been completely unable to provide a coherent rationale or justification for any of the works number 15 -17. It is highly revealing that, despite stating in its application documents that 55,000m<sup>2</sup> of building footprint will be constructed in phase 1 of the development (and a further c.50,100m<sup>2</sup> as part of [phase 2), RSP still has no idea of the occupiers for the space and what their requirements would be.
- 6.7. The failure to provide any evidence on viability (and no granular detailed costings and revenue assumptions on a compartmentalised basis between NSIP and each element of “associated development”) also makes it impossible for the EXA to determine the extent to which elements of the proposed project are included to subsidise the purported NSIP development.
- 6.8. We have been unable to identify any other DCO project that includes “associated development” that is in any way comparable with the breadth, scale and nature of that sought by RSP. It appears that the Applicant is using its proposed project as an attempt to use DCO powers for a land grab, having failed

in its previous incarnation, as RiverOak Investment Corporation LLC, to secure compulsory acquisition powers under a previous process run by TDC.

6.9. The issue of NSIP development and associated development must be fully and robustly tested in the examination.

7. Track Record of Promoter and Principals:

7.1. The promoter (RSP), its directors and owners have no demonstrable successful track record in successfully developing or operating an airport.

7.2. RSP is a newco SPV, with no parent company with other airport interests. 90% of the shares in RSP are held by M.I.O. Investments Ltd, a Belize registered entity established as a specific funding vehicle to hold the anonymous investors' financial interests in the Manston project. Nothing further is known about the identity of the beneficial owners of the 90% interest in RSP, who are shielded behind an offshore corporate veil. We note that RSP states that it intends to restructure its ownership and will provide additional details at Deadline 3, having failed to meet the Deadline 1 due date.

7.3. The investors who RSP claim to have committed £15m are unknown and it is not clear if they are the same persons as the beneficial owners of the Belize entity or not. Nothing is yet known, which is in direct conflict with previous assurances given by RSP, including in its press release from 30 March 2017 (<http://rsp.co.uk/news/the-formation-and-funding-of-riveroak-strategic-partners/>) which included the following unfulfilled commitment;

*“Additional, comprehensive details of our funding partners and investment arrangements will of course be provided to PINS as part of the DCO application, providing solid evidence of our ability to meet all of the financial obligations associated with the acquisition, reopening and operation of the airport.”*

7.4. The track record of the directors and their involvement in specific airport projects must be fully disclosed and examined. This would greatly assist the EXA in determining the credibility of the RSP team, its intentions and the prospects of RSP being able to secure funding from reputable investors/funders to develop the proposed scheme. From a review of publically available information, we can find nothing that would suggest that RSP or its directors have the necessary skills and experience required for a project of this scale.

7.5. It is noted that there has been what appears to be a co-ordinated release of aviation related articles and postings, where the only RSP director understood to have any experience operating airports, Tony Freudmann, is commenting on Manston and the aviation market in general. This appears either to be an attempt to demonstrate some form of aviation track record and / or change the order of articles appearing through searches on Google (e.g. the first article that appearing on a Google search of “Tony Freudmann” is [REDACTED])

7.5.1. *“Tony Freudmann explains how remote workers in the airline industry are helping streamline operations”* Home Business Mag - 30 January 2019

7.5.2. *“Tony Freudmann Explains the Business and Technology Helping Airports Run Smoothly”* Prague Post - 4 February 2019

7.5.3. *“The History of Manston Airport”* Tony Freudmann Medium account 23 January 2019

7.5.4. *“Tony Freudmann on the Benefits of Redeveloping Manston Airport”* Tony Freudmann Medium account – 23 January 2019

8. Significant gaps in base survey data that demonstrate the application has been made prematurely:

8.1. There are significant gaps in the base survey data and analysis that would make it impossible for the promoter to comply with procedural requirements to have the effects of its scheme considered, consulted on and assessed as part of the examination and importantly the impact on any mitigation plans/strategies that would require to be approved under DCO requirements. Arguably the most fundamental is the lack of transport strategic modelling, which further impacts the noise, air quality, health and other analysis in the ES. It is uncertain how any decision could be made on the DCO



application without this fundamental work having been carried out, the impacts fully assessed and consulted on in a timeframe that would allow the position to be properly assessed in the Examination.

- 8.2. Other gaps include the failure to take into account the proposed project's impact on community facilities and housing requirements and complete failure to assess the requirement for Public Safety Zones or assess/consult on its impacts.


