Reference	Question	Kent County Council's response
CA1.42	Special Category Land - The ExA is minded to recommend that the circumstances set out in s131(4) or 132(4) related to replacement land; 131(5) or 132(5) relating to area, or use and necessity of replacement land; 131(4A) or 132(4A) relating to availability of replacement land and public interest for a speeded procedure; or 131(4B) or 132(4B) relating to acquisition for a temporary purpose do not apply in relation to plots 185b, 185c, 185d, 185f. Show any evidence to the contrary.	KCC has no evidence to the contrary.
CA.1.43	Special Category Land PA2008 s132(3) states that this subsection applies if order land, when burdened with the order right, will be no less advantageous than it was before to the persons in whom it is vested, other persons, if any, entitled to rights of common or other rights, and the public. Set out your reasoned opinion as to whether this subsection is fulfilled in the case of the Special Category Land at plots 185b, 185c, 185d, 185f.	The County Council has looked at the plan and, other than highway land and a public right of way, does not appear to have any land affected within the plan. The County Council agrees that that the land will be no less advantageous to landowners or the public, even if the applicant obtains a right over the land.
DCO.1.2	Article 12(2) – Temporary stopping up and restriction of use of streets Article 12(2) in the draft DCO [APP-006] states that: "the undertaker may use any street temporarily stopped up or restricted under the powers conferred by this article and which is within the Order limits as a temporary working site"	KCC is not content with the wording of Article 12(2). The County Council requests that the wording is altered to require the applicant to seek written consent from the Highway Authority to be able to use the highway as a temporary working site. The County Council notes that utility companies, as statutory undertakers, have a right to access and maintain any plant. The NRSWA 1991 Guidance on Measures necessary where apparatus is affected by Diversionary Works - A Code of Practice (appendix 1) states that when a highway, which is subject of a stopping up order, contains undertakers' apparatus, the Highway Authority should be aware of the undertaker's need for adequate

	Is KCC content with this Article?	access or protection and should discuss the intended closure at an early stage. The statutory undertaker should be consulted with and given an opportunity to divert any mains/plant. With regards to permissions for access, once a stopping up order has been raised then this is no longer public highway and therefore in theory, any utility will not need to request road space from KCC as Highway Authority in order to access their plant/ apparatus. The wording should be altered to require the applicant to seek written consent from the Street Authority (i.e. the Highway Authority) to use the highway as a temporary working site.
DCO.1.4	Requirement 16 – Archaeological remains The ExA notes that the Relevant Representation from Kent County Council [RR- 0975] states that: "a DCO requirement should cover the need to preserve the archaeology including through adjustment of development parameters as well as covering the necessary stages of evaluation and investigation. The requirements should also cover extensive investigation of those areas of the airport where archaeology will be affected by development but is not to be preserved in situ. The County Council welcomes the intention to agree a Written Scheme of Investigation for future archaeological investigations." Suggest any amendment to Requirement 16 that would satisfy the County Council in these respects. NOTE: Kent CC may choose to answer this question in association with that at HE. 1.25	To achieve the preservation in situ that may be required, KCC will need to have clarified that there is indeed flexibility within the parameters of development - for example, the quantum of development in the Northern Grass Area as was claimed in discussions, but not set out in the DCO. KCC can provide some wording into Requirement 16 that allows for preservation following evaluation of those areas but would need to be sure that this does not counter the principle of the permitted development and make the requirement unworkable. It would be best to agree this requirement with Historic England.
E.1.8	Incomplete surveys	Incomplete archaeological surveys introduce an increased risk that important archaeology
	Paragraph 5.4.17 of the ES [APP-033] states:	will be later found in the development site and that will not be able to be preserved within the agreed parameters of the development and its design. The significance and harm to
	"Although complete surveys have presently not been possible, sufficient information exists	the built heritage assets of the site is also not fully set out and addressed in the DCO

		whereby the following has been applied. Where survey information is absent, a realistic worst-case approach has been adopted to what might be found had all the surveys been carried out, based on desktop surveys, analysis and site surveys undertaken. This is coupled with a commitment to carry out further surveys once access to land has been obtained, whether through voluntary agreement or compulsory access following the making of the application, or should the DCO be granted, access once	submission and potentially development could result in the loss of important built heritage assets.
		ownership of the land has been obtained." What limitations and uncertainty do NE, EA,	
		KCC and HE believe these incomplete surveys	
		introduce into the EIA?	
Tr.	1.5	The ES Volume 15 Part 1 [APP-060] Para 3.2.1 notes that "At the time of the preparation of this TA, a formal request to use the model has been made, and a detailed scoping methodology is soon to be provided to KCC. However, the model was not ready to use before the submission of this DCO application." i. Is the model yet ready and, if so, will it be used in the production of further traffic analysis? ii. When would this further work be made available to the ExA? iii. Please confirm what the impact of the modelling work is on the ES traffic and transport assessment and linked	The County Council, as Local Highway Authority, considers that it would be useful at this point to clarify the chain of events leading to the statement within ES Volume 15 Part 1. KCC currently feels that this element in the ES is partly misleading. Throughout the pre-application process, the applicant had stated to the County Council their intention to utilise the Thanet Strategic Highway Model (KCCSHM) to assess their development proposal with respect to highway matters. This extends back to pre-application discussions that took place on in August 2017, leading up to 21 December 2017 (which was the final correspondence that KCC received from the applicant's consultants prior to the formal submission of the subsequently withdrawn version of the DCO). During this time, the KCCSHM was unavailable for use as it was being refined in order to inform the emerging Thanet Local Plan, however the applicant was informed by the Highway Authority that the KCCSHM would likely to be available from January 2018 onwards.
		assessments such as air quality and noise.	Following consideration of the Thanet Local Plan in January 2018, there was a period of almost four months between an initial expression of interest from the applicant for access to the KCCSHM and the submission of the DCO. This provided an opportunity for the

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	applicant to instruct the Highway Authority to commission the necessary modelling work prior to submission of the DCO, however no further contact was received from the applicant during this period.
	In the absence of an agreed future position regarding the Thanet Local Plan, the Highway Authority encouraged the applicant to engage with the Local Planning Authority to agree an appropriate future land use scenario in relation to the DCO application, however to KCC's knowledge, very limited/no dialogue was progressed.
	Following this, it was concluded by the applicant that the timeline of model availability did not align with its deadline for DCO submission. It is the opinion of the Highway Authority that simply because the appropriate tool for assessing the impact of the development proposal is unavailable for a specified period, does not automatically render an alternative approach (in this case the method utilised within the current ES Volume 15) as acceptable or appropriate.
	It is the opinion of the Highway Authority that the submission of the DCO application should have been delayed until the appropriate highway assessment tools were available, to avoid a situation where alternative highway impact assessments and mitigation strategies were a requirement post submission or during the formal examination.
	The Highway Authority can confirm that a formal instruction to commission Strategic Modelling services was received from the applicant on the 25 October 2018. This was then followed by a further request for additional modelling services towards the end of November 2018. All relevant outputs from the KCCSHM were completed by the Highway Authority (through their appointed transport consultants) to the satisfaction of the applicant in December 2018.
	The purpose of the KCCSHM is to provide a robust set of traffic forecasts to inform more detailed individual junction modelling assessment (to be undertaken by the applicant). This would then provide the necessary traffic impact data to inform an appropriate highway mitigation strategy in line with the submitted Thanet Local Plan. It is important to highlight that the modelling undertaken (under the instruction of the applicant) assumes that the

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		development which is subject to the DCO has no material impact on local housing needs/projections. Please note that this does not mean that KCC endorses or opposes that assertion at this stage.	
		The modelling outputs from the KCCSHM suggest that there is some material disparity between the traffic conditions that were forecast within the current Transport Assessment (forming part of the ES). Some of these disparities are outlined within the KCC Local Impact Report.	
		To date, the Highway Authority has not been informed by the applicant of when further detailed junction modelling assessments will be completed or submitted for comment. Moreover, it is unclear which format this information will be submitted in.	
		The disparity in traffic flows identified between the KCCSHM and the spreadsheet modelling submitted to inform the current Transport Assessment has the potential to instigate a change to the scope of highway junction assessment and the form of mitigation required at individual junctions/links. Therefore, this supports the assertions made by the Highway Authority in relation to the need for KCCSHM to be used to provide robust and appropriate traffic data to reach an informed position on appropriate highway mitigation strategy.	
Tr.1.6	The ES Volume 15 Part 1 [APP-060] Para 3.2.3 asserts that "Spreadsheet modelling is an acceptable approach and the methodology is set out in this TA." This assertion needs to be justified.	This question is partly addressed in paragraph 4.1.3 to 4.1.6 of the KCC Local Impact Report Appendix. The County Council considers that it is important for the traffic impact assessment to be undertaken consistently in line with the emerging Thanet Local Plan evidence base (including the Thanet Transport Strategy) to enable a consistent approach to highway mitigation to be considered within the district.	
	Does KCC agree with it?	It is evident that the development trip assignment methodology that has been used to inform the submitted Transport Assessment (which includes the "Spreadsheet modelling" approach) is principally based upon the Google real-time online journey planner tool. This method is sometimes employed by transport professionals to assess likely vehicle routing in the absence of more locally specific modelling tools. However, this approach is not capable of reflecting the considerable changes in trip assignment arising from future	

