

In evidence before the Examining Authority re. The Manston Airport DCO Application, introduced at Open Floor Hearing 2 on 11 January 2019, and in further written particulars submitted by myself for Deadline 3 of the Examination on 15 February 2019:

1. I am Dr. R. John Pritchard. I have resided in Thanet since 1989. I am an experienced academic researcher, lecturer, writer and broadcaster, with degrees and other qualifications in history, economics and law. I have held academic appointments at the University of California, the London School of Economics & Political Science, the University of Kent, King's College (London), the University of Manchester, and Oxford University. I've authored, edited or contributed to 180 published books and numerous academic journals. I have been Treasurer, and for two years Vice-Chair, of the Save Manston Airport association, between August 2014 and February 2019. I am contributing this submission in my personal capacity but with all of the knowledge gained during my involvement with the Manston Airport campaign between 2014 – 2019.

2. For the avoidance of doubt, I take sole responsibility for these remarks and have separated them from other matters originally submitted in oral testimony to the Examining Authority 11 January 2019 and included (in part) within a version of my written submission (since withdrawn) on behalf of the Save Manston Airport association for Deadline 1 of the Examination on 18 January 2019. It was not part of my brief to refer as a spokesman for the Save Manston Airport association to the following matters in my evidence to the Examining Authority. I do personally, however, regard all of the following observations and analysis as helpful to the Examining Authority, and as true and accurate to the best of my personal knowledge and belief.

3. As its hundredth anniversary approached, Manston Airport was shut down by new owners who had promised to keep it open while a regeneration plan was put into place. That didn't happen. Another agenda was pursued, new shareholders were incorporated, the impending closure of the airport was announced by the owners in January 2014, and the airport was quickly run down and stripped of assets<sup>1</sup> (as was confirmed during hearings conducted by the House of Commons Select Committee for Transport). A summary of their report (produced by a sister organisation, the Supporters of Manston Airport grassroots group, headed by Ruth Brackstone Bailey, Elaine Harris and others), may be found here.<sup>2</sup> The record of the full report can be found here,<sup>3</sup> with relevant passages at pp. 16-21 and 24-25.

4. There was an outcry across the Isle of Thanet and across Kent when the impending closure was announced. A public meeting was quickly arranged at Acol Parish Council's hall (the only venue immediately available) by Why Not Manston, a

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grassroots organisation founded in 2012 that for some time had been dedicated to support wider awareness and use of Manston Airport across Kent: the parish hall was packed for the occasion and so were the gardens and pavements outside.<sup>4</sup>

5. Shortly thereafter, or the first time, a much larger social media campaign, unprecedented locally, erupted to Save Manston Airport. The Save Manston Airport grassroots group came into an independent existence as one of several campaigning groups (others were Think, Save Manston!, led by Peter Bartingdale & Jenny Jones, and Manston Works, led by Kirrien Wilson and others) which all started within weeks of each other, each committed to protect Manston Airport and to promote any viable project to regenerate its infrastructure for the sake our present & future generations in the local, regional and national interest.

6. The head of the Thanet & East Kent Chamber, David Foley, also developed a series of iterative business plans and sought to reach out to potential investors (some of whom came to look over the site) who might have the means to develop the airport. The point may be worth making that none of these organisations sought or received any financial support from any company or individual that sought to acquire Manston Airport or to become involved in its infrastructure development.

7. Concerted and often parallel attempts, therefore, were made to reverse the closure of Manston Airport. A very large petition was presented to 10 Downing Street by representatives of several of these grassroots organisations. The Save Manston Airport group, then led by its original founding Committee<sup>5</sup> (prior to the establishment of the present organisation as a fully constituted association) presented another petition to the Leader of Thanet District Council, then Iris Johnson, while she

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5 Save Manston Airport was originally established as a Facebook site set up by Dan Light when the impending closure of airport was announced by Anne Gloag three months after purchasing the airport for £1 from its former owners, Infratil. He attracted a committee led by Keith Churcher, Ruth Brachstone Bailey, Elaine Harris and others, and over the course of several months it attracted several thousand followers. That group soon divided into two in August 2014: most of the original committee, apart from Dan Light and Keith Churcher, hived over and continued as Supporters of Manston Airport, again as a Facebook community site: that still exists separately. Dan Light and Keith Churcher handed over management of the original Facebook site to a new acting committee led by Dr Beau Webber, Dr. R. John Pritchard and others, with Dan Light installed as an ex-officio Founder, and Keith Churcher ceased to be a member of the same. In September, the Save Manston Airport group held an SGM, adopted a new Constitution written by Dr. Pritchard, became a formal association and formally adopted the new Committee (the members of which stand down and may offer themselves for re-election or replacement at all AGMs. Two years later, with a membership that had grown to some 11,000 members, and after two AGMS, that organisation split as one Committee member joined with Dan Light (who “owned” the Facebook page) and together with Keith Churcher rejected the ‘association’ route, removed all of the rest of the Committee and its team of independent moderators from the Facebook page, and in our view lost the plot. The remainder of the association’s serving Committee, still led by Dr. Beau Webber, established a new Facebook presence (with the same strong team of independent moderators as before), a new website and invited pro-Manston Airport residents to become members by their own self-nomination: each applicant is vetted so far as possible to establish that they are, in truth, in favour of Manston Airport and committed to a viable plan for its re-establishment and regeneration. The only such plans ever identified by the SMAa Committee have been those offered by RiverOak Investment Corporation LLC and its successor in time, RiverOak Strategic Partners. Save Manston Airport association (SMAa) currently has >3,600 members. SMAa has links to TG Red Arrows Flying Scholarship Fund, to Kent Needs Manston Airport (KNMA) and to Why Not Manston, all of which are independent organisations. Think, Save Manston and Manston Works, two other independent organisations, have dissolved and their leading members have joined SMAa.

was wearing a Save Manston Airport teeshirt on the steps leading up to the Council's front doors: the Council itself exercised due diligence and we were assured afterwards by the Leader that on this occasion Council officers checked to ensure that all signatories were valid. A number of public meetings, marches and open air meetings were held, and a good many interviews were held with the press, local radio and television networks. Each of the groups reached out to the wider community through newsletters, leaflets, websites, social media platforms such as Twitter and Facebook, street corner petitions, loud hailers and door to door surveys, polls and petitions. All of this happened before RiverOak Investment Corporation's interest in acquiring the airport became public knowledge, and it has continued thereafter across the years. Nothing like this on this scale had ever been seen before in Thanet.

8. I along with others first learned of ROIC's bids to acquire the airport and to become a CPO indemnity partner of Thanet District Council to compulsorily purchase it, during the summer of 2014, but I soon established that as early as late March 2014 ROIC had shared with the Senior Management Team of TDC legal advice on how that could be effected without any financial risk to the Council. It was indeed this, I believe, that prompted the Acting Chief Executive of the Council to carry out actions that appear to have been designed to frustrate ROIC's bid, and in due course that led to RiverOak's taking the unusual step of making its legal advice public in July 2014.<sup>6</sup> I infer as much from the timing and substance of the matters that came to the attention of the Local Authority during its exchanges with ROIC.

9. As time passed, it became abundantly clear that the positions adopted by the Senior Management Team were diametrically opposed to the positions on which the Leader of Thanet District Council and her Administration had earned plaudits from the public and staked their own reputations during the summer and early autumn months of 2014. Even when Ramsgate Town Councillors reached out to invite RiverOak Investment Corporation's directors to brief them in Ramsgate Town Hall, Thanet District Council's Senior Management Team issued threats to elected Members in efforts to dissuade them from attending. By the autumn of 2014, the standing of Iris Johnston and her Administration rapidly became unstuck. The people of Thanet turned against them.