In conclusion, it is clear that RSP's application documents are infected with fundamental flaws and material omissions that requires it to be exposed to a rigorous examination by the ExA, covering all of the issues highlighted above and the numerous other concerns regarding how the environmental impacts have been assessed.

Comfort is taken from the statements of the ExA that all submissions should be substantiated with relevant evidence that supports any evaluation or assessment made, and trust that the equivalent standard is applied to all "*evidence*" presented in RSP's application documents, most notably the reports prepared by Azimuth Associates.


It is also abundantly clear that the application is not "*examination ready*" as demonstrated by the continuing material gaps in surveys, business plan / financial projections, funding information, scheme descriptions (justification of NSIP / Associated development) etc. RSP's failure in this regard has been prejudicial to interested parties, and we request that the ExA provide sufficient time to any interested parties to consider and comment on any new information that is submitted on these matters, should RSP ever provide it.

## APPENDIX 1 - EXTRACT OF DR SALLY DIXON'S LINKEDIN PROFILE

- INTRODUCTION







A blue banner with a white network diagram of nodes and connecting lines.



A circular profile picture of a woman with blonde hair.

**Sally Dixon** • 3rd  
Aviation consultant  
Canterbury, United Kingdom

[Message](#) [...](#)

-  Azimuth Associates
-  Cranfield University
-  See contact info
-  279 connections

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Dr Sally Dixon is a skilled strategist with extensive Board-level capability. She has a wealth of experience, particularly in airport related projects including acquisitions. Sally is Reuters trained, MBA and PhD-qualified. The focus of her ground breaking doctoral research at Cranfield was on stakeholder involvement in decision-making. Sally is a leader in the field of stakeholder consultation on major infrastructure projects and has a track record for delivering workable, innovative solutions to the issues faced by organisations today.

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## EXPERIENCE

### Experience



#### **Business Consultant**

##### **Azimuth Associates**

Mar 2002 – Present · 16 yrs 8 mos

I am currently part of a team working on the first DCO application for a nationally significant airport project to be accepted for examination by the Planning Inspectorate. My contribution includes air traffic forecasting for air freight and passengers. I have also given evidence at a related planning inquiry. My services include:

- Airport acquisitions
- Airport specific air freight forecasting using a 'bottom up' approach
- Business planning
- Economic analysis
- Institutional analysis
- Research
- Strategy development
- Stakeholder engagement [See less](#)



#### **Cranfield University, School of Engineering**

##### **Cranfield University**

Nov 2012 – Present · 6 yrs  
United Kingdom

MSc Airport Strategic Planning - specialist lecture on stakeholder influences on airport master planning.



#### **Governor**

##### **St Alphege Infant School**

2011 – 2017 · 6 yrs



#### **Principal Aviation Consultant**

##### **Ricardo**

Jul 2015 – Dec 2015 · 6 mos  
London, United Kingdom

Developing Ricardo's aviation business and providing cutting edge expertise.



#### **Head of Strategic Information**

##### **PlaneStation Group plc**

2000 – 2002 · 2 yrs  
London, United Kingdom

Heavily involved in master planning for Kent International Airport, Manston.  
Key role in the SciPark project, a technology park for the development of airport security systems using new technologies, located in Newquay, Cornwall. Development of the business proposal and strategy for SciPark as well as responsibility for establishing a partnership with HE/FE in Cornwall.  
Preparing Business Proposals for the acquisition of new airports  
Writing Business Plans for all airports in the PlaneStation network  
Liaison with Economic Development Agencies in regions where company was active.  
Working with Christ Church University College to develop a BSc in Business Studies with Airport Operations.  
Responsibility for the strategy for e-business for Wiggins and PlaneStation airports.  
Managing research projects covering a wide range of aviation, economic development, regional and property development related subjects. [See less](#)



#### **Business and Economic Analyst**

##### **Kent Training and Enterprise Council**

1996 – 1998 · 2 yrs

Managing a large research- based portfolio of around 20 projects concurrently with responsibility for projects including policy analysis, impact measurement, design and implementation of quality improvement projects. Producing briefing papers on key issues for senior management.  
Researching and writing work published by the TEC.

## ACCOMPLISHMENTS

### 25 Projects

#### **Gibraltar Airport passenger flight development**

Apr 2016 – Apr 2016

The opening of the new passenger terminal at Gibraltar Airport has provided additional capacity that is currently underused. Under instruction from the Government of Gibraltar, I provided a methodology to enable local experts to target their business development activities with airlines.