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		development, traffic growth and associated transport mitigation measures. It simply assesses the existing road conditions and associated journey times to identify a quickest route for trips from expected origin to destination.
		The KCCSHM is dynamic in the way that it assesses traffic distribution/routing and will consider the impact of increased traffic volume to new and existing journeys on the local road network. It is also capable of forecasting the impact of new highway infrastructure such as new or improved road links or road closures.
		The submitted Thanet Local Plan growth includes plans for several new highway links and improvements in the locality, therefore the KCCSHM is considered to the appropriate tool for assessing the future impact of the proposed development. This has been communicated to the applicant at various stages prior to the submission of the DCO.
Tr.1.13	a) Do TDC and KCC agree with the scope of cumulative projects considered in the transport assessment [Section 10, APP-061]? b) What information does KCC consider is available to assess the impact of a Thanet Parkway Station on 2039 traffic flows?	a) The County Council considers that the scope of proposed improvements that have been included within Section 10.1 do not represent the full extent of highway improvements that are planned in line with the most recent revision of the Thanet Transport Strategy (this document has been both developed and endorsed by Kent County Council and Thanet District Council). Notable omissions are: -
	Tankinay etailen en 2000 iranio neno:	 An additional new road link between Shottendane Road and Hartsdown Road, through housing allocation (H02 - Land north and south of Shottendane Road, Margate within the emerging Thanet Local Plan).
		 An additional road link between Shottendane Road and The A28 Canterbury Road, through the proposed strategic housing allocation (SP15 - Westgate within the emerging Thanet Local Plan).
		The County Council also notes that committed / delivered road improvements incorrectly include the proposed one-way flow from B2050 Park Lane to A28 Canterbury Road. This is not a committed scheme; however, does still form part of the wider plans across the Local Plan period. The delivery of this mitigation is likely to be heavily dependent on the

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		delivery of the other new road links in and around the locality of Birchington (such as the A28 to Acol Hill road link).
		The route analysis and traffic distribution for the sensitivity test included in Section 10, APP-061 is not considered to be reliable, as traffic distribution has been derived using assumptions on the level of traffic redistribution by the applicant's consultancy team, rather than being informed by the dynamic distribution of trips from the KCCSHM.
		The Highway Authority has appended a copy of the district infrastructure proposal plan to assist the Examiners in understanding how these improvements relate to the Manston Airport site and the strategic housing allocations which form part of the emerging Thanet Local Plan (appendix 3).
		b) The Transport Assessment for the proposed Thanet Parkway railway station has, to date, reviewed impacts on the highway network for opening year and year 10, which is 2031. No assessment has been carried out on 2039 flows and based on forecast car parking demand the station car park will need to have been extended to prevent a constraint on demand in that timeframe. However, the economic modelling for the station appraises demand over a much longer time period. It is possible for the applicant to commission the economic consultants to provide the spreadsheet model of demand for 2039 and for the transport consultants used on the Thanet Parkway transport assessment to assign that demand on the highway network to ensure a consistent approach. This could then be used in the DCO transport assessment.
Tr.1.18	Provide a response to the way in which the Applicant has addressed your concerns and considerations as set out in the ES Volume 15 APP-060 Table 3.2 'KCC – January 2018 Section 42 Consultation Response'. NOTE: This question may be responded to through a SoCG or a LIR.	Following the submission of the DCO, the applicant and the Local Highway Authority have been in regular dialogue in order to seek common ground in relation to matters surrounding trip methodology (which, given the relatively bespoke nature of the proposed development, would require a first principles approach to highway trip rate assessment). Following a process of extended dialogue, a mutually agreed trip methodology has now been agreed in principle and this had led to some changes to the traffic assumptions that currently underpin the Transport Assessment within Volume 15 of the ES.
		The agreed revisions to the trip methodology have informed the recently completed

strategic modelling exercise using the KCCSHM (as outlined in Question Tr.1.5). However, to date, none this information has been formally submitted by the applicant as formal evidence/submissions to the examination, so at this time these issues remain unresolved.
The issue pertaining to the absence of provision for a new highway route to and from Westwood (Haine Road) through the Northern Grass is still unresolved, however since the submission of the DCO, some positive steps have been progressed by the applicant to seek to allay concerns raised by KCC.
In line with proposed policy as set out within the emerging Thanet Local Plan (Strategic Routes Policy SP47) and the Thanet Transport Strategy, it is expected that any development within the Northern Grass actively aligns with the strategy by delivering on site road/footway/cycleway infrastructure to accommodate part of a proposed, link road between the A256 and the B2050 (including an appropriate form of junction onto the B2050). This would enable the Inner Circuit Route Improvement Strategy to be delivered in an economical way, by enabling large sections to be built out within the internal layout of development sites, rather than incurring avoidable unnecessary costs related to offsite works. This is likely to be the case on several Strategic Allocation sites within the emerging Thanet Local Plan such as Birchington, Westgate, Westwood (Nash Road and Manston Court Road).
The applicant has expressed their requirement for the proposed road link to be realigned, to avoid the need for it delivered through the centre of the Northern Grass and as such, the current masterplan for the site does not propose to facilitate the continued development of this important highway route, which in turn could lead to a significant increase in the amount of off-site works required to deliver infrastructure and increased costs.
The County Council, as Highway Authority, has requested a statement of justification/reasoning for this position (given that the indication from the applicant is that the Northern Grass is not intended to form part of airside development), however this has yet to be provided. In the absence of clear and compelling justification, the Highway Authority is of the opinion that the original alignment of the Manston Road to Haine Road

link should be included as part of any internal masterplan for the Northern Grass and an

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agreed route corridor secured as part of any development proposal for this site. This will also facilitate delivery of infrastructure by the Highway Authority, should external funding for this infrastructure be obtained/awarded ahead of any built development within the site being delivered.

It is relevant to note that the current owners of the site have previously expressed a willingness enter into necessary agreements with the Highway Authority to secure a route across the Northern Grass in accordance with current feasibility designs that have been produced by the Highway Authority.

Notwithstanding the above position in relation to the lack of clear and compelling justification from the applicant for precluding delivery of a route through the Northern Grass, the Highway Authority has entered into initial dialogue with the applicant to explore the possibility of an alternative alignment for the Northern Grass section of the Manston Road to Haine Road link, should the DCO be approved without the requirement for on site delivery. Initial design process has suggested that this route would largely avoid the majority of the Northern Grass and utilise the existing Manston Road corridor to the west of the site (with appropriate improvements to the geometry and carriageway/footway construction of this route).

To date, this process has yet to be fully concluded to the satisfaction of the Highway Authority. Moreover, it is currently unknown what impact an alternative route will have on scheme cost and third-party land requirements.

No further progress has been made in relation to the proposed Signal Junction arrangement at Spitfire Way/Manston Road. The Highway Authority is still of the opinion that a roundabout junction would be the most appropriate solution, as it would maintain route consistency and better serve the future needs of the road network in relation to the proposed Inner Circuit Route Improvement Strategy, which forms part of the Thanet Transport Strategy. In line with the current process of considering an alternative alignment for the Manston to Haine Link, the Highway Authority has requested that the applicant consider the provision of a roundabout option for the Spitfire Way/Manston Road junction, however KCC has yet to receive a design or proposal from the applicant to assess.

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		To the knowledge of the Highway Authority, Stage 1 Safety Audits requested have yet to be completed for any of the road improvements. These are essential to ensure that all safety implications from these schemes have been fully considered prior to approval. It has been agreed that the entire route between Spitfire way and the Airport Site access on Manston Road will be widened to 7.3 metres to accommodate HGV Access. KCC still requires details of any emergency access points onto the existing highway network.	
Tr.1.20	The ES Volume 15 [APP-060] APP 60 Para 3.4.4	The proposed Thanet Parkway station is currently being progressed through outline design	
11.1.20	details discussions on the proposed Thanet Park Way Station. i. What is the current status of the project? ii. Is any progress on this anticipated during the course of this Examination?	by Network Rail. This phase of design is expected to complete in June 2019. The high level programme for the project proposes an opening date of December 2021 (to coincide with the railway timetable change). A planning application for the proposal has been submitted and amendments are currently being made to satisfy the planning comments received.	
		Paragraph 3.4.4 states that the proposed Thanet Parkway station has not been considered in the Surface Access Strategy, due to the lack of commitment to funding the station. This is appropriate at this stage in the station project's development. However, the project remains a high priority for KCC and Thanet District Council and it is part of the mitigation for the submitted Thanet Local Plan. It is also supported by the South East Local Enterprise Partnership (SELEP), who has provisionally committed £10m of funding. However, there remains a funding gap and this must be closed before the detailed design and construction phases can commence. KCC expects this to be resolved during the course of the examination, with the project seeking to approve the £10m funding from SELEP at the Accountability Board meeting in April 2019.	
		Once the station's delivery is confirmed, KCC would expect the Surface Access Strategy to reflect the new station as a more suitable location for rail access than Ramsgate Station.	
		One element of the Thanet Parkway station project is an upgrade to the Cliffsend level	