10. After that Administration was driven from power by an electorate that felt betrayed over Manston, much the same pressures were applied in turn to Iris Johnston's successor, Chris Wells, Leader of a new UKIP Administration, within months of him taking office. I witnessed this at close hand both in the Council Chamber and in meetings and telephone conversations I had with elected members and other persons involved. Every possible level of pressure was put by the Senior Management Team upon elected members of the Council who sought to hold meetings at which RiverOak could be invited to disclose what their plans were and respond to any or all questions. In Thanet, it was clear, the Senior Management Team

dictated policy for elected Members to carry out, and resisted reasonable efforts by Cabinets, Committees and Full Council to require the Senior Management Team to carry out policies they were elected to deliver, or even to listen to what RiverOak had to offer Thanet.

11. Throughout most of 2014-2017, RiverOak Investment Corporation LLC and its successor in time RiverOak Strategic Partners Ltd. encountered extraordinary levels of opposition in the Senior Management Team to RiverOak plans for the acquisition and redevelopment of Manston Airport, firstly as a major regional cargo hub, engineering facility, training centre, and major aircraft recycling facility, and then, after RiverOak's directors attracted much higher levels of inward investment, as a plan that incorporated all of those elements but as a Nationally Significant Infrastructure Project under the DCO planning regime.

12. It was Thanet's Senior Management Team that was the driving force that commissioned reports (at low budget prices and in accordance with terms of references set by the SMT itself) and put other pressure upon elected members to abandon their promises to keep Manston Airport at the centre of the Draft Local Plan, knowing that if the land remained reserved for aviation-related uses only by virtue of the saved elements of the 2006 Local Plan and policies preserved in the Thanet Vision 2030 statement, that would inevitably doom the efforts of the owners of the airport estate to create a vast housing estate (with extras) on land where that was still contrary to the only lawful permitted use of the land.

13. Despite strenuous and repeated objections from airport supporters, the Senior Management Team even refused to stop Stone Hill Park from leasing aircraft hangars on the airport for business uses that were not aviation-related. On many occasions the Senior Management Team also claimed that matters at issue involving the future of the airport were not "key decisions", a position I and others regard as a fundamental error in fact and contrary to the Constitution of the Council.

14. Eventually, Stone Hill Park applied for changes of use for four of those buildings. The issues that arose were put to the Planning Inspectorate on appeal. The Planning Department at TDC had raised valid objections and then withdrew them. Only RiverOak's position as an interested party prevented the matter from being lost. In the public inquiry held into that Appeal in March 2017, Stone Hill Park lost comprehensively on all points, but did Stone Hill Park seek leave for judicial review? No. Did Thanet's Senior Management Team admit its manifold mistakes? No. Was Thanet's Senior Management Team guided by Inspector Nunn's judgement in July 2017? No. Members of the Senior Management Team continued to press for abandonment of the saved elements of the 2006 Local Plan, and in meetings of the Full Council, the Cabinet and Committee meetings totally ignored Inspector Nunn's judgment.

15. Having listened to Issue Specific Hearing 1 on the Applicant's draft DCO and related matters, I believe that compelling evidence of an antipathy to the airport on the part of the Senior Management Team that is so strong and persistent that it is unsafe for Thanet District Council to be given any role in connection with the operation, monitoring, periodic review or enforcement of any future s. 106 Agreement, or indeed to any other statutory obligations pertaining to environmental protection, airport operations or airport-related incidents recommended by the Examining Authority in their dDCO. TDC may have a role to play as a consultee but, but I believe that this Authority cannot be trusted to manage or enforce fairly anything touching upon compliance with obligations imposed upon this or any future airport operator at Manston. More about that, anon.

16. I have not and will not forget the dark years during which the Senior Management Team at TDC frustrated elected Members of Thanet District Council and the will of the people of Thanet in relation to OUR airport. This is a matter to which I will return at a later date, but it was the principal factor that led four Administrations at TDC to adopt policies that were inconsistent (or even diametrically opposed) to the policies that gained them public support in the first place. In every case where Leaders were induced to adopt a view consistent with that of TDC's Senior Management Team, I conclude that it is self-evident that they lost the confidence of the public at large and fell from power in disgrace.

17. Rightly or wrongly, that happened to Clive Hart (Lab) after he toyed with the idea of selling off the Northern Grass; it happened to Iris Johnston (Lab) who came into office powerfully supporting the Airport and RiverOak Investment Corporation. She was celebrated for her outspoken support, quite literally "wore the teeshirt" and openly declared that she put her faith in RiverOak's directors, but she ended up being led astray by the Senior Management Team: she ended up losing 21 of the seats held by members of her Administration before the May 2015 District Council Election.

18. The baleful influence of the Senior Management Team, described earlier, also led to the demise of the UKIP Administration led by Chris Wells, who had won 33 seats in that election, wore pro-Manston Airport badges throughout the campaign and for long afterwards, but whose Party was reduced to third place after a series of defections culminated in the mass departure of 12 UKIP members who could not stomach his draft Local Plan because in relation to the airport that breached the UKIP manifesto on which they were elected.

19. Even in relation to the current minority Conservative Administration led by Bob Bayford, the ultimate jury will retire to consider its position in Council Elections held in May 2019, but it is known that the Senior Management Team persuaded him to adopt a course in relation to Manston Airport that was contrary to what his Group's Elected Members (and those of the ex-UKIP Thanet Independent Councillors led by the former Chairman of the Council, the Rev'd Stuart Piper, who keep Bob Bayford's minority Conservative Administration in power) wanted in relation to the

protection of Manston Airport in the current draft Local Plan that is now set down for Examination by two Planning Inspectors in a process that will run concurrently with the DCO Examination. The Save Manston Airport association strongly opposes that draft Local Plan: that is a matter of record. But I note with strong satisfaction that at the Conservative Party Constituency Office in Birchington, near the roundabout that forms the central junction between roads leading to Birchington's High Street, Canterbury, Margate, Quex Park and the Airport, a Save Manston Airport association banner still hangs above the door, as it has since the May 2015 election campaign, as an outward and visible sign of support for the Airport and for SMAa's enduring commitment to RiverOak (in the absence of what SMAa regarded as evidence of any viable alternative proposal to acquire, regenerate and operate the airport sustainably. Will this make Bob Bayford's leadership sustainable within his political group and Administration after the May 2019 elections? Time will tell. For myself, like SMAa, I have no allegiance to any political group in Thanet: I assess candidates based on my conclusions about their individual positions, consistency and personal integrity.

20. The reasons why I have lacked faith in Thanet District Council's Senior Management Team regarding the Airport may be a matter for further submissions in future, but is already a matter of record, meticulously observed and copied in files presented to the Department of Housing, Communities and Local Government.

21. It may be sufficient for the Examining Authority simply to take note of the fact that I have declared that this has been done.

21.1. I realise that the Examination will be pressed by time, and the forensic examination of the capabilities of Thanet District Council may well be a matter on which the Examining Authority cannot become involved and certainly beyond its powers to adjudicate.

21.2. Yet it has at all relevant times been clear to me and others that the Senior Management Team of the Council has been obstructive and unhelpful and has shown at times open hostility and indeed prejudice to the whole project.

21.3 Much of this has been witnessed by us in the public galleries at Thanet District Council, in meetings with Council Officers, Leaders and Cabinet Members, and in documentation provided by the Council. Much of that is recorded or subject to contemporary notes.

21.4. In its internal poll about issues that should be brought to the attention of the Examining Authority, hundreds of SMAa members agreed with statements that "Little or no reliance can be placed on Thanet District Council's Evaluations on the Adequacy of Consultation Representations" and that "Thanet District Council's Avia Report was totally flawed."