#### **Manston Airport Air Traffic Forecasting**

Mar 2016 – Mar 2016

RiverOak Investment Corp has filed a Development Consent Order to compulsorily purchase Manston Airport. As part of the submission to Government, I am conducting research to establish an air traffic forecast for the airport. Manston under RiverOak will be a freight-focused airport with some passenger flights. As part of the project, I am supporting RiverOak during their public consultations held throughout the local area. Submission of the final report is likely by the end of 2016.

#### **Barry Holt - ghost writing/editing**

2014 – 2014

A prominent music promoter during the 1960s and 1970s with stories of life in the industry with key figures such as David Bowie, Mick Jagger, Dusty Springfield and many more. Worked closely with Barry, ghost writing and editing the first of three planned books.

#### **Doctoral Research**

2007 – 2014

Doctoral research. Investigating how managers handle stakeholder opinion in their decision-making, a major issue identified by senior airport managers. Empirical work undertaken with stakeholders at Manchester, Birmingham, Stansted and London City airports. Findings highlight institutional blocks to innovation, add to knowledge, and assist managers, government policy makers and NGOs in this vital and topical field.

#### **Monairit Properties Ltd**

2003 – 2009

Support during the adoption and integration of new systems and processes. Development of strategies and the production of business plans to enable re-financing and growth as well as providing on-going consultancy during a period of intense change.

#### **Oyster Estates UK Ltd.**

2005 – 2009

Re-branding and re-naming of business required due to poor image in the local area. Provided consultancy services to support the formation of the company, preparation and roll out of business plan, re-branding including selection of company name, identification of new income streams, and the day-to-day support in the running of the business.

**Monairit Properties Ltd**  
2005 – 2007

Small family property company experiencing extreme financial pressure after consolidating all mortgages with one provider and development project overrun. Preparation of business case for submission to main finance provider. Presentation of options for change of strategy to the Board. Project management and close monitoring of cash flow situation and recommendation of actions to meet financial requirements.

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**East Kent Partnership**  
Mar 2005 – Aug 2005

As part of efforts to reduce unemployment and bring sustainable jobs and increased economic prosperity to East Kent, developed a concept for a marine and aviation support framework (MAVRIC). Worked in partnership with all local, regional and national stakeholders including SEEDA, local businesses and academic institutions to deliver on time and on budget including a well-attended presentation to key stakeholders at the conference facilities at Canterbury Cathedral.

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**Projektkontor2 (Germany)/Thanet District Council:**  
Oct 2004 – May 2005

On behalf of six regional airports from the UK, Germany, Greece and Poland and with the aid of Interreg IIIC funding, developed a design concept for a European Airport Training Academy.

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**Learning and Skills Council Kent & Medway**  
2004 – 2005

Interim manager (3-month contract extended to 7-months) bringing together two teams – Management Information and Analysis with the Research team – to form a new Information & Intelligence team.

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**Learning and Skills Council Kent & Medway Ofsted Inspection**  
2005 – 2005

Prior to and during the Ofsted Medway Area Inspection project, managed the preparation of the self-evaluation report. Liaising with key partners in the area to pull together all information to support a successful outcome.

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**University for the Creative Arts (Surrey)**  
Mar 2003 – Apr 2004

Training and consultancy to support newly appointed project managers in the Business Development Unit, particularly those involved in European funded projects.

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**Centre for Enterprise and Business Development**  
Jul 2002 – Dec 2003

Canterbury Christ Church University College. Provision of consultancy, project management services, and interim management for several ESF funded e-business and e-learning projects. Included re-design and update of project websites and management of communication strategies with all project stakeholders.

**Strategic development - Pfizer Ltd**

Mar 2002 – May 2002

Strategic Development Department. Provision of consultancy to support the business case and strategic plan for a specific geographic region. Economic and institutional analysis. Preparation a report setting out the challenges to doing business in this particular environment with reference to past drug launch profiles. The work supported the production of a strategic plan for the region as well as providing substantiating evidence for the establishment of a sub-regional office.

**Building a network of airports**

May 2000 – Dec 2001

Supporting the strategic intention of the organisation to develop a network of regional airports. Preparing Acquisition Proposals for airports in Europe, and North and South America. Close liaison with Economic Development Agencies and other key internal and external stakeholders, and economic analysis of regions where company was active. Preparation and presentation of Board papers.