		crossing. KCC notes that Network Rail asked the applicant about their impact on the same level crossing in terms of traffic flows because that might necessitate an upgrade independently of the Thanet Parkway proposal. Network Rail should confirm its satisfaction with the transport modelling from the applicant demonstrating no impact. If, conversely, it is found that there is an impact then KCC would work with the applicant to jointly upgrade the level crossing.
Tr.1.22	The ES Volume 15, Part 2 [APP-061] para 7.2.1 notes two future year scenarios that have been used in carrying out traffic impact assessments: 2039 Baseline with background traffic growth; and 2039 Baseline with Proposed Development traffic. State whether a more logical formulation should include 2039 Baseline with both background traffic growth and Proposed Development traffic.	KCC is of the opinion that two future year scenarios should be developed. 2039 Baseline – this should include all growth and highway infrastructure earmarked within the emerging Thanet Local Plan (as outlined within the existing KCCSHM) plus TEMPRO growth factors between 2031 and 2039 (to encompass growth that has yet to be specifically planned for between this period). 2039 Do Something - the identified 2039 baseline (as above) + proposed DCO development traffic. This scope has been agreed with the applicant in relation to the most recent modelling that has been undertaken. However, the way in which the baseline and future traffic growth has been derived within the current TA is not agreed by the Local Highway Authority. Please note that the Highway Authority considers that as the proposed development subject to the DCO will build out over the period of the submitted Thanet Local Plan, it should proportionately contribute towards infrastructure requirements within the Thanet Transport Strategy, either through physical improvements or appropriate financial contributions. The Highway Authority considers that the emphasis for funding the necessary changes to infrastructure apportionment should be borne by the applicant.
Tr.1.26	In respect of In the ES Volume 15, Part 2 [APP-061] Section 7, is KCC content with the lack of mitigation measures proposed for junction 8 as set out in Para 7.11.7?	The Highway Authority disagrees with the lack of mitigation at this junction within the framework of the traffic distribution suggested within the TA; however, as outlined above, the assumptions made regarding growth factors to 2039 and traffic distribution are likely to provide an unreliable picture of future traffic conditions in the locality.

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		The conventional modelling methods that have been used within the TA are unreliable, due to the unique geometrical arrangement of this junction. The junction is not a 'left in/left out' arrangement as suggested (no turning movements are currently prohibited) and Park Lane is subject to a single way working system close to its junction with A28, which further reduces capacity beyond that suggested within the model. It is considered that any modelling outputs should be treated with caution, as it is unlikely that a conventional junction model will be able to accurately replicate the interaction between the single way working section, signalised pedestrian crossing on A28 close to the junction and any queueing back from the Mini Roundabout and right turn movements at A28 to park Lane which leads to blocking back of traffic on both the A28 Northbound (referred to as Junction 8a) and Park Lane. On site observations suggest that the baseline model significantly underestimates the existing traffic queuing that occurs within this locality, particularly on the northbound approach to the Park Lane junction. As such, this casts doubt over the validity of future
Tr.1.27	In the ES Volume 15, Part 2 [APP-061] Table 7.56 shows that junction 16 is currently working above capacity. Para 7.18.7 indicates that this will still be the case following mitigation and using Year 2039 plus development traffic figures. Is this acceptable to KCC?	Mhilst the Highway Authority would not usually seek mitigation above network baseline conditions, it disagrees with the form of mitigation at this junction. As outlined above, the assumptions made regarding growth factors to 2039 and traffic distribution are likely to provide an unreliable picture of future traffic conditions in the locality. As such this junction should be reviewed considering more recently identified modelling through the KCCSHM. The proposed scheme of mitigation for the Ramsgate Road/College Road/A254/Beatrice Road junction would appear to result in a highly unconventional junction layout, which is unlikely to be acceptable to the Highway Authority, not least due to the lack of inter-visibility between the stop lines. Again, an independent Stage 1 Road Safety Audit will need to be submitted as part of any further justification for this scheme for an informed position to be
Tr.1.28	In the ES Volume 15, Part 2 [APP-061] Table 7.96 shows that junction 27 is currently working	identified. Whilst the Highway Authority would not usually seek to secure mitigation above network baseline conditions, as outlined above, the assumptions made regarding growth factors to

	above capacity. Para 7.28.6 indicates that this will still be the case following mitigation and using Year 2039 plus development traffic figures. Is this acceptable to KCC?	2039 and traffic distribution are likely to provide an unreliable picture of future traffic conditions in this locality. Notwithstanding the above, it is evident that there would be significant vehicle/queue interaction between the B2014 Newington Road/Manston Road junction and the adjacent A255/B2014 Newington Road roundabout in the PM peak following the implementation of the proposed scheme of mitigation, with enhanced queue lengths on the B2014 (south) arm arising from the proposed development. This is not considered to be acceptable and should be addressed, with the two junctions assessed within a network model.
Tr.1.29	In respect of In the ES Volume 15, Part 2 [APP-061] Section 7, is KCC content with the lack of mitigation measures proposed for junction 28 as set out in paragraph 7.29.4?	As outlined above, the assumptions made regarding growth factors to 2039 and traffic distribution are likely to provide an unreliable picture of future traffic conditions in this locality. Notwithstanding this, at face value, the impacts pertaining to this junction are likely to be modest. The Highway Authority would like to reserve its position regarding this junction until further modelling has been completed using the outputs from the KCCSHM.
Tr.1.31	In the ES Volume 15, Part 2 [APP-061] para 7.30.14 sets out the timing and other arrangements for installing mitigation measures at road junctions. Is KCC content with these arrangements?	KCC as the Highway Authority does not agree with the conclusions stated within this section. The site and junction-specific, rather than strategic approach to capacity assessment taken in the TA, is inappropriate, resulting in highway mitigation proposals that deliver only partial benefits, and which do not align with or incorporate the robust, long-term solutions proposed by the Thanet Transport Strategy. The County Council suggests that further dialogue will be needed with the applicant to agree a more strategic approach to mitigation across the local highway network in line with the Thanet Transport Strategy, once modelling assessment outputs have been completed and submitted for consideration. Notwithstanding the above, the Transport Assessment appears to set out no defined trigger points for the proposed mitigation strategy, which is not considered by provide adequate clarification or safeguarding over the proposed delivery timescales of any of the mitigation or works.

Tr.1.33	In the ES Volume 15, Part 2 [APP-061] para 7.31.2 refers to works to be undertaken at three junctions in order to improve road safety and notes that two of these are also to be improved on grounds of capacity. Does the Applicant, with KCC, intend to give priority to the works which will improve road safety?	KCC agrees that priority should be afforded to schemes that are identified as having highway safety concerns. The timetable for implementation of the proposed highway improvement schemes has yet to be clarified by the applicant, however they should be provided at the earliest possible juncture. Further clarification is required with respect to this matter. The County Council would like to reiterate that Stage 1 Safety Audits are required for all material highway alterations before an informed assessment of them can be made.
Tr.1.36	In the ES Volume 15, Part 2 [APP-061] Section 10 deals with sensitivity testing for possible changes resulting from the adoption of the TDC local plan. The potential for changes to the measures proposed for improvement and mitigation to alter as a result of this sensitivity testing is identified. At what stage, if at all, will these changes be made?	The route analysis and traffic distribution for the sensitivity test included in ES Volume 15, Part 2 [APP-061] Section 10 is not considered to be reliable, as traffic distribution has been derived using assumptions on the level of traffic redistribution by the applicant's consultancy team, rather than being informed by the KCCSHM. As outlined in response Tr.1.13, there are two key highway links missing from the list of proposed interventions. The delivery of the infrastructure outlined within the Thanet Local Plan is expected to be delivered in line with the delivery of strategic allocation sites. It is expected that the Inner Circuit Route Improvement Strategy will be delivered in sections with funding /delivery requirements being apportioned in an efficient way to enable strategic housing sites to be delivered in line with growth requirements. KCC considers that development on the Manston Airport Site should proportionately contribute towards the development of the Inner Circuit Route Improvement Strategy, in line with other strategic allocation sites within the emerging Local Plan.
Tr.1.37	The ES Volume 15, Part 2 [APP-061] contains Appendices A to D of the ES, with Appendix A giving consultation meeting notes. This question relates to information included in this Appendix.	Letter dated 21st September 2017 (appendix 2) KCC can confirm its latest position of the in relation to matters raised in this correspondence are as follows:-
	Various points were raised by KCC in a letter to the Applicant dated 21 September 2017 about a	The concern relating to HGV movements is partly addressed through conformation that Spitfire Way and Manston Road will be widened, however conformation is still required in

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scoping document of July 2017.

Have all the issues raised been resolved to the satisfaction of KCC?

In a letter dated 16 February 2018 KCC provided a response to the Applicant's second statutory consultation. In this reference was made to a letter of 21 July 2017 containing the KCC response to the first consultation and indicating that the information in both responses should be considered together. The second letter, of 21 July 2017, is not included in the bundle and should be produced.

Have all the issues raised in it been resolved to the satisfaction of KCC?