21.5. For the present, I believe it is sufficient to say further that Thanet District Council has repeatedly asserted that it will not receive or act on any expert evidence relating to the Airport save that which the Council's Senior Management Team has commissioned. This has been asserted both by the Chief Monitoring Officers and by others including three out of the most recent four Leaders of the Council.

21.6. The story of what external legal or quasi-legal advice the Council commissioned, through what terms of reference, when, why, how and with what predictable outcome or weight may be a matter for another day, but I note in passing and with satisfaction that you have already indicated, when members of the public asked the Examining Authority to commission "independent" studies of its own on matters which may be at issue, that you as an Examining Authority would not do so because that would raise issues of bias.

21.7. It is for these reasons that I feel concern at the thought that Thanet District Council seeks to gain control over all safeguarding and gatekeeping rather than be a consultee in relation to environmental protection and s. 106 agreements, for it is more likely than not that these responsibilities, if conferred upon Thanet District Council, would be regarded as delegated powers exercisable only by officers subject to the Senior Management Team and without any or any sufficient political control or effective oversight by Elected Members, regardless of the outcome of the May 2019 Thanet District Council elections or any other elections thereafter.

21.8. I regard it as self-evident that the jobs, services, inward capital investment in infrastructure, and tax contributions to the local, county and national economy, will fulfil all what was forecast (and more) in Thanet District Council's Thanet Vision 2030 document that was put in place with cross-party support in 2009 on the back of the Local Plan of 2006, and saved policies from that plan, which remain vital to this island in the view of the overwhelming majority of elected members and the people of Thanet.

21.9. I am entirely opposed to any scoping out of the airport from the Local Plan against the wishes of two-thirds of elected Members of the Council and higher percentages of the electorate, but I am certainly aware that the Development Consent Order for Manston Airport, if granted, will prevail regardless.

21.10. May the lengths to which the Senior Management Team has gone to conceal the extent to which RSP and their predecessors in time, ROIC, have been obstructed by TDC's Senior Management Team in efforts to bring the airport back into use through an indemnity partnership agreement and CPO or by means of an Application under the PA 2008 regime be seen in the Authority's reaction to a response which I prepared and submitted during the public consultation on the 2016/2017 Draft Local Plan which ended on the eve of the Public Hearings held before Inspector Nunn on four planning appeals lodged by Stone Hill Park into refusals or failures to determine changes of use applications in relation to four buildings on the airport

estate in March 2017? Leaving aside various grammatical infelicities and spelling mistakes, is my submission in March 2017 persuasive? Whatever I thought, some weeks after the ending of the Public Consultation period Mr. Iain Livingston, Head of Planning at Thanet District Council, wrote to tell me that acting upon legal advice the Senior Management Team would not publish my submission nor forward it to the Planning Inspectorate. Efforts by me to determine why not were unavailing. Within social media, at least, the Chief Monitoring Officer has gained a certain amount of notoriety in his very elastic interpretation of what constitutes legal advice from himself to himself that will guide the Local Authority (not least in relation to matters having to do with infrastructure projects). This Local Authority has become notorious in its mishandling of infrastructure projects over many, many years): Dreamland, the Cardy development on Ramsgate seafront, issues surrounding Port Ramsgate, the matter of the Ramsgate Motor Museum, the handling of the Margate harbour arm, etc., are all examples well-known to local residents, so I feel that my observations were very much to point. On the other hand, if I am wrong, I believe four very competent Planning Inspectors empanelled as the Examining Authority for the Manston Airport DCO Application will certainly be able to decide what weight to give my abortive March 2017 submission as evidence of long-standing grassroots concerns about the impartiality and competence of the Local Authority in relation to infrastructure projects in general and Manston Airport issues in particular. Moreover, I am also aware that the Inspectorate's Manston Airport DCO Project Support Team will redact any information that is deemed to be unfair or prejudicial to the repute of any specific individuals who might be named or identifiable in this enclosure before it comes to be put into the public domain. I seek not to prove on the balance of probability or any higher standard that all that I say or believe is true but to record that it is a fact that such grassroots concerns have been expressed within Thanet. It is for that purpose that I enclose a copy of that submission made by me in March 2017.

21.11. It is my further observation that Inspector Nunn's judgment following the Stone Hill Park Appeals were afterwards repeatedly ignored and given no weight by Thanet District Council during reconsideration of the Draft Local Plan in relation to Saved Elements of the 2006 Local Plan, notwithstanding the fact that Stone Hill Park elected not to appeal that Judgment by way of Judicial Review. Instead Thanet District Council's Senior Management Team continued to advise elected Members and Cabinets that the saved elements of the 2006 Local Plan carried no weight and that the so-called former Manston Airport was merely a brownfield site without regard to SP05/EC4. There was, said the Senior Management Team "no evidence" that the airport was capable of being brought back into use because the Avia Report said so and the Council must accept the evidence it had commissioned and no contrary evidence offered by the Applicant.

22. I also wish to offer you more information known to me about the impact on tourism that can be expected to flow from the Airport by virtue of one particular social & religious enterprise and what I know of its business plan.



22.1. In the summer of 2014, I became aware of in the spring of that year a Roman Catholic Order, the Vincentians, based in India, had acquired the old Benedictine Monastery at St. Augustines, Ramsgate, opposite Pugin's famous Benedictine Abbey (now elevated to a shrine) next to Government Acre. The grand opening had been a spectacular affair complete with high Vatican officials and many civic and church dignitaries. This was to become a counterpart to a shrine that the Vincentians had developed on the Malabar Coast in South West India, where they provide divine retreats. In India, in the space of just ten years, it developed a through-put of 500,000 visitors a year to its main retreat centre there, in a country not noted for the size of its Roman Catholic community. That is pretty impressive.

22.2. These people are expecting their Ramsgate Divine Retreat Centre to become the largest divine retreat centre in Europe and see its location as a vital key because of its association with the "Apostle for the English", St. Augustine (and it is worth noting, too, that the projected Manston Parkway Station is only a few metres away from St. Augustine's Cross, a monument to the supposed site where St. Augustine landed to renew Christianity in England back in the sixth century).

22.3. The Vincentians seek to alleviate suffering and provide solace to those who are sick, dying or recovering from serious mental and physical disabilities or life experiences. They also seek to "re-evangelise the English" in the land of St. Augustine. What they do, in fact, appears to correspond to what is offered in Lourdes or in Santiago de Compostela, or, in the past, to the Pilgrims of Canterbury.

22.4. In "tourism" terms, then, we have the impact of a very well resourced religious order that has exceptionally strong support from the Vatican at the highest levels and which has a business plan that even when they arrived involved transit of 2,000 visitors into and out of Thanet each week within months, and which delivered those numbers on early conferences, but they have struggled due to the closure of the airport and now limp along with just 150 of so visitors per week. They also hoped originally that their number of visitors could grow to about 5,000 per week.

22.5. To put this in proportion, a KLM City Hopper Fokker aircraft of the type formerly used at Manston was able to carry only 70 - 80 passengers; their newer replacement Embraer aircraft types carry 80 - 100 passengers. Even singling out the Divine Retreat Centre run by the Vincentian Order as just one local customer base, therefore, clearly demonstrates that the return of Manston Airport to use as a commercial enterprise with appropriate investment by RiverOak could have a very rapid and significant positive effect upon tourism in Ramsgate (and to the Airport Operators and other businesses).

22.6. The Vincentians have the grounds, they have the money, they have the expertise, they have the network required, they have the backing of the Vatican itself, and they are building all that they were permitted to do but within the curtilage of a Grade 1 listed building.