**Business Planning**

May 2000 – Dec 2001

Researching and writing Business Plans for all seven airports in the PlaneStation network. Close liaison with internal and external stakeholders. Working with colleagues to produce the Master Plan for Manston Airport. Responsibility for the strategy for e-business for Wiggins Group and PlaneStation airports. Setting and writing the marketing strategy for PlaneStation airports and supporting marketing activities.

**SciPark**

Dec 2000 – Sep 2001

Key role in the SciPark project, a technology park to be located in Newquay, Cornwall. The project was intended to develop airport security and other systems using new technologies, particularly face recognition technologies. Development of the business proposal and strategy for SciPark as well as responsibility for establishing a partnership with HE/FE in Cornwall.

**Bridge Wardens College**

Advising on the content and development of a Masters degree in e-business for the University of Kent at Chatham Historic Dockyard. Project involved extensive market research with businesses in the region including Caterham Cars.

**MSc Business Studies with Airport Operations**

Working with the Head of Campus to develop a BSc in Business Studies with Airport Operations. Enrolling students for three consecutive years for bursaries provided by the Wiggins Group plc, providing specialist lectures on airport strategy.

**Pfizer strategy for e-business**

The organisation required a strategy for e-business in the UK. Undertook extensive research with Pfizer departments and external sources in the UK, Europe and US. Used scenario planning to make recommendations at Board level, providing a final report and series of well-received presentations.

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**Pilgrims Language School**

Providing British Foreign Office funded lectures to North Korean government officials on the politics of air transport in the UK. Residential course in the UK aimed at improving relations between North Korea and the West.

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**Pilgrims Language School lobbying**

EU funding for teacher training changed in 2013, requiring considerable change in the field. Provided lobbying expertise to help influence UK and EU gatekeepers in the field.

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**Pilgrims Language School property funding**

In order to maintain the viability of the company, the parent organisation planned to construct a purpose built school on the University of Kent campus. Investigated and pursued the possibility of EU funding for this major construction project. Identified a funding stream through Invest in Kent and submitted an application.

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**Pilgrims Language School re-organisation**

Part of a national group, organisation had lost several staff and required re-organisation. Provided consultancy service to re-define the structure of the organisation and provide change management support and direction. Also provided scoping briefs for a number of pipeline projects.

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**Supply Chain module**

Research for and production of the supply chain management module for a Master's degree in e-business delivered by Kent Business School.

**APPENDIX 2**

Letter To Robert Bayford, Leader of Thanet District Council from the Rt Hon James Brokenshire MP, Secretary of State for Housing, Communities and Local Government, dated 28 January 2019.





Ministry of Housing,  
Communities &  
Local Government

Councillor Robert W. Bayford  
Leader, Thanet District Council

**The Rt Hon James Brokenshire MP**  
*Secretary of State for Housing, Communities and  
Local Government*

**Ministry of Housing, Communities and Local  
Government**

4th Floor, Fry Building  
2 Marsham Street  
London SW1P 4DF

Tel: 0303 444 3450

Email: james.brokenshire@communities.gsi.gov.uk

[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

28 January 2019

## **LOCAL PLAN INTERVENTION**

Following Thanet District Council's failure over many years to get a Local Plan in place, the former Secretary of State wrote to your Council, on 16 November 2017, to express his concerns. He offered an opportunity to explain any exceptional circumstances justifying the failure of your Council to produce a Local Plan and any measures you had taken or intended to take to accelerate plan publication. Following your letter of January 2018 outlining your exceptional circumstances, the former Secretary of State wrote again on 23 March 2018. He set out that he had considered your representations and the Government's Local Plan intervention policy criteria and had decided to continue with the intervention process by commissioning a team of experts led by Government's Chief Planner to provide advice on next steps.

I have carefully considered that advice on next steps and all the above matters. I have also considered correspondence sent to my Department since January 2018, including correspondence from Thanet District Council, which reported some positive actions and progress, including the publication of a Local Plan under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the publication of a revised Local Plan production timetable<sup>1</sup> and the submission of a Local Plan under regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Section 27(1) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") provides:

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<sup>1</sup> The Thanet Local Development Scheme (July 2018)

“This section applies if the Secretary of State thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document.”

In view of your continuing failure to get a Local Plan in place I am satisfied that the requirements in section 27(1) of the 2004 Act are met; Thanet District Council (in its capacity as local planning authority):

- does not have an up-to-date Local Plan in place - the Council’s last Local Plan was adopted in 2006 and covered a period up to 2011.
- has failed to meet the milestones in at least five Local Development Schemes since 2006.
- has failed to plan for and deliver the homes people need in Thanet.