The KCC responses to the traffic and transport issues raised in the PEIR are included as Appendix 2 to the letter of 16 February 2018. Have all the issues raised in it been resolved to the satisfaction of KCC?

relation to how and when these improvements will be delivered.

3.1 Trip Rates and 3.5 Trip Distribution. The trip profile included within the current TA submission still contains several discrepancies and areas requiring further clarification. These are outlined in the KCC LIR. Since the submission of the DCO additional dialogue has been held with the applicant as outlined in answers Tr.5, Tr.1.18 and Tr.1.18.

4&5 Future year/Traffic Impact. This issue has yet to be formally addressed to the satisfaction of the Highway Authority. However, more recent strategic highway modelling has been undertaken and it is expected that the applicant will be producing a supplementary Transport Assessment/Addendum to in due course, as outlined in answers Tr.5, Tr.1.18 and Tr.1.18.

To the knowledge of the Highway Authority, no specific agreed position has been reached between the applicant and Thanet District Council in relation to potential impacts from development on local housing needs/projections, which in turn may have a bearing on any future traffic projections.

The KCC responses to the traffic and transport issues raised in the PEIR

KCC can confirm its latest position of the in relation to matters raised in this correspondence are as follows: -

Traffic generation and distribution methodology. The current position of the Highway Authority is set out in the KCC LIR. However, it is relevant to note that to the knowledge of KCC, the applicant has yet to propose a cap on freight that the airport will be permitted to handle in line with assumptions made within the Trip Rate methodology.

MasterPlan - the concerns relating to the A256 Haine Road to B2050 Manston Road link have yet to be resolved. This is outlined in answer Tr.1.18. This extends to the concerns over the lack of appropriate links to Westwood (by all modes of transport).

All other points raised within this answer are addressed within the LIR and/or replicated in

Tr.1.39 What effect will the application have on the implementation of measures under Operations Stack and Brock (or any later iterations)? As the statutory Highways Authority, KCC is responsible for maintaining all roads with administrative boundary, except the motorways and major (trunk) roads which managed by Highways England. KCC works in a multi-agency group with Kent Poter authorities to manage freight traffic through Kent. This is called Operation Fe		ent County Council's Response	previous questions.
implementation of measures under Operations Stack and Brock (or any later iterations)? administrative boundary, except the motorways and major (trunk) roads which managed by Highways England. KCC works in a multi-agency group with Kent Potential Eurotunnel, the Port of Dover, Highways England, the Department for Transport (DfT) other authorities to manage freight traffic through Kent. This is called Operation Fe			previous questions.
part of Operation Fennel since 2015 and now forms part of the contingency plans in a in case of a 'No-Deal' Brexit - Operation Brock. The contingency plans are part of a stage process of queueing HGVs, whilst keeping the M20 open in both directions for traffic. These stages are outlined below: Stage 1 – the use of port buffer zones within the Port of Dover and Eurotunnel to q freight. Once these are full, Dover Traffic Access Protocol (TAP) will be used to q HGVs on the inside lane of the A20 between Dover and Folkestone on the approar Dover. Stage 2 – once the A20 TAP is reaching capacity, Eurotunnel and Port of Dover freight be held between junctions 8 and 9 of the coastbound M20 with a traffic light syster release vehicles to the ports (Brock M20). A contraflow system on the London-b carriageway between junctions 9 and 8 will allow dual two lane flow in both directions for other (non-port) traffic. Stage 3 – once Stage 2 starts to reach capacity, freight traffic will be split at M20 junction — Eurotunnel freight will continue to be stored in Brock M20 and Port of Dover freight be diverted to Manston via the A249 (from M20 junction 7), along the M2 and A299. From the vehicles will then be released to the Port of Dover via the A256 and held in a TAP que the end of the A256 before being released via the A2 to the Port of Dover. Stage 4 – if Eurotunnel freight capacity is greater than Stage 2 on the M20 junctions 8 then the M26 would be used to hold additional Eurotunnel freight, with Port of Dover freight using the A2/M2 before heading to Manston.	Tr.1.39	implementation of measures under Operations Stack and Brock (or any later	As the statutory Highways Authority, KCC is responsible for maintaining all roads within its administrative boundary, except the motorways and major (trunk) roads which are managed by Highways England. KCC works in a multi-agency group with Kent Police, Eurotunnel, the Port of Dover, Highways England, the Department for Transport (DfT) and other authorities to manage freight traffic through Kent. This is called Operation Fennel, which includes, among others, Operation Stack on the M20. Manston Airport has also been part of Operation Fennel since 2015 and now forms part of the contingency plans in place in case of a 'No-Deal' Brexit - Operation Brock. The contingency plans are part of a fourstage process of queueing HGVs, whilst keeping the M20 open in both directions for all traffic. These stages are outlined below: Stage 1 – the use of port buffer zones within the Port of Dover and Eurotunnel to queue HGVs on the inside lane of the A20 between Dover and Folkestone on the approach to Dover. Stage 2 – once the A20 TAP is reaching capacity, Eurotunnel and Port of Dover freight will be held between junctions 8 and 9 of the coastbound M20 with a traffic light system to release vehicles to the ports (Brock M20). A contraflow system on the London-bound carriageway between junctions 9 and 8 will allow dual two lane flow in both directions for all other (non-port) traffic. Stage 3 – once Stage 2 starts to reach capacity, freight traffic will be split at M20 junction 7 – Eurotunnel freight will continue to be stored in Brock M20 and Port of Dover freight will be diverted to Manston via the A249 (from M20 junction 7), along the M2 and A299. Freight vehicles will then be released to the Port of Dover via the A256 and held in a TAP queue at the end of the A256 before being released via the A2 to the Port of Dover. Stage 4 – if Eurotunnel freight capacity is greater than Stage 2 on the M20 junctions 8 to 9, then the M26 would be used to hold additional Eurotunnel freight, with Port of Dover freight using the A2/M2 befor

Kent County Council's Response These preparations should ensure that all main corridor routes through Kent are kept moving, including the M20, which will continue to provide access to Port of Dover for prioritised freight, passenger traffic and any additional flow to ensure that the Port of Dover operates at available capacity. KCC's position remains that use of the M26 as Stage 4 of the traffic management plans should not be instigated unless absolutely necessary, as a last resort. The four-stage process is explained in the **Figure 1** below: Figure 1 – Diagram explaining the process of queuing HGVs on approach to the Channel Ports and table showing capacity of each stage. Manston A20 TAP 511 Eurotunnel

Kent County Council's Response

BROCK	1	2	3	4	5
STAGE Includes	Use of Port	M20	Dover traffic	M26 (last	Hold freight
includes	of Dover	Junction 8-9 contraflow	to Manston	resort)	outside of Kent
	Eurotunnel Buffer Zones Use of A20 TAP		Dover A256 TAP	Concerns remain that the implementatio n model with Highways remains unclear and untested	
Freight	D. # - "	M00 0 0	Manatan	N400 0000	
capacity	Buffer Zones – 1200 A20 TAP - 500	M20 8-9 - 2000	Manston – 5000-6000 A256 TAP – 300-800	M26 - 2000	

In January 2019, the DfT, supported by KCC, arranged a trial in which 89 HGVs were used to test the operation of Manston Airport in an Operation Brock scenario. The trial tested the entry arrangements into Manston, the outflow of HGVs from Manston and trialled the traffic management system of the A256 TAP on approach to Whitfield. The trial was extremely successful and has shown how Manston can best be used to store HGVs. KCC and the DfT are therefore confident that Manston will be sufficient should it need to be used for queuing HGVs.

Effect of the DCO on Op Brock/Stack Plans

The DfT has agreed with the existing land owner, Stone Hill Park, that Manston Airport can

Ke	nt County Council's Response	
		be reserved for the use of queueing port-bound HGVs until December 31st, 2020. As part of the DCO application, River Oak Strategic Partners is proposing to start construction works in Q3 2019 and to have a proposed opening year of Q4 2020. KCC would like clarification on these timescales and how they may affect the current agreement with the DfT as its use as a contingency for queueing port bound freight vehicles.
		Should the DCO be granted, any negotiations as to the extension of the use of Manston to stack HGVs would have to be made between the DfT and the future landowner. Currently, there are still uncertainties as to how long, if at all, Manston will have to be used, so it is difficult to comment regarding the future at this stage. KCC is, however, concerned that should Manston become unavailable for stacking HGVs, other less favourable contingency plans would have to be enabled, such as the use of the M26 to queue HGVs. This could cause considerably greater disruption across Kent and the South East than the use of Manston.
Tr.1.40	PRoW Para 2.3.5 of the 'Public Rights of Way Management Strategy' (Appendix M in the Environmental Statement Volume 25: Transport Assessment, Appendices J (Junction 21B) – O 3/3 [APP-073]) cites a chance meeting with a local resident. Have the Applicant or KCC carried out any other more evidenced studies of current usage of the sections of the potentially affected PRoWs?	The County Council PRoW & Access team has not completed specific studies of the current usage of the sections of the potentially affected PRoW. However, the County Council is aware that the area is known to be well used for equestrian and recreational use.
Tr.1.42	PRoW Paragraph 3.2.1 of the 'Public Rights of Way Management Strategy' (Appendix M in the Environmental Statement Volume 25: Transport	It is proposed that TR8 will be rerouted along the edge of the new proposed perimeter fence of the airport. The previous route would be permanently closed and the new route permanently established.