22.7. What would make that endeavour succeed spectacularly would be the airport, the closure of which they had not foreseen when they bought the Abbey, and I believe the Manston Airport DCO Examining Authority should see how the closure of the airport affected the Vincentians.

22.8. I first met with them in 2014 and then again when I brought the then Leader of Thanet District Council, Iris Johnston, to see them. I later brought also Tony Freudmann and Dr. Dixon to see them, too:

22.9. Dr. Dixon refers to the Divine Retreat Centre at p. 46 of volume 2 of the Azimuth Report (TR020002/ APP/ 7.4), and I confirm that what she says about that is true.

22.10. I have seen and heard from the Vincentians that while the mission of the Divine Retreat Centre continues to be pursued, in commercial terms it has struggled due to the closure of the airport, which has led it the Order to rely upon coaches to bring pilgrims to Ramsgate, in much smaller numbers than originally planned. That could change altogether if/when the airport reopens for passenger air services.

22.11. It is important to note that the Vincentians do not have accommodation in their grounds in which to house all of their pilgrims. They will never gain planning consent to build a major hotel on this very sensitive site (they admitted to me and to Iris Johnston that when they arrived in Ramsgate they didn't even know that they required such permission: she assured them, of course, that they would not be able to build any new buildings within their compound without such permission).

22.12. At one time all of the Thanet coastal towns had an abundance of bed and breakfast hotels that would have been. Most of those have long gone: their clientele has moved on to Spain and elsewhere, and the buildings have been turned into large houses or subdivided as houses of multiple occupation. often in. The Vincentians can cater for relatively small numbers within the Abbey itself, but they coach their pilgrims to B&B and small hotel accommodation elsewhere, I understand, across East Kent.

22.13. Consider, however, what those pilgrim visitors can bring to our local economy in terms of the demand for lodging in Ramsgate and the other towns of Thanet and in other towns not far away, such as Sandwich, Deal, Whitstable, Herne Bay, etc., if the airport returns! Dr. Dixon has factored that into her calculations (as the previous reference to her work demonstrates).

(1) The Vincentians will still require coaches, and coaches require drivers, more parking areas than the Monastery Garden can accommodate, fuel, servicing, etc.

(2) This ecclesiastical but commercial enterprise might well choose to base and service leased aircraft at Manston: that will produce more jobs, more revenue, more tax-take.

(3) The Vincentian pilgrims (and indeed their Anglican counterparts) will take advantage of opportunities to visit the towns, possibly restaurants, or will require food that is likely to be obtained from local sources. Any not locally sources will come in on transport, perhaps by air. And they will, of course, go into shops to buy mementoes, maybe more. All of this will stimulate our local tourist economy.

22.14. May I express the hope that one or more members of the Examining Authority might wish to contact or simply visit the Vincentians? I have attached photographs showing many of those (and there were many more outside) who came to celebrate a mass at the grand opening of the Ramsgate Divine Retreat Centre in March 2014: they speak volumes about the potential that the airport has to facilitate tourism in Ramsgate when properly marketed.

23. There is also the role of Canterbury as the heart and soul of the Anglican Communion around the whole planet. The presence of the airport may be a great aide to the further development of tourism there as well as elsewhere in East Kent.

23.1. I know that to be true as I arranged and attended a meeting between Dr. Dixon and the Bishop of Dover in the Old Bishop's Palace in Canterbury Cathedral to discuss this matter at length.

(1) Even at present Canterbury Cathedral attracts 900,000 visitors each year.

(2) The capacity of the Cathedral (and Canterbury) to deal with even higher numbers is self-evident and was confirmed by the Bishop of Dover in our conversations.

(3) With an airport nearby, not only will that facilitate an increase in visitor numbers there but it will also facilitate the travel of bishops and churchmen who come to Canterbury or go elsewhere from Canterbury to church conferences in other archdioceses and provinces of the Anglican communion all over the world. This is referred to obliquely in TR020002/APP/7.4, the Azimuth Report [APP-085] at p. 46 of Volume 2 of Dr. Sally Dixon's expert submission. I was present when this evidence was received by her from the Bishop of Dover, the Rt. Rev'd. Trevor Willmott, who has also been the Anglican Bishop in Canterbury for ten years and is due to retire in May 2019.

24. I would like to note that the reopening and proper marketing of Manston Airport as an airport of choice would be hugely beneficial to further and higher education institutions across Kent but especially upon the universities and colleges in Canterbury and language schools across East Kent.

24.1. Students at all of them are, in fact, effectively long-stay tourists as well as residents, and they generate income by their presence and growth.

24.2. The size of the university population in Canterbury is roughly equal to a half of the permanent population of that district council. A very considerable proportion of those students are overseas students, and with proper marketing the impact of them upon our airport and local regeneration is huge.

(1) Money from overseas student fees permits funding of things that are not covered by central government. That means buildings, bursaries, improvement in many faculties and facilities that are beyond what central government is prepared to support.

(2) They are recognised as major contributors to our economy through the fact that they bring huge amounts of money into the country, not just in student fees but in everything they buy here and in the influence that their stay and qualifications gained here have upon their lifetime connections with the UK after their return.

(3) I am fully aware of the importance of this from my own experiences and observations as an academic with long experience of dealing with overseas students (indeed, of having been one myself when I came to the UK many years ago).

24.3. RiverOak seeks to transform Manston into an NSIP engine for growth and prosperity. That is embraced by the residents and businesses not only of Thanet but the whole of East Kent. As Cllr Dr. Deryck Hugh Murray, the Mayor of Deal, a retired economist of considerable distinction, told me at a civic reception in 2015, if residents of Deal gained 400 jobs by the reopening and regeneration of Manston Airport, it would transform their local economy in Deal. Deal is just 6.3 miles from Sandwich and from thence to Manston is 7.8 miles.

24.4. I hope that when the Examining Authority familiarise themselves with this area, they will take opportunities to get out and about there, to the North Kent coastal communities beyond Thanet, to villages like Wingham and Littlebourne en route to Canterbury, and to the old coal mining communities that still suffer from deprivation after their closure.

25. It remains for me to remind you that in my Relevant Representation I referred to the health effects upon Thanet that would be brought about by the redevelopment, reopening and operation of Manston Airport.

25.1. The connection between rising employment and mental & physical well-being is so well-established as to be trite. In parallel, the taxes that will flow from business rates, VAT on the purchase of goods and services, national insurance contributions and income tax due to employment of staff, corporation tax on profits from sales of

goods and services, plus the provision of training and education paid for or subsidized by the Airport Operator, will all have positive impacts on health, too, for a good deal of that economic activity will benefit the provision of local NHS health GP services, the East Kent Universities Hospital Trust, local Mental Health facilities, and Local Authority-funded Community Care, all of which are acknowledged to be now seriously underfunded and in crisis.

25.2. As you know, the Azimuth Report (TR020002/ APP/ 7.4) [APP-085], adopting a conservative view, forecasts in Table 11 at page 54 of Volume IV of the report that even in year 1 the total tax take may be expected to fall somewhere between £1.85 and £2.68 million, and by year 20 of its operation anticipates an annual tax take of between £390.10 and £433.30 million (derived from explicit and reasoned assumptions, analytical methods and sources). It is clearly also true that an airport of the type and size of Manston Airport, developed as per this NSIP Application, is bound to employ very large numbers employees and benefit directly a corresponding number of individual families.

25.3. I offered you, in confidence, the name and surgery of my General Practitioner who scoffed at the idea that the environmental impact of air pollution and noise on human health in Thanet at large would outweigh the positive benefits to health that would be gained from higher employment, increased earnings, greater hopes for the future, less poverty, less despair, and the huge increases in tax generated by the airport being returned to aviation use in the manner RiverOak wish.