Section 27(2) of the 2004 Act provides:

“The Secretary of State may—

(a) prepare or revise (as the case may be) the document, or

(b) give directions to the authority in relation to the preparation or revision of the document.”

Pursuant to the powers in section 27(2)(b) of the 2004 Act I have decided to make a direction in relation to the preparation of the Thanet Local Plan:

Within four weeks of the date of this letter, I direct Thanet District Council to designate a lead Councillor and lead official to be responsible for progressing preparation of the Local Plan and to publish details of those designations.

In making this decision I have considered the following Local Plan intervention policy criteria<sup>2</sup>:

- **The least progress in plan-making has been made:** Out of 338 local planning authorities in England, Thanet are one of only circa 50 authorities who have not yet adopted a 2004 Act Local Plan under Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- **Policies in plans have not been kept up to date:** Thanet’s last Local Plan was adopted in 2006 (not under the provisions of the 2004 Act), and covered a period up to 2011. Thanet have consistently failed to bring forward a Local Plan in accordance with its Local Development Scheme as legally required, having failed to meet Local Plan milestones in at least six Local Development Schemes since 2006.

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<sup>2</sup> Local Plan intervention policy criteria were consulted on in 2016 and confirmed in the 2017 housing White Paper and the 16 November 2017 Written Statement in the House of Commons

- **There is higher housing pressure:** Thanet is within the top third of Districts in England for high housing pressure, based on average affordability ratios<sup>3</sup>. Thanet lack of a five-year housing land supply further highlights the authority's failure to plan for and deliver the homes people need.
- **Intervention would have the greatest impact in accelerating Local Plan production:** Based on Thanet's revised Local Development Scheme, it is unlikely that Local Plan production would be accelerated by my Department taking over its production. In my judgement, given the authority's track record of persistent failure in plan-making, the intervention I have decided upon will provide more certainty and is the best way of ensuring that a Local Plan will be produced in accordance with the Local Development Scheme timetable.
- **The wider planning context in each area in terms of the extent to which authorities are working co-operatively to put strategic plans in place:** Several authorities in Kent have indicated interest in joint planning but no formal arrangements are in place.
- **The wider planning context in each area in terms of the potential impact that not having a plan has on neighbourhood planning activity:** at least six communities in Thanet are preparing neighbourhood plans: Birchington, Ramsgate, Margate, Broadstairs & St Peters, Westgate and Cliffsend. Communities can bring forward neighbourhood plans in the absence of an up-to-date Local Plan, but doing so can be more challenging for communities.

Having considered Thanet's performance against the Local Plan intervention criteria, I am satisfied that intervention action is justified.

Section 15(4) of the 2004 Act provides:

“The Secretary of State may direct the local planning authority to make such amendments to the [local development] scheme as he thinks appropriate for the purpose of ensuring full and effective coverage (both geographically and with regard to subject matter) of the authority's area by the development plan documents (taken as a whole) for that area.”

Pursuant to my powers in Section 15(4) of the 2004 Act, I am also directing Thanet District Council to, within eight weeks of the date of this letter, amend its Local Development Scheme (dated July 2018) to provide for the completion of a review of their Local Plan within six months of its adoption.

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<sup>3</sup> Ranked 98 least affordable of 324 English Districts (Housing Affordability Statistics, Office of National Statistics, 2017)

This course of action would ensure full and effective coverage of housing provision to give clarity to communities and developers about where homes should be built.

Having considered all of the above, in my judgement, there is a compelling case for the Local Plan intervention actions I have decided upon in Thanet, pursuant to powers in sections 15(4) and 27(2)(b) of the 2004 Act. Given your recent actions and progress in meeting the requirements in the Town and Country Planning (Local Planning) (England) Regulations 2012, I have decided not to prepare the Thanet Local Plan. However I will continue to closely monitor your Local Plan progress. Should a significant delay occur against the milestones set out in your July 2018 Local Development Scheme, should you fail to comply with the directions in this letter or should your draft Local Plan fail at examination, I will consider whether to take further action to ensure that a Local Plan is put in place.

I am also, for the avoidance of doubt, now putting on public record my concerns about the low level of housing supply and delivery in Thanet. I expect planning decision-takers to have regard to these concerns as a material consideration when deciding local planning applications.

I appreciate the constructive way Thanet District Council have engaged in this process so far and I trust that you and your officers will continue to engage positively. My officials will be in touch over the next few days to discuss next steps.

**RT HON JAMES BROKENSHERE**