Kent County Council's Respor

	nt County Council's Response	
	Assessment, Appendices J (Junction 21B) – O 3/3 [APP-073]) states that: KCC East Kent Area Officer for PRoW & Access Service has been	KCC would strongly advise the applicant to contact the KCC PRoW and Access Service at their earliest convenience to discuss any required route diversions.
	consulted regarding the Proposed Development. i. Comment on the proposals as set out in the 'Public Rights of Way Management Strategy'; and ii. confirm or otherwise its formal agreement	The width of the bridleway will be 3 metres and it is proposed to run alongside a hedgerow planted east of the fence to allow for screening of the car park and the Airport site. Any way marking posts or other PRoW infrastructure will be replaced and moved as appropriate.
	to them.	KCC requests that any hedge or vegetation planting required as screening to be at least 2 metres away from the boundary of the bridleway. This will ensure the full width of the bridleway is open and available as the hedge matures and will facilitate future vegetation clearance and hedge maintenance without requiring closure of the bridleway.
		In respect of ongoing maintenance, it will be expected that site operators take on maintenance responsibilities for any landscaping and enhancements to benefit the PRoW network. In the case of any planted vegetation screening, this should be cut on a regular basis so that PRoW are open and available to their full width at all times. KCC requests that maintenance responsibilities are captured within the DCO.
		It is proposed that TR9 will be extinguished south of the perimeter fence of the airport so that no PRoW now falls within the redline boundary of the site. The County Council accepts that the part of the bridleway that lies within the site boundary will have to be extinguished and that this is not currently used, as it is a dead end route.
Tr.1.44	PRoW Paragraph 3.2.1 of the 'Public Rights of Way Management Strategy' (Appendix M in the Environmental Statement Volume 25: Transport Assessment, Appendices J (Junction 21B) – O 3/3 [APP-073]) states that: "KCC requested that PRoW are to be created and funded under a Section 106 Agreement and would be maintained by KCC while remaining part of Manston Airport	The County Council agrees that any agreement made between KCC and the applicant will be made through a Development Consent Obligation under s174 of the 2008 Planning Act, as appropriate. KCC would expect money to be secured to improve the surface of the existing and diverted bridleways to a minimum width of 3m along the entire length. This will include bridleways TR8 and TR10. KCC is happy to supply a cost for this work. There has currently been no progress in developing this agreement.

Kent County Council's Response

i. Confirm or otherwise that any agreement will be made a Development Consent Obligation under s174 of PA2008 of the 2008 Planning Act (PA2008); and ii. report on progress in developing this agreement.

Tr.1.46 **PRoW**

Paragraph 4 of 'Appendix A - Site visit undertaken on 31 of October 2017 - Meeting minutes' in the 'Public Rights of Way Management Strategy' (Appendix M in the Environmental Statement Volume 25: Transport Assessment, Appendices J (Junction 21B) – O 3/3 [APP-073]) states that: "Currently, PRoW applications take about 2.5" years to be looked at by KCC. That timescale is likely to soon reach 3 years. If, however, the submission is classed as Nationally Significant Project, that timeframe may possibly be shorter." Table 3.1 of the 'Public Rights of Way Management Strategy' (Appendix M in the Environmental Statement Volume 25: Transport Assessment, Appendices J (Junction 21B) – O 3/3 [APP-073]) states in relation to TR8 that: "The previous route will be permanently closed and the new route permanently established. This will be done early in the project life cycle so it is established before major works take place." i. Comment on the apparent discrepancy

between the timelines for the PRoW

application and the commitment to undertake this action early in the project life cycle; and

The County Council notes that the details of the PROWs that may be required to temporarily close or be diverted, with explanation of how this will be carried out, are listed as part of the Development Consent Order. As such, it is understood that there is no requirement for diversions and extinguishments to be completed under s257 of the Town and County Planning Act 1990. It is requested, however, that the County Council is contacted by the applicant to discuss the paths that would be temporarily closed. This would enable the PRoW team to negotiate these closures, to ensure that disruption for the public would be minimised. Therefore, there is no need for the diversions and extinguishments to be completed under s257 of the Town and County Planning Act 1990 and be listed in 'Details of Other Consents...", provided the necessary details are included as part of the DCO.

	ii. Show where the need for this consent is	
	referenced in 'Details of Other Consents and	
	Licences that may be required' [APP-087]	
Tr.1.47	PRoW Paragraph 4.1.6 of the 'Public Rights of Way Management Strategy' (Appendix M in the Environmental Statement Volume 25: Transport Assessment, Appendices J (Junction 21B) – O 3/3 [APP-073]) states in connection with a strategy to create a new link between Thanet Parkway Station and TR9 that: "[The] Creation of a new link around the eastern boundary of the proposed Airport redevelopment will not be progressed. This however could be potentially addressed by a bus service providing a north south link should the planned Thanet Parkway Station go ahead." Comment on this proposed decision in relation to any proposals for Thanet Parkway Station.	The proposal for the Thanet Parkway Station does not include a direct walking and cycling link (or public right of way) to the site of the proposed airport redevelopment. The Public Rights of Way Management Strategy states that a new link from bridleway TR9 to the proposed Thanet Parkway Station across the site or around the edge of the site cannot be provided as part of these development proposal. The reason stated for not providing this route is because the alternative route would be a very long route around the eastern side of the site following the perimeter fence that would potentially make it unattractive to users as it would take a long time to take this circuitous route. However, it does include a new link to Cliffsend via the footpath (reference TR32) with a new connection following the field boundary to Clive Road. In future, if the airport is reopened, KCC would welcome the reconsideration of a new link to the station. The County Council requests that the additional connection to Thanet Parkway is still considered by the applicant, as this will greatly benefit the sites connectivity and will further increase opportunities available to the local community for recreation, active travel and exercise.

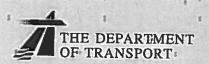
New Roads and Street Works Act 1991



MEASURES NECESSARY WHERE APPARATUS IS AFFECTED BY MAJOR WORKS (DIVERSIONARY WORKS)

A Code of Practice

Approved by the Secretaries of State for Transport, Wales and Scotland under sections 84 and 143 of the Act







6 REDUNDANT HIGHWAYS*

6.1 Formal closure (Stopping Up)

The term 'redundant highway" applies to a section of highway* which the highway authority* or Secretary of State wish to close under their formal legal powers, which are described in Appendix D. In effect this means that the land, including layby, verge or footway, is no longer required for any highway* purpose. Historically most highways were constructed over private land, the highway authority only having the right to provide and maintain the surface. Hence if a highway* is closed, (and in Scotland it is no longer used as a road) the rights of passage are extinguished and the land ownership normally reverts to the original owners, usually considered to be the frontagers.

The highway authority* would normally seek a stopping up order when they wish to remove the right of public access to the land and hence remove their own duties with regard to maintenance and public liability. The closing of the redundant highway* would enable it to be physically separated from the adjacent public highway*, avoiding unauthorised activities such as fly tipping or encampments, and bringing about a significant environmental improvement.

When a highway* which is to be the subject of a stopping up order contains undertakers' apparatus, the highway authority* should be aware of the undertaker's need for adequate access or protection, and should discuss the intended closure with him at an early stage. In the interest of achieving the least cost solution, the general presumption should be that the apparatus will remain in position where there is no need to disturb it, even though there may be some detriment to the owner.

The rights of undertakers are protected under the various stopping up orders as explained in Appendix D. The highway authority* should inform undertakers of the proposed stopping up and the undertakers should then ensure that the highway authority* are aware of his requirements so that provisions can be made either in the stopping up order or by agreement. If an undertaker's rights are adequately protected, and the route continues to be suitable, he will not be expected to object to the stopping up order. The undertaker should also consider the provision of ducts in the new or improved section of highway* to facilitate a future diversion. If the highway authority* installs ducts as part of its works then ducts should be free-issued by the undertaker.

Highways* may also be closed to facilitate development. In this case it would be normal for the developer to negotiate with the undertaker and the highway authority* for a diversion or a wayleave or easement.

6.2 Change of Use

In addition to redundant highways* there are instances where parts of a highway* become surplus to their original purpose (i.e. as a carriageway or footway or verge) but as the result of improvement could now be used as a layby, for example. If no formal stopping up order is made, then this surplus land still retains the legal status of a highway* and undertakers' rights are protected.

Where a highway authority* wish to use part of the original highway* (e.g. a layby) for the temporary storage of materials, care should be taken to avoid obstruction of access to any undertakers' apparatus which is present. It should also be noted that salt stockpiles can contaminate the ground and accelerate the corrosion of certain apparatus.

APPENDIX D

STOPPING UP AND DIVERSION ORDERS

This Appendix briefly summarises the main powers under which stopping up and diversion orders may be made and the protection provided for the rights of undertakers in such cases. It does not purport to set out the full legal position.