25.4. The identity of my

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Dr. R. John Pritchard

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## Section 1 – Revised Policy SP05 – Former Airport Site

My first observation and objection is that the site should not be classified as a Former Airport Site. It is, technically, currently a decommissioned and therefore disused airport site, at this juncture and until any change of use is approved by the Secretary of State for Communities and Local Government on the advice of the Planning Inspectorate, it is an Airport that I believe must be regarded as capable of being brought back into use and developed into the most significant contributor to the regeneration of our local economic, as indeed as been anticipated since 2009 in the Thanet Vision 2030 document that remains on Thanet District Council’s Website (contra assertions made in the revised Local Plan Policy SP05).<sup>1</sup>

The Council relies upon a report that the Council commissioned at a cost of £50,000 from Avia Solutions, a well-known firm with long experience in the aviation sector.<sup>2</sup> The Council required Avia to produce a report within six weeks. Avia Solutions sub-contracted that work to a single researcher who is and was well-known to have views that run contrary to those generally held and well-evidenced within the industry at large.

The report, predictably, was consistent with the pre-existing views of that researcher. Moreover, it did not take into account Brexit, or events since the Brexit Referendum. It made projections from past levels of performance from the way in which it was managed in the years immediately prior to its closure and not on how it might operate under completely different strategic management as a cargo hub with a range of ancillary aviation related income streams.. It did not take into account plans by RiverOak Aviation (now RiverOak Strategic Partners Ltd.) to develop the Airport through a Development Consent Order under the Planning Act 2008 regime for the simple reason that the researcher refused a conditional offer by RiverOak to disclose all relevant information in their possession to show that the airport’s regeneration was not only possible but that they had the means and the will to carry that out. The researcher’s honest admission of that, even in the final revised version of his text (which presumably had been developed after any earlier drafts had been subject to discussion with TDC officers and possibly the Leader, effectively ought to have flagged up the fact that this report cannot be relied upon as proof that RiverOak’s plans are and were based upon any misreading of evidence or were the stuff of cloud cuckooland.

The offer by RiverOak to Avia’s subcontractor was conditional upon that researcher signing a commercial in confidence non-disclosure agreement, standard practice within the industry and reasonable in the circumstances and against the background of Thanet District Council’s previous lack of close partnership with RiverOak’s plans (plans known to be supported by most, if not all, of local businesses and residents as shown on multiple occasions and in many ways, again and again, since the process of shutting the airport down was announced by one of its current owners in February 2014. As a result the Avia Report was fundamentally flawed, as Avia itself implicitly acknowledged: it explicitly includes a caveat which actually confirms that it cannot be taken in evidence that RiverOak’s plans have no sound basis or that any business plan of the same kind would be bound to fail:

“RiverOak was unwilling to disclose any material detail of its Business Plan for reasons of commercial confidentiality. Therefore, the discussion over future viability was at a more generic high-level basis, with RiverOak not disclosing any traffic projections, revenue projections, cost base or specific airlines (passenger or freight) with whom it had discussed plans (with the exception of Ryanair). It did not name any parties that had given firm commitments to use a re-opened Manston.”<sup>3</sup>

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Avia added: “For the avoidance of doubt, AviaSolutions therefore does not offer any opinion about the reasonableness or otherwise of RiverOak’s commercial plans for the airport.”<sup>4</sup>

On its own terms, then, as well as within its terms of reference (which were never subject to debate by the Council or even at any public meeting of the Cabinet beforehand), the Avia Report is not a sound basis on which Thanet District Council may reasonably or fairly make any strategical decision regarding the future of the airport and the viability of live plans that exist and which are progressing for the acquisition of the airport and its development as a nationally significant infrastructure project.

It should not be thought that the sub-contractor or Avia were negligent in refusing to sign the non-disclosure agreement, as it appears from the Consultant Brief that Thanet District Council bound them to refuse to accept any such agreement:

“The Consultant shall and shall procure that its sub-contractors (if any) shall:

- transfer to the Council’s authorised officer each Information Request relevant to the Contract or the Services that it or they (as the case may be) receive as soon as practicable and in any event within two working days of receiving such Information Request; and
- in relation to Information held by the Consultant or in its possession or power, provide the Council with details about and/or copies of all such Information that the Council requests and such details and/or copies shall be provided within five working days of a request from the Council (or such other period as the Council may reasonably specify), and in such forms as the Council may reasonably specify.
- The Council shall be responsible for determining at its absolute discretion whether Information is exempt information under the FOI Legislation and for determining what Information will be disclosed in response to an Information Request in accordance with the FOI Legislation.... The Consultant shall ensure that all Information produced in the course of this contract or relating to this contract is retained for disclosure and shall permit the Council to inspect such records as requested from time to time.”<sup>5</sup>
- There were significant further income streams that feature in RiverOak’s plans for the airport. These fell outside of the terms of reference provided to Avia Solutions, who commented on p. 13 of their Final Report: “The scope of this report does not extend to a consideration of other uses for the airport, and AviaSolutions is therefore not able to comment on the reasonableness or otherwise of the alternative use proposals.”<sup>6</sup>

This meant that aircraft tear-down operations; the creation of an aviation academy for training engineers, technicians and others for careers in the aviation industry in conjunction with local universities and colleges; the return of a flying school (TG Aviation), development of Fixed Base Operations for executive jets, all of which feature and have been known to feature in RiverOak’s

3 [REDACTED] and  
14. [REDACTED] at p.

4 Ibid.. n. 2

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6 [REDACTED] at p.  
13.

plans, have all been excluded from consideration within the Avia Report rendering it unsound in determining whether Manston might reasonably be said to have a future as an airport. Again, no fault can be found in what Avia did: they were limited and bounded by their instructions from Thanet District Council.

The terms of Avia's instructions were deliberately or recklessly prejudicial to the wishes of the overwhelming majority of local Thanet businesses, residents and the financial viability of the Council and its capacity to support the community going forward. Further and alternatively, it also puts the finances of the Council at risk through exposure to likely challenges by RiverOak or other interested parties who require the re-opening of the airport to commercial aviation in order to thrive or expand. Whether indeed the aims of the commission to produce the Avia Report were intentionally prejudicial must be determined not only by the electorate in due course but by the Planning Inspectorate and/or the Secretary of State for the Department of Communities and Local Government as soon as possible. Most local residents, however, will be entirely unaware of how far the Avia Report is in effect unreliable and worthless. Its shortcoming will also doubtless be a factor in any future determination of a DCO Application that is likely to be laid before the Secretary of State for Transport within the current year. It may even feature (and I hope it does) in this week's public inquiry that is due to commence tomorrow at Thanet District Council under a Planning Inspector sent across to Thanet from Bristol.

Under the Doctrine of Prudence which is once more at the heart of international accounting standards, Thanet District Council, like any other entity, is required to make financial provisions for risks of a loss to public funds that they must take into account as provisional expenses. Much has been made of the aversion of Thanet's Senior Management Team to the so-called risks of engaging with RiverOak but not to the risks that may flow from not doing so! No provision has been made for that risk, nor have officers alerted elected Members of the Council to the dangers to which the Senior Management Team and the Cabinet led by the Leader of the Council have exposed us and our public funds and services through failures to act appropriately or at all in relation to plans for the redevelopment of the airport.

Acting in good faith, its hands bound, the Sub-Contractor paid by Avia Solution to carry out Avia's duties as Contractor to produce a report on the viability of the airport was unable to sign RiverOak's non-disclosure agreement. Accordingly, although RiverOak have pursued a DCO proposal for the development of a cargo hub at Manston (alongside ancillary services) *capable* of moving at least 200,000 tonnes and possibly as much as 500,000 – 600,000 tonnes of cargo a year, some 10 to 20 times the amount that the airport has produced in the past, the Avia Report expressly says that "All our future scenarios assume 30,000 tonnes of at Manston". At that level, of course, the airport WOULD be unsustainable, but the premises underpinning the Avia Report are demonstrably wrong as well be evident within the next few days.