ENGLAND AND WALES

Type of Highway	Powers	Order Making Authority
Roads affected by the construction/improve-ment of a trunk road (or special road provided by the Secretary of State)	Highways Act 1980, sections 14 and 18	Secretary of State
 Roads affected by the construction/improve- ment of a classified road (or special road provided by the local authority) 	Highways Act 1980, sections 14 and 18	Local highway authority (Confirmation by Secretary of State)
 Roads (other than trunk or special roads) no longer necessary (or di- verted to become more commodious to the pub- lic) 	Highways Act 1980, section 116	Magistrate's Court
Highways affected by development	Town and Country Planning Act 1990, section 247	Secretary of State
Highways crossing or entering the route of a proposed new highway	Town and Country Planning Act 1990, section 248	Secretary of State

UNDERTAKERS OTHER THAN TELECOMMUNICATIONS OPERATORS

Under sections 14 and 18, Highways Act 1980

Undertakers' rights to retain apparatus in the old highway may be extinguished unless provision is specifically included in the order to protect such rights. Sections 21 and 22 apply the code set out in sections 271 to 282 of the Town and Country Planning Act 1990 which enables the highway authority to require the undertaker to move his apparatus, but obliges them to pay the undertaker's costs (section 279). The Town and Country Planning Act code also allows the undertaker to require that his apparatus be moved, again at the expense of the highway authority; provision exists for the highway authority to serve a counter-notice.

Under section 116 (and Schedule 12), Highways Act 1980

Undertakers retain the same powers and rights in respect of their apparatus in the highway as though the stopping up order had not been made. Schedule 12, Part III, paragraph 5, of the 1980 Act provides for the apparatus to be moved at the option of the undertaker or at the reasonable request of the highway authority and the highway authority must pay the cost of essential works.

Under sections 247 and 248, Town and Country Planning Act 1990

Undertakers lose their powers to retain apparatus in the old highway unless provision is made under section 247(4)(b) to preserve those rights. The Secretary of State can make such provision as appears to him to be necessary or expedient under section 247(2). If undertakers' rights are extinguished under the code, the relevant authority must pay the undertakers' costs.

TELECOMMUNICATIONS OPERATORS

Under sections 14 and 18, Highways Act 1980

The protection provided by section 334 of the Highways Act 1980 as amended applies. In essence the operator retains the same power in respect of the apparatus as if the order under sections 14 and 18 had not been made.

Under section 116, Highways Act 1980

The protection provided in section 334 of the Highways Act 1980 as amended by the Telecommunications Act 1984, Schedule 4, paragraph 76(4), applies. In essence the highway authority must serve notice of the granting of the stopping up order on the operator. The operator has 3 months to serve a counter-notice requiring the highway authority to pay for the removal of apparatus affected by the order.

Under sections 247, 248 and 249, Town and Country Planning Act 1990

The protection provided by section 256 of the Town and Country Planning Act 1990 applies. In essence, the operator retains the same powers in respect of the apparatus as if the order under section 248 had not been made.

SCOTLAND

Type of Roads	Powers	Order Making Authority
 Roads affected by the construction/improvement of special roads 	Roads (Scotland) Act 1984, section 9	Secretary of State for Scotland, or local roads authority confirmed by Secretary of State
 Roads affected by the construction/improvement of public roads other than special roads under section 9(1)(c) of the Roads (Scotland) Act 1984 	Roads (Scotland) Act 1984, section 12	Secretary of State for Scotland, or local roads authority (confirmed by Secretary of State where objections are not withdrawn)
3. Roads (other than those where section 12 or section 9(1)(c) of the Roads (Scotland) Act 1984 would apply) which have become dangerous, or unnecessary	Roads (Scotland) Act 1984, section 68	Secretary of State for Scotland, or local roads authority (confirmed by Secretary of State where objections are not withdrawn)
Roads affected by development	Town and Country Planning (Scotland) Act 1972, section 198	Secretary of State for Scotland

Roads other than trunk or special roads affected by development

Town and Country Planning (Scotland) Act 1972, section 198A and section 206

Local Planning Authority confirmed by Secretary of State for Scotland in accordance with section 206 where the order is opposed

6. Footpaths and bridleways affected by development

Town and Country Planning (Scotland) Act 1972, section 199

Local Planning Authority (confirmed by Secretary of State for Scotland where the order is opposed)

UNDERTAKERS OTHER THAN TELECOMMUNICATIONS OPERATORS

Under section 9 of the Roads (Scotland) Act 1984

A roads authority may remove an undertaker's apparatus from land acquired or appropriated by them in pursuance of a special road scheme. Section 134 of the Roads (Scotland) Act applies the provisions of sections 219 and 220 and 222 - 225 of the Town and Country Planning (Scotland) Act 1972. This sets out the procedures for a roads authority to serve notice of the extinguishment of the right to place and renew apparatus, and the procedure for a statutory undertaker to serve a counter-notice.

Under sections 12 and 68 of the Roads (Scotland) Act 1984

Orders under these sections must include provision for the preservation of statutory undertakers' rights in respect of apparatus in the road at the time the order is made.

Under sections 198, 198A and 199, Town and Country Planning (Scotland) Act 1972

Orders made under these sections may include provision for the preservation of any rights of statutory undertakers in respect of apparatus in the road at the time the order is made.

TELECOMMUNICATIONS OPERATORS

Under sections 9, 12 and 68 of the Roads (Scotland) Act 1984

The protection provided by section 132 of the Roads (Scotland) Act 1984 applies. In essence the operator retains the same power in respect of the apparatus as if the stopping up order had not come into force, but any person antitled to land over which the road subsisted might require the alteration of the apparatus.

Jnder sections 198, 198A and 199 of the Town and Country Planning (Scotland) Act 1972

Section 209 (provision as to telegraphic lines) of the Town and Country Planning (Scotland) Act 1972 is amended by Schedule 4, paragraph 54, of the Telecommunications Act 1984. Essentially for orders under sections 198 and 198A the operator retains the same power in respect of any telecommunications apparatus as if the stopping up order had not become operative, but any person entitled to land over which the road subsists, and any local oads authority is entitled to require the alteration of the apparatus. For orders under section 199 the planning authority must give notice of the making of the order. Thereafter the operator must remove or give notice of their needs to recover the apparatus will be deemed to have been abandoned. The operator is entitled to recover certain expenses from the planning authority.



Growth, Environment & Transport

Room 1.62 Sessions House MAIDSTONE Kent ME14 1XQ

Phone: 03000 415981 Ask for: Barbara Cooper

Email: Barbara.Cooper@kent.gov.uk

Ref: GT/BC/JAC Date: 21 July 2017

Mr. G Yerrall
Director
RiverOak Strategic Partners Limited
Audley House
9 North Audley Street
Mayfair
London W1K 6WF

BY EMAIL ONLY

Dear George

Re: Manston Airport - Consultation Section 42 Planning Act 2008

Thank you for your letter dated 09 June 2017 consulting Kent County Council (KCC) on the proposal led by RiverOak Strategic Partners to reopen Manston Airport, under Section 42 of the Planning Act 2008.

Officers of the County Council have reviewed the Preliminary Environmental Information Report (PEIR) and welcome the opportunity to comment on a number of environmental and technical matters. For ease of reference, the comments are structured under the chapter headings used in the PEIR.

Approach to the PEIR (Chapter 5):

KCC has statutory responsibilities for improving the health of its citizens and providing local public health services. These responsibilities are set out in the Health and Social Care Act 2012. The County Council has noted the view of the Secretary of State that the need for a Health Impact Assessment is a matter for the discretion of RiverOak Strategic Partners. However, the Secretary of State also advised (para. 5.8.1 pg. 5-12):

"... the Applicant should have regard to the responses received from the relevant consultees regarding health..."

The County Council would expect RiverOak Strategic Partners to conduct a participatory Health Impact Assessment with local communities to ensure that the proposal maximises all possible opportunities to enhance the positive health impacts on the local communities and reduce the negative health impacts.

The Thanet District is one of the most deprived areas of Kent and subsequently experiences some of the worst health outcomes and lowest life expectancy rates of all populations in Kent. Analysis produced by the KCC Public Health Observatory shows that 24 of the 88 most deprived local population clusters (Lower Layer Super Output areas) lie within the Thanet District.

Detrimental impacts of both noise (addressed in greater detail under Chapter 12) and air pollution are therefore likely to have a greater attributable impact on these populations, and particularly for those people living closest to the Manston Airport site or impacted directly under the flight paths. These communities are most likely to be:

- Newington (Thanet 013A and Thanet 013B); and
- Ramsgate (Thanet 016C and Thanet 016A).

All of these communities have high rates of premature mortality, emergency admission rates and rates of disability, and higher than expected rates of diagnosed mental health conditions.

The Newington community has a high proportion of social housing and very high numbers of children, and is potentially most likely to experience the greatest impacts from flight noise and particularly night flights. There is robust evidence which demonstrates the impact that noise has on health, and particularly sleep patterns. Vulnerable groups (e.g. children, the chronically ill and elderly) are more susceptible and thus larger proportions in the aforementioned areas are likely to be more affected.

Air Quality (Chapter 6)

For the avoidance of doubt, the following comments are made in the context of the statutory public health responsibilities KCC possesses which are set out under the Health and Social Care Act 2012.

It is widely recognised that air pollution has a major attributable impact on the health of the population. Given the local vulnerabilities, it is likely to have a greater attributable impact on populations closest to the Manston Airport site. The County Council would expect any operator - in conjunction with the Thanet District Council Environmental Health team - to ensure that it has suitable air quality monitors in place to continually measure local air quality and be taking real time remedial actions in order to reduce such impacts. KCC would expect any operator to comply with all UK air quality guidance and additionally, have regard to the NICE (NG70) *Air pollution: outdoor air quality and health guidance* ¹ in planning and operational matters, as appropriate.

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¹ June 2017 Air pollution: outdoor air quality and health NICE guideline [NG70]

Biodiversity (Chapter 7):

KCC is satisfied that its previous comments² made in response to the Scoping Report have been addressed. The Biodiversity chapter is considered to be thorough and provides a wide overview of the potential ecological impacts.

The County Council considers that further surveys are required to adequately establish the potential impacts that may arise through potential increases in air pollution. This is recognised within the report where it is stated that additional air quality modelling and traffic assessments will be undertaken and therefore KCC is satisfied that the matter will be addressed. In addition, the County Council expects thorough assessments in relation to any potential noise impacts when undertaking the noise impact assessments. Consequently, all the conclusions should be readdressed within the submission of the Environmental Statement.

KCC agrees that appropriate mitigation measures can be implemented to ensure that there will not be a likely significant impact upon great crested newts, bats, and reptiles. It is expected that the Environmental Statement will include all necessary mitigation measures, including where protected species impacts are expected as well as where the impacts will not be significant. The County Council expects that the Environmental Statement will be in accordance with the 'mitigation hierarchy', ensuring that where the potential for ecological impacts to occur is identified, the approach to development will first try to avoid the impacts, then minimise impacts and, as a last resort, compensate for any remaining ecological impacts.

KCC welcomes the proposals for off-site restoration and enhancement works in relation to any potential impacts that the proposed development may have and where on-site mitigation is not possible. It is expected that full mitigation measures are included in the submitted Environmental Statement to demonstrate that any off site mitigation is fully achievable.

Freshwater environment (Chapter 8):

Table 8.1 (pg. 8-1) indicates that a Hydrogeological Risk Assessment, Flood Risk Assessment and Drainage Strategy will all be produced to inform the forthcoming Environment Statement. KCC, as Lead Local Flood Authority, therefore has no detailed comments to make at this stage. However, the Authority would welcome the opportunity to engage with the applicant's consultants at the earliest possible of their preparatory works to ensure that its requirements and recommendations are fully incorporated into the final Drainage Strategy.

Historic Environment (Chapter 9)

KCC Heritage Conservation has previously commented on the Scoping Report³ and has a number of comments to make on the Historic Environment chapter. For ease of reference, these are set out in an appendix accompanying this letter.

Set out in my letter dated 28 July 2016 to the Planning Inspectorate.
 Set out in my letter dated 28 July 2016 to the Planning Inspectorate.

Land Quality (Chapter 10):

The application site does not lie within a Mineral Safeguarding Area as defined by the Kent Minerals and Waste Local Plan 2013-30 Policies Maps. Therefore KCC, as Minerals and Waste Planning Authority, does not consider there to be any associated Mineral Safeguarding issues.

Noise (Chapter 12):

For the avoidance of doubt, the following comments only relate to noise from aircraft operations. Construction traffic and ground noise will be of greater relevance to Thanet District Council's Environmental Health team.

Aircraft noise, as the PEIR correctly identifies, is not a statutory nuisance. However, particularly in recent years, the disturbance and potential health impacts (not just quality of life but impacts on educational attainment, cardiovascular conditions, etc.) have attracted an increasing level of scrutiny. This has been reflected in the most recent consultations on the draft *Airports National Policy Statement*, the draft *UK Airspace Policy: a framework for balanced decisions on the design and use of airspace*, and the Civil Aviation Authority's guidance on the revised Airspace Change Process. Notwithstanding the current status of these policies, the applicant should still have due regard where they are stricter on noise impacts as this would at least demonstrate best practice. The reference at paragraph 12.10.51 (pg. 12-45) to the consideration of recent draft policy is therefore welcomed. It is also noted that the PEIR uses a Lowest Observed Adverse Effect Level (LOAEL) which is lower than proposed in the *UK Airspace Policy* consultation – the LOAEL being the level of noise at which the average person will begin to experience measurable adverse effects on health and quality of life due to noise exposure.

However, such noise contours show the average level of noise exposure over a defined period of time and therefore they can mask the nature of the individual events that are in fact what is causing the disturbance (and thus the health impacts) in the first place. Consequently, the draft Civil Aviation Authority *Airspace Change Process* guidance and *UK Airspace Policy* propose greater use of N-above metrics, which show the number of noise events in a defined time period as a means of communicating the impact of airspace changes to the public in a manner that correlates with actual experience. The draft *UK Airspace Policy* recognises that increased frequency of aircraft noise, not just average noise overall, is an issue and could require compensation (paragraph 4.48).

As the airspace design has not been undertaken, aircraft noise impacts have not been quantified but a qualitative assessment has been undertaken of the areas that are likely to be adversely affected. During the Airspace Change Process (and assuming that the new Civil Aviation Authority guidance is adopted by this time), the applicant should go through a very rigorous and transparent process of engaging the community in the design options and appraisal of the impacts. Furthermore, there is an understanding of the areas that were affected by noise when the airport was last operational, so this proposal will potentially mark a change to the frequency and volume, rather than the areas affected.

In the case of night noise, the least acceptable form of noise, the PEIR uses the, "... working assumption for illustrative purposes only that there might be a maximum of eight aircraft movements" between 2300 and 0700 (paragraph 12.11.21, pg. 12-51), and this is a worst case. The modelling uses the Significant Observed Adverse Effect Level (SOAEL) of 55 dB L_{night}. This is the same level that the World Health Organisation (WHO) showed above which the noise situation is considerably dangerous to public health (2009 Night Noise Guidelines for Europe). The WHO showed effects beginning as low as 40 dB L_{night} and the draft *UK Airspace Policy* LOAEL is 45 dB L_{night} and therefore it would have been beneficial for the applicant to demonstrate the area also affected at this level.

Following the experience in West Kent associated with Gatwick Airport, noise from aircraft, and particularly increased overflight, is a divisive and often unacceptable consequence of living in proximity to an airport. The applicant should go to great lengths to engage local communities in the design of airspace (as part of the Airspace Change Process). It should also be recognised that people are likely to have moved to the area in the period since the airport was closed, and therefore will have no previous understanding of the noise associated with the airport.

Full consideration should be given to re-establishing the Consultative Committee, including representation from any local community groups concerned with noise and environmental impacts. At the appropriate time, a full quantitative assessment should be presented to residents, businesses and others (particularly noise-sensitive sites such as schools and places of worship) who are likely to be affected. This should include frequency contours and a plain-English presentation of the likely number of noise events of a disruptive volume that they will be exposed to in the daytime and night-time periods. The threshold volume should take account of the most recent evidence and research into the health impacts of noise exposure, as reflected in the consultation draft *UK Airspace Policy: A framework for balanced decision making*.

Mitigation for the noise impacts should also be discussed with the local communities alongside a comprehensive package of insulation developed for all those affected. Where mitigation would not be effective (such as for outdoor spaces), financial compensation may be the most appropriate compensation measure. In the design of the flight paths used, where possible, consideration should be given to respite by the use of multiple routes. Given that the consultation documents use 8 flights a night as an indication of the number of likely night flights, then the airport operator should ensure that there is a limit on the noise Quota Count (QC) category of those aircraft arriving between 2300 and 0700, especially given that freighters tend to be noisier aircraft. It may be possible to limit noise at night and the total number of night movements through the provisions and requirements set out in the Development Consent Order - the draft *UK Airspace Policy* encourages a local planning led approach.

<u>Traffic and Transport (Chapter 14):</u>

Resilient and reliable surface access on the strategic road network will be essential for freight traffic using Manston Airport. With the anticipated increase in traffic through growth at the Port of Dover and the future demand once the Lower Thames

Crossing is constructed (anticipated to be 2026), a series of wider network improvements are needed. The location of Manston gives it direct free-flow access between the M2 and the A299, but the M2 has limited capacity being only two lanes in each direction from the A299 to M2 Junction 4.

Kent Highways and Transportation has not been invited by RiverOak Strategic Partners to engage in any discussions relating to this proposal. Therefore the County Council has not had an opportunity to discuss the relationship with an emerging Thanet Transport Strategy. KCC, as Local Highway Authority, would welcome the opportunity to discuss how these proposals could more appropriately reflect or respond to this emerging strategy in due course.

The consultation documents suggest a significant expansion in aviation and other associated operations to those previously present on the site in its former aviation capacity. This in turn would generate a significant increased traffic demand on the surrounding highway network. Therefore the reopening and redevelopment of this site should also be complemented by appropriate highway links. These are currently limited in the locality, particularly to the north east. Given the scale and location of the proposal, an agreed solution to delivery of key strategic improvements in the area will be essential to accommodate increased traffic activity and ensuring that highway safety and amenity is managed in future years.