It is, of course, clear that developing the infrastructure and viability of an airport capable of 10,000 cargo flights per year needed to meet the *minimum* number of movements required to pass the threshold for a Nationally Significant Infrastructure Project as defined by the Planning Act 2008 for airport developments classed as cargo hubs will in practice produce less than 500 – 600,000 tonnes of cargo per year because many of the flights of dedicated cargo freighters that RiverOak expect to attract may be highly profitable without having those aircraft filled to capacity. Their profitability for aircraft operators and possibly to the airport operators as well will turn on the type of load being shipped, its time-criticality, its relationship to other cargos flowing into or out of the airport, and each cargo's profit-per-weight factors. The actual anticipated load factors and the evidence upon which those factors are built into RiverOak's plans are actively being developed at present, but I am aware that this process has been done carefully, has taken £millions of pounds to develop within the context of a commitment to spend hundreds of £millions on the airport's redevelopment, is being



peer-reviewed (unlike the Avia Report), and is on track to be completed within a matter of weeks. It will have been known by the Senior Management Team and the Leader of the Cabinet (even if to few others) that the £30 – £50,000 of research that went into the Avia Report is highly likely to be less reliable than the careful, meticulous and time-consuming research which has been conducted (and which is continuing to be done and to evolve) by RiverOak over the better part of two and a half years. Clearly, however, Thanet District Council's leadership is in no mood to listen, no mood to be deflected by greater and more careful thought: cui bono from that?

Indeed, the elephant in the room that Avia was prevented from seeing or examining sufficiently or engage with at all was in truth the RiverOak plans, their achievability and their long-term viability. It is anticipated that much more data will become available in the course of RiverOak's response to the Lothian Shelf [Stone Hill Park] planning appeal during hearings of a Public Inquiry chaired by a Planning Inspector at Thanet District Council on a schedule that exactly coincides with the end of the current consultation. Accordingly, the timing of the present consultation takes place within constraints that make it impossible for members of the public to engage appropriately or fully based on evidence that is necessarily embargoed due to the adversarial nature of a Public Inquiry from which Thanet District Council has decided to withdraw as a party. In withdrawing as a party, even TDC Officers do not, as I understand it, have any or any sufficient opportunity to see documentation that has been exchanged between the other two parties prior to the Public Inquiry. TDC has decided it would push forward this Local Plan change while deliberately blinding its officers and its elected members.

This is particularly unfortunate given Mr. Iain Livingstone's robust rejection (as Head of the Council's Planning Department) of the change of use for the four buildings at the heart of the appeal, a rejection consistent with TDC's Planning Committee's all but unanimous rejection of Stone Hill Park's proposed changes of use for one of the buildings (and leaving aside the Council Planning Committee's abject failure to progress several others of the proposed change of use applications by its own indolence which in effect deprived the community and elected members of opportunities to reject those applications as well. These procedural irregularities are scandalous, and they helped to provoke the Chairman of the Planning Committee, Cllr. Peter Evans, to such an extent that he made public comments in support of the airport's regeneration that were so strongly consistent with his Party's election manifesto that he was obliged thereafter to resign from his position so that he could continue supporting the airport's regeneration to the maximum extent permitted under the Localism Act 2011. It matters not (or does it?) that the Localism Act 2012 recognises, authorises and permits elected members, not least those who then form an Administration, to vociferously support openly when in power policies that such elected members campaigned for before being elected: to do otherwise would not just be wrong but potentially corrupting and certainly would be perceived as a double-crossing of the electorate.

In the weeks following publication and before the Avia Report was accepted by the Council's Administration, dragooned by its Leader to an extent that was both unprecedented and inappropriate, as positive evidence that no plans for the regeneration of Manston Airport were likely to succeed, the "Avia Report" was widely and authoritatively rejected not only by aviation experts but by the Planning Inspectorate (which quoted the caveat quoted above and also referred to the failure of Avia's subcontractor to engage with RiverOak sufficiently or to examine the evidence offered in support of RiverOak's regeneration plans including engagement with specialists, data and research that RiverOak has spent millions in progressing over a period of three years, a reasonable period in terms of this phase of development in nationally significant infrastructure projects).

Knowing that RiverOak seeks to lodge formally their plans for the airport in an application due to be presented in the summer of this year, why pre-empt that now? Why, indeed, do it in the certain knowledge that if/when RiverOak formally file a Development Consent Order for the airport the

Planning Inspectorate cannot possibly accept the proposed Changed Local Plan that is now being subjected to public consultation? Once that DCO application is submitted, no inward investor and no rational business at all will progress any application for planning consent or commit to any construction of any new homes or business premises on the airport estate until the DCO application is either accepted or rejected by the Government through the Secretary of State for the DCLG in terms of compliance with the Planning Act 2008 as amended, other relevant primary and secondary legislation and decided cases, and confirmed or not by the relevant Confirming Authority for aviation-based DCO applications, the Secretary of State for Aviation. Nothing whatever is gained by this rush to change planning provision for Manston. Thanet District Council's manner of dealing with this in effect seems to be intended to dovetail into a single developer's plans which run contrary to long-established local plans that have enjoyed the support of all of the local political parties over the space of the lifetime of this local authority.

There is, in fact, no compelling need to push this re-drafting of the Thanet Local Plan at this pace. Few other district councils have finalised their draft local plans and put them forward to the Secretary of State for approval. Considering the importance attached to Manston, not least in the Thanet Vision 2030 document that remains a cardinal beacon for what is currently in saved elements of the 2006 Thanet Local Plan, it is ludicrous to claim that the airport's development is of little significant compared to the construction of a new town on a significant scale, without regard for the sources of employment and effect upon the socio-economic fabric of Thanet, and with little explicit reference to the costs to existing traffic congestion and local services, nor the sources of funding that will be required in emergency services, local hospital services, medical and dental practices, etc., or the far slower pace at which such a town is expected to develop in comparison with RiverOak's plans for the regeneration of Manston Airport for aviation use. The case for delay in moving to any alternative provision for Manston in the Local Plan is unsupportable. Even a six month delay would have enabled Thanet District Council to re-embrace the present designation of Manston Airport as a airport for development and use only for aviation-related purposes.

No other plan for the future of the airport has had as much attention as RiverOak's. No other plan has stimulated local social media interest as much as this one. It has featured in almost every issue of every local newspaper since June/July 2014. The current Administration of Thanet District Council was elected on a manifesto which committed itself to the re-opening of Manston Airport and to RiverOak's plans in particular: it was the foremost item on the manifesto of the winning party and of what became its main opposition. Failure to support the airport and particularly RiverOak is generally believed to have been the single most important factor that led to the decimation of the previous Administration in the May 2015 local district council elections. Few members of the ruling Administration feel comfortable or happy with their own Council's present policy on Manston, which was driven by the Senior Management Team and by the Leader of the Council for reasons that are difficult even for their own elected members to fathom.

During a public consultation session at Ramsgate Town Hall on the proposed Changed Draft Local Plan, I asked Adrian Verrall, Manager of Infrastructure Plans at Thanet District Council, whether Thanet District Council would consider extending the period of public consultation on the altered Local Plan until after the close of the Public Inquiry on 17 March 2017, the very date that the present consultation process on the Changed Draft Local Plan is due to close. There can be little doubt that Counsel for RiverOak and Counsel for the present owners of the decommissioned airport will avail themselves to offer evidence concerning the viability of plans for the regeneration of the airport and will also thoroughly examine the case for denying any change of use to the site.

This ought to have occurred months ago. It was scheduled to take place months ago. The delays were caused by the present owners, not by RiverOak who are stoutly supporting the present saved elements of the 2006 Thanet Local Plan. The Senior Management Team has permitted Stone Hill

Park and Avia Consulting opportunities to make presentations to elected members in the Council Chamber behind closed doors. But they have again and again used every means or trick at their disposal to prevent RiverOak from doing the same. They have furthermore put pressure upon Town Council officers and members to prevent RiverOak from addressing two-hatter Councillors there, threatening them with legal action and disciplinary action. To deny people and especially elected members of the Council the opportunity to hear those arguments before supporting or opposing the new proposed changes to the Draft Local Plan, and thus to consider or reconsider their positions in the light of what they learn of the strength of the opposing arguments, is not only unfair in a narrow legal sense but in the further or alternative sense of Wednesbury Unreasonableness. It is also contrary to the clear intention and guidance afforded by the Parliamentary primary legislation, statutory instruments and guidance notes.

At root it would appear that the source of this resistance is the Chief Executive of the Council, Ms. Madeline Homer, who is the single relevant member of the Senior Management Team who has remained in her position throughout the three years that have elapsed since the process of closing of the Airport began and who earlier played an influential part in developing an East Kent cross-authority agenda that envisaged a move to a level of new home construction in Thanet that would ultimately lead to recommendations for the replacement of the airport by a new town without any or any sufficient regard for the extent to which that would threaten the well-being of the whole local economy, its infrastructure and its capacity to sustain that level of population growth and inward migration. I shall have more to say about that in my responses to other sections of the revised draft local plan.

Further and alternatively, it the rush to attempt to change the designation of Manston Airport as an airport gives the appearance of undermining the rule of law by appearing to subvert or attempt to subvert the DCO process and alter public perceptions of what is in the public interest. In truth, any such plot is sure to fail, because the Planning Act 2008, especially as amended by the Localism Act 2011, plainly shows that the intention of Parliament is that major infrastructure projects of types and categories that meet the thresholds set out in the Act (as amended) should prevail against pre-existing uses of land and run with the land, not with ownership or tenure. Further, the manner in which valuation of the relevant land is conducted and balanced following any Order for Development Consent strongly suggests that this is a matter in which local authority involvement should have no place at all. No local government authority will have decision-making powers over that, nor should they seek to do anything that might interfere with it, particularly so when the attempt to do so runs counter to EXISTING permitted uses of the decommissioned airport land that has been known as Manston Airport for 100 years.

I would point out that the interests of the Council are not identical to the public interest as manifest in evidence we have as to what the public wants. This goes beyond the point that the restoration of Manston as an airport was the single most important issue during the local district council elections in May 2015 (to which I have already alluded). We do have evidence of what the public want. Firstly, there were a succession of petitions addressed either to Thanet District Council or to 10 Downing Street. Never in the history of Thanet District Council has there ever been such a level of engagement in expressions of public opinion, nor can anyone recall any case in the United Kingdom that has provoked such a level of such overwhelming support for a regional airport of national significance.

That point emerges strongly in surveys of local residents conducted in Thanet which have produced results that directly contradict the positions taken by Thanet District Council when preparing the Draft Local Plan in its most recent iterations to date. There have been, to date, four such surveys that are of significance. One was commissioned by Thanet District Council in 2005. Two were done

by social media groups that came to involve more than 40,000 supporters of the airport. And one has been done very recently by a political party.

The Save Manston Airport Association (then "SMA", now "SMAa") polled 932 of the adult residents of Northwood Ward in Ramsgate in a house-by-house, postcode by postcode, street by street survey conducted in November 2014. The purpose of this research was to establish what local people wanted on the airport site and to establish whether they would be happy if their Council rejected a proposed compulsory purchase of the airport to enable RiverOak to acquire the site and redevelop it as a major cargo hub with ancillary passenger services and other aviation-related commercial activities. A total of 37 roads were surveyed. A further 33 roads in Northwood could not be surveyed before the survey was terminated due to inclement weather, the approach of winter and the imminence of an announcement of a final report issued by Paul Cook, then the Council's Interim Chief Finance Officer and Acting Section 151 Officer of Thanet District Council (released on 5 December 2014), rejecting RiverOak as a proposed indemnity partner for a CPO on grounds that he was not satisfied that RiverOak could fully indemnify the Council against risks of loss by the CPO process. Towards that end he had applied a cobbled-together "due diligence protocol" that was unfit for purpose, brought into effect in September 2014, and seemingly drafted to produce the intended result of defeating the Airport CPO.

However the findings from the SMA Association's face-to-face research recorded at street, postcode and house levels showed that there was remarkable consistency in community views across the individual streets surveyed. Not one road could be found where more than three people were against the airport. Six percent (56 people) declined to answer, but of the respondents 95% (833 people) supported the re-opening of the airport and its compulsory purchase by the Council to enable RiverOak to take control of the airport and re-develop it. Even more significantly, only 1.6% (14 people) opposed the re-opening of the airport and 3.3% (29 people) either didn't know or didn't care: 1.8% (17 people) opposed the CPO, 1.8% others (17 people) didn't care and 1.6% (14 people) didn't know. A total of 841 (95.6% of respondents) said that they would be unhappy if local councillors refused to back the compulsory purchase of the airport for its redevelopment. Only 10 people (1.1% of respondents) disagreed, and 29 people (3.3% of respondents) either didn't know or didn't care.

At about the same time, one of the other four main pro-Manston social networking groups, Supporters of Manston Airport ("SuMA"), conducted their own survey of residents in Nethercourt, a ward which lies under the flight-path of Manston Airport. SuMA's findings were broadly consistent with those of the SMA Association.

More recently, between January and March 2017, South Thanet Conservative Party has been conducting a survey of public opinion, knocking at the front doors of every dwelling in Eastcliff and thus far at about half of the homes in Cliffsend and Nethercourt wards. By the end of the first week in March 2017, total of 1016 local residents had been contacted. Given a binary choice between seeing the airport brought back into operation through a DCO by RiverOak or turned into a housing estate with at least 2500 homes, what did those local residents prefer? According to one of the campaigners (Paul Messenger) 94% of respondents (956 residents) were in favour of the re-opening of the Airport by RiverOak. Only 40 residents (4%) were against the reinstatement of the airport, and 20 (2%) of the interviewees had no opinion. One person seriously expressed his hope for Manston Airport to be turned into a wildlife park.

These surveys, from 2005 to 2017, employed differing methodologies, interviewers, questions and approaches. One was party political, the others were not. They covered different wards, and the surveys all took place against a changing landscape of then current events and issues. But the broad pattern of support for Manston Airport remained throughout highly robust and remarkably high

despite sea changes in the balances of political power at Thanet District Council in successive Conservative Party, Labour Party and UKIP Administrations.

To make my own position clear, I totally reject the designation of Manston Airport as anything but an airport reserved for the return and development aviation-related business uses. It is particularly galling to observe that Thanet District Council has until very recently stoutly opposed any change of use by another proposed developer, the current owners of the decommissioned airport, for a mixed use but predominantly housing development as a new town on Manston Airport. In my opinion, much of the rationale behind the proposed change of use is prompted not by any positive vision but could only be thought to be in the public interest by the leadership of Thanet District Council (both elected members and highly paid senior management in the Council) if they totally misunderstood the DCO process and current best practice in relation to how projects should be evaluated and by whom. It is my belief that the leadership of Thanet District Council does indeed exhibit such misunderstandings.