Paragraph 14.1.5 (pg. 14-1) suggests that the site has good access to the surrounding highway network. However, KCC, as Local Highway Authority, considers that access around parts of the site is not currently satisfactory and consists of local routes with constrained geometry and junctions.

It is suggested that all HGV access to the site would take place from the A299 (via the B2190 approaching the site to its northern boundary). The B2190 Spitfire Way beyond the Manston Business Park is subject to a lower standard (both in terms of restricted geometry and construction) and as such it is likely that this section of road would need to be improved to reflect the proposed uses on the site and the type of vehicle movements associated with it. It is also suggested that staff and passenger terminal vehicles will make use of the full extent of the highway network, which is a reasonable assumption to make as these trips have the potential to be more local in nature.

The proposed complementary business/ industrial uses on the Northern Grass will potentially generate more local based trips, thus rendering local routes such as Manston Court Road and Manston Road as an attractive route to certain destinations. Whilst limited transport information has been provided to date, without a comprehensive package of improvements to cater for trip origins and destinations to the north, the proposals in their current form could lead to the use of inappropriate minor highway routes for both walking and cycling and/ or a proliferation of trips by private car on roads which are not suitable for additional traffic loading.

There is no specific reference to the need for corridor improvements aside from a new junction at Spitfire Way/ Manston Road, although a comprehensive transport assessment will be required by the applicant to provide more fully informed recommendations in relation to wider highway impacts and subsequent mitigation

requirements. The emerging Thanet Local Plan seeks to introduce policy to secure an enhanced package of connected highway improvements/ routes, to complement the existing primary highway route corridors. This methodology also forms part of the emerging Local Transport Plan 4. It would appear that with some changes to the proposed layout, there is scope to provide a new highway route through the Northern Grass to connect to Manston Court Road, however an appropriate mechanism to facilitate an improved vehicle/ pedestrian and cycle route to Westwood should also form part of this methodology. This is currently absent from the proposals subject to the current consultation.

Paragraph 14.1.7 (pg. 14-2) indicates that some 4,300 staff could be employed at the airport (with up to 1,500 being present on site at any one time). This represents the potential for a considerable amount of trips for staff alone although no modal split figures are provided. This section also suggests that a high proportion of passengers will travel to the site by private vehicle, either by parked car or drop off, although at this stage it is unclear where these figures are derived from. Rail travel is not listed as one of the possible modes of travel, however there is potential to promote further modal shift in view of the proposed delivery of the Thanet Parkway Railway Station (with appropriate bus shuttle services to complement it). It is considered that Thanet Parkway would significantly enhance the sustainability credentials of the site.

Chapter 9 of the 2017 Consultation Overview Report makes reference to sections of the highway that could be adversely affected by the project. The list is extremely limited and refers only to the roads immediately surrounding the site. Local impacts on Manston Court Road, Manston Road, the A299 and parts of the A256 are notably absent from this initial list with some of these links being missing from the screening assessment data tables. The nature of the uses intended on the site could have a material impact on the primary road network, which in turn feeds into the strategic road network falling under the jurisdiction of Highways England. It is anticipated that the scope of junctions and links that will need to be assessed will increase as further transport assessment work is undertaken.

Taken at face value, at this stage, it would appear that the proposed uses on the site would make this site a destination for many new and existing residents for work based trips. Therefore it is essential that appropriate links (vehicular and non-vehicular) to the wider highway network are provided to reflect this anticipated demand. Until such time that further transport modelling/ assessment work has been submitted by the applicant, it would be difficult at this stage to identify the extent of any impact and the subsequent mitigation package that might be necessary.

It is essential that any further transport assessment work is fully scoped with Kent Highways and Transportation at an early stage to avoid potential delays later in the Development Consent Order process.

Other Matters

In the period leading to the current consultation, RiverOak Strategic Partners has not engaged the County Council in any meaningful pre-application discussions on the various environmental and technical matters raised in this letter.

The Planning Inspectorate advice⁴ emphasises the importance of the Pre-Application stage to all parties involved in the Development Consent Order process and KCC has always sought to proactively engage with applicants on Nationally Significant Infrastructure Projects. The teams who generally have input to such projects continue to experience significant workload pressures and in the absence of any spare capacity, the use of a Planning Performance Agreement (PPA) is justified.

The Planning Inspectorate advises that PPAs should be agreed with the applicant at the Pre-Application stage. Therefore, the County Council would welcome an early opportunity to discuss the preparation of an agreement with RiverOak Strategic Partners, particularly given its intention to submit the application the Inspectorate later this calendar year.

If you require any further information or clarification on any matter in this letter then please do not hesitate to contact me.

Yours sincerely,

Barbara Cooper

Corporate Director – Growth, Environment and Transport

APPENDIX 1: Heritage Conservation comments

⁴ February 2015 Advice Note two: The role of local authorities in the development consent process

	Historic Environment (Chapter 9)
Para. 9.1.6-9.1.7	It should be noted that the results of archaeological field survey are needed to understand the potential impacts of development. It is likely that the results of geophysical survey and evaluation trenching will be needed to inform the Environmental Statement.
	Work has been recently been carried out at the Manston Airport site in conjunction with the Stone Hill Park planning application (OL/TH/16/0550). It should be noted that this was specifically tailored against the parameters of that proposal. It may be that the parameters of the proposal led by RiverOak Strategic Partners requires separate additional works to understand the impact.
Para. 9.3.8	The results of survey work are needed to understand the impact of the proposed development on buried archaeology and on historic structures in the airfield. Very preliminary discussions have been undertaken with the applicant, however, the scope of survey work needed should be discussed in further detail with KCC Heritage Conservation and Historic England.
Table 9.3	The response to KCC Heritage Conservation Comment on the need for archaeological evaluation implies a reliance on the results of the survey works carried out for the Stone Hill Park planning application. It is acknowledged that the results of this work will be a data source, it may be that the parameters of those surveys which were specifically targeted against the Stone Hill Park proposals do not cover the parameters of the proposal for which a Development Consent Order is sought. The timetable for when the results of the surveys referred to is made available is also a matter that may influence the production of an informed Environmental Statement.
9.4	The Historic Environmental baseline will need to be strengthened in the forthcoming desk study by a closer examination of the records mentioned and the buried archaeological landscape, and in particular its articulation and significance explained. The baseline presented sets out as a summary of mainly HER entries and does not explain how they come together into a particularly rich and significant archaeological landscape. For example, the western end of the site is the location of one of the highest points in the Thanet District. Examination of cropmarks and other records illustrate that this hill was a particular focus of barrow alignments and cemeteries and these can be identified.
Table 9.8	There are likely to be remains that merit avoidance of impact from the proposal and where mitigation by investigation is an inadequate approach. The need for a decision to be informed by an appropriate and targeted level of survey and evaluation is paramount. Similarly, it is hoped that non-designated historic aviation features are retained as part of the development proposals to ensure that what remains of the historic sense of place is maintained for the future.
Para. 9.6.15	Historic England also requested that the setting of the Minster Abbey Scheduled Monument be included in the assessment (also see Table

	9.3 PINS comment #3). There is also a need to recognise the impact of the proposals on historic landscapes, including the former Wantsum Sea Channel.
Para. 9.6.20	Care should be taken in developing proposals to move the two museums to avoid both direct impacts and indirect effects caused by changes in accessibility, the inter relationship and relationship with the airfield heritage. The potential for enhancement is recognised.
Table 9.11	The should be a recognition that non-designated heritage assets can be of high significance both individually (and the Thanet District has a unique, rich and distinctive archaeological heritage) and cumulatively, as buried landscapes or their contribution to heritage themes that provide a distinctive character to the place.
Table 9.13	The use of a two-level approach may only set out the most significant effects and suggests that lesser effects are not significant. There may be examples especially where Medium Change on Medium Heritage Significance is considered Significant. This could particularly be the case with cumulative effects.
Para. 9.8.4	It is understood that there will be detailed design of construction works at a later phase, however, the Environmental Statement needs to set out clearly the parameters within which the effects of the proposals are appropriately understood so that decisions on the approach to mitigation can be reached.
Para. 9.8.5	It is premature to promote a scheme of archaeological investigation as providing a measure of mitigation. The buried archaeological resource may warrant a scheme of preservation to be agreed in the first instance and where this is not appropriate, mitigation through investigation.
Para. 9.9.2	Built heritage assets within the airport contribute to the historic sense of place of the airfield and should be retained as far as possible. They need to be considered in cumulative terms as well as their individual significance.
Para. 9.14	Direct Effects on Archaeology – the rationale that the archaeology impact can be largely mitigated through investigation is premature and there are likely to be remains that warrant preservation. The further work should include the results of archaeological survey and evaluation tailored for the present proposals. Submitting an outline proposal at application stage will constrain incorporation of preservation measures in the mitigation. Likewise, the significance of the built heritage assets needs to be understood early in design and used to inform the masterplanning of the proposal and detailed design.