The same leadership does not appear to be phased or concerned by the likelihood that if/when Stone Hill Park lose the Planning Appeals for four change of use applications that the Council previously opposed but from which the Council has now withdrawn, then Thanet District Council will be required to start all over again on its attempts to produce a new Local Plan in relation to Manston and the provision of housing. As already mentioned, the Public Inquiry into the Change of Use Appeal by Stone Hill Park is due to be held next week, between 14 – 17 March 2017. Thanet District Council ought to have extended the period of consultation on the amended Draft Local Plan to enable residents to take into account the wealth of information that is likely to be revealed about the airport, the viability of RiverOak's plans for its redevelopment, the merits or otherwise of the Avia Report on which the Council has relied when amending the Draft Local Plan, and the credibility of the case made by Stone Hill Park. But Thanet District Council's Leader and the Senior Management Team of paid staff have chosen not to offer local residents and businesses that option. I would urge the Planning Inspectorate to take that into account when assessing the negligence or deliberate mismanagement of the Council's handling of Manston issues. This, too, will cost money and time. Whatever detriments that may have in terms of risks to public funds and the already dire reputation of Thanet District Council within East Kent will not lightly be forgiven by local people.

I profoundly object to the fact that in the absence of Thanet District Council's engagement with the present owners of the disused airport, the present amendments to the Draft Local Plan in relation to Manston Airport would not have come about at all. The obvious conclusion is that the amended draft local plan has been produced in collusion with a private developer who is currently in breach of planning consent in relation to developments within the airport estate, a developer who acquired the airport with money credited to him from the alleged seller who had purchased the airport for £1.00 from Infratil (a company in which she had a financial interest). The people of Thanet find that course of conduct deeply offensive, a betrayal of trust, and I alongside others want to see Manston Airport back up and running for the benefit locally of all of us and in the regional and national interest, too.

Finally, it is clear that RiverOak (and its associated companies and successors including RiverOak Strategic Partners Ltd.) have made it clear to Thanet District Council that they have been prepared to share information with the Council subject to commercial in confidence arrangements and provisions (where appropriate) to comply with laws that bind RiverOak (and its associated companies and successors) that would completely or sufficiently were able to comply with the requirements of British Government guidelines regarding their possession or and objectively reasonable expectation of sufficient funds to complete the CPO Process (and, subsequently, of the DCO process) that RiverOak would need to re-establish the disused airport as a functioning and profitable entity in the public interest. But the Council has conducted itself, through actions and

methods adopted by its Leaders in the last and present Administration, and also concurrently through the conduct of key members of the Senior Management Team, in manners that in my view can reasonably be described as offences contrary to a general offence of fraud as defined in the Fraud Act 2006, s. 1:

- (a) by dishonestly making false (i.e. untrue and misleading) representations with a view to gain or with intent to cause loss or to expose to a risk of loss (s. 2);
- (b) by dishonestly (and with a view to gain or with intent to cause loss, et.) failing to disclose information when under a legal duty to disclose it (s. 3); or
- (c) by dishonest abuses of position, with a view to gain or with intent to cause loss etc., (s. 4).

In all three variants of the offence, according to Blackstone's Criminal Practice (2016) at B5.4, "the focus is on proscribed conduct and ulterior motive, whereas the consequences of that conduct are not legally significant. Fraud is, in other words a conduct crime." The fact or expectation that RiverOak is more likely than not to be sure to satisfy the Planning Inspectorate and the Secretary of State for Communities & Local Government that RiverOak's plans are capable of triggering the provisions of the Planning Act 2008 (as amended) for a Development Consent Order in relation to what constitutes a 'nationally significant infrastructure project' for an airport of a particular type that would be very much in the public interest, and that the Secretary of State for Transport may then decide to make that Order in the public interest, is no defence against frauds, if any, that may have been committed by Thanet District Council in their handling of matters connected with planning and bad faith in relation to RiverOak. The outcome or expected outcome of that DCO process, in other words, would not protect any elected Leader or member of the Senior Management Team from investigation or prosecution for any fraudulent conduct (through lies or deceptions or other actions) that may have occurred or been suspected. It is my belief that the amended Draft Local Plan provisions relating to the presently disused Manston Airport that are subject to the present consultation are the product of fraud contrary to s. 2, s. 3 and s. 4 of the Fraud Act 2006. It follows that those who made this Thanet Draft Local Plan are guilty of further offence, under the Fraud Act 2006, s. 7, if they made it:-

- (a) knowing that it is designed or adapted for use in the course of or in connection with fraud, or
- (b) intending it to be used to commit, or assist in the commission of, fraud.

In my opinion, the Draft Local Plan, to the extent that it has been amended in relation to Manston, is a False Instrument and has been supported by False Statements within the meaning of the Forgery and Counterfeiting Act 1981, s.s. 1, 3 and 4, as described below:

Forgery and Counterfeiting Act 1981, s. 1:

"A person is guilty of forgery if he makes a false instrument, with the intention that he or another shall use it to induce somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice."

Forgery and Counterfeiting Act 1981, s. 3:

"It is an offence for a person to use an instrument which is, and which he knows or believes to be, false, with the intention of inducing somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice."

Forgery and Counterfeiting Act 1981, s. 4:

"It is an offence for a person to use a copy of an instrument which is, and which he knows or believes to be, a false statement, with the intention of inducing somebody to accept it as a copy of a genuine instrument, and by reason of accepting it to do or not to do some act to his own or any other person's prejudice."

If I am correct in this, then it follows that those in authority as Members of the Senior Management Team or Executive of the Thanet District Council who were concerned in misleading elected Members of Thanet District Council to adopt the Draft Local Plan in its present form have engaged in Conspiracy to Defraud as an offence against Common Law as expressly preserved in the Criminal Law Act 1977, s. 5(2). In my understanding of this offence, “an agreement to achieve a lawful object by lawful means cannot amount to a conspiracy to defraud, however dishonourable or unscrupulous the object or means might be” (Blackstone’s Criminal Practice 2016, A5.64, citing R. v. Evans [2014] 1 WLR 2817 at [141]).

Thus at issue is whether any elected Members acting together within Thanet District Council or in association with members of the Senior Management Team sought to achieve a lawful object or not.

In Evans, per Hickinbottom J, there are two principal variants to this offence of Conspiracy to Defraud, although these are not mutually exclusive: firstly, “an agreement by two or more [persons] by dishonesty to deprive a person of something which is his or to which he is or would not be entitled [or] an agreement by two or more by dishonesty to injure some proprietary right of his suffices to constitute the offence....” In this variant, according to Blackstone’s, “There may or may not be an intent to cause economic or financial loss to the proposed victim or victims, but it is necessary that a proprietary right or interest of the potential victim is actually or potentially injured or put at risk.” In my opinion, the proprietary right or interest of RiverOak was to engage in with Thanet District Council in relation to the CPO and DCO processes through a process that would require TDC to act in good faith and in the public interest. For the second variant, as described in Blackstone’s (2016) at A5.59, “there must be a dishonest agreement to deceive another person into acting contrary to his duty” (in this case by elected Members and to the people of Thanet in the process of amending the Draft Local Plan, and to elected Members and to the people of Thanet and the partners and investors of RiverOak in relation to negotiations and engagements between RiverOak and Thanet District Council).

The meaning of dishonesty is defined in the sense of R. v. Ghosh [1982] QB 1053 at 1064D-G as a two-part test: firstly, “whether according to the ordinary standards of reasonable and honest people what was done was dishonest”, and secondly, “whether the Defendant himself must have realised that what he was doing was [by the standards of reasonable and honest people] dishonest.” As those concerned were fully alive to the strength of public feeling and were more than aware of censure to which they were subjected in social media on account of their subsequent words and deeds, then given the extent of betrayal of the electorate and public interest, the answer must lie in the affirmative.

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