

FIVE10TWELVE'S COMMENTS ON

and

QUESTIONS RAISED ON

Applicant's Responses to the Examining Authority's First Written

Questions submitted for Examination

Deadline 4 (8 March 2019)

Dated: 4 MARCH 2019

FOREWARD

In an effort to aid the ExA we are submitting comments with evidence in the form of a row under each of the answers provided by the Applicant on a section by section basis. We would respectfully request the questions in red below the comments are asked of Applicant. Comment or question (or lack of) does not mean agreement with or support for Applicant.

Ref No.	Respondent	Question
G.1 General and Cross-topic questions (including relevant planning policy)		
G.1.1	Thanet District Council (TDC)	<p>Saved Policies of the Thanet Local Plan 2006</p> <p>Saved Policies EC2, EC3, EC4, EC5 and EC6 of the adopted Thanet Local Plan 2006 are all of particular relevance to the application.</p> <p>Explain if the application fully accords with these policies and what weight should be afforded to them.</p> <p>Applicant's Response:</p> <p>N/A</p>
G.1.2	NOT USED	NOT USED
G.1.3	The Applicant	<p>Thanet Local Plan</p> <p>TDC's Draft Local Plan to 2031 (dated 26 October 2018) allocates and safeguards land at Manston Business Park for B1, B2 and B8 uses.</p> <p>Would the proposed allocation have any effect on the need for the Northern Grass Area that the application proposes for B1 and B8 uses?</p> <p>Applicant's Response:</p>

Ref No.	Respondent	Question
		<p>No, it would not. Annex 4 of the Updated NSIP Justification Document (January 2019) (TR020002/D1/2.3) explains why the Northern Grass land is required to support the nationally significant infrastructure project. The proposed allocation of Manston Business Park, some 2 miles from the proposed airport does not affect the need for the Northern Grass for airport related development for the reasons summarised below:</p> <p>(a) Land Availability at Manston Business Park – the 75.2ha allocated site is already approximately half-developed and there is some infrastructure in place, see paragraph 5.39 of the Thanet District Council (TDC) ‘Economic Development in Thanet (Employment Land Update and Economic Needs Assessment) Report’ July 2018 (see Appendix G.1.3 Part A at TR020002/D3/FWQ/Appendices). There is also planning permission for a development of 46 industrial units and 4 office units on the opposite side of Columbus Avenue (TDC application reference F/TH/16/1744 amended by F/TH/17/1039) comprising a site area of 1.3ha and 5,312sqm. A condition of this consent is that development needs to begin by 16th June 2020. Other extant planning permissions at Manston Business Park as at 8 January 2019 amount to 80 units and 13,393sqm of B1/B2/B8 (see page 5 of the TDC letter to Inspectors Matthew Birkinshaw and Victoria Lucas in connection with the Thanet Local Plan Examination dated 11th January 2019, also appended at Appendix G.1.3, as Part B). Approximately 42 hectares remains undeveloped although there have been a number of recent developments following slow take up of the site, see paragraph 6.2 of Appendix G.1.3 Part . The site area proposed at the Northern Grass is for 105,100m² of airport-related B1, B2 and B8 uses plus the balancing ponds (which are part of the airport-wide drainage strategy and not simply to serve the Northern Grass development) and safeguarded museum area which collectively requires approximately 50ha of land which is in excess of what is available at Manston Business Park.</p> <p>(b) China Gateway International Limited (CGIL) development proposals for Manston Business Park – CGIL are the owners of the Manston Business Park. They have their own aspirations for promoting development at the site and their proposals are not for airport-related development. This is evidenced by CGIL’s representations to the draft Thanet Local Plan in which they indicate that they are promoting a site at Manston Business Park which is larger than what is allocated for an employment site in the draft Thanet Local Plan for a mixed-use development comprising B1, B2 and B8 employment uses but with residential uses on land to the east of Manston Business Park to help support inward investment and intensification of the Manston Business Park for employment uses. CGIL has prepared an illustrative Masterplan which has been submitted with their representations to the draft new Thanet Local Plan (see Appendix G.1.3 Part C).</p>

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		<p>(c) History of Manston Business Park in the Thanet Local Plan - the allocation at the Manston Business Park as an employment site for B1, B2 and B8 uses has been a longstanding allocation in the Thanet Local Plan. Paragraph 2.34 of the adopted Thanet Local Plan 2006 states that it was allocated as an employment site for development in the Isle of Thanet Local Plan (April 1998) and was carried forward into the 2006 Plan. It is now carried into the draft new Thanet Local Plan to 2031. It has therefore featured as an employment site over some 30 years of local spatial planning in Thanet but without any serious uptake until recently despite it having “a unique relationship with the airport” (paragraph 2.35 of the adopted 2006 Thanet Local Plan). The Manston Business Park was never envisaged as an allocation within the Local Plan which could accommodate employment uses directly associated with the airport. It was, and still is, considered to be the flagship inward investment site for the district providing potential development opportunities for growing existing businesses in the district to relocate (see paragraphs 5.8 and 5.39 of the insert document reference) - acknowledging always that the airport was close by.</p> <p>(d) Airport Operations – with reference to reasons set out in Annex 4 in the Updated NSIP Justification Document (January 2019) (see TR020002/D1/2.3), the Northern Grass has been geographically, functionally and legally part of Manston Airport throughout its operational history and the dDCO proposes to keep this land within the airport boundary where it is already included and where saved policies in the adopted Thanet Local Plan 2006 apply and specifically protect the land for airport- related uses.</p> <p>The Northern Grass fronts the B2050 Manston Road which provides direct access onto the operational airfield and associated cargo sheds. Not only is this locationally advantageous but it is synonymous with the history of the airfield. The Northern Grass was an integral part of the old RAF airfield that only became separated in 2000 when the operational boundary fence was constructed in its current position (on the south side of the B2050 Manston Road). Post privatisation, the control tower and associated buildings and car parking on the Northern Grass site continued to be used as management offices (and for associated equipment storage) by Wiggins and subsequently both Plane Station and then Infratil, during their ownership of the airfield. The navigational aids located there also remained in use and aircraft were parked and dismantled on the site even though it was by then outside the airport’s operational boundary fence. Consequently, the Northern Grass remained functionally part of RAF Manston and then Kent International airport throughout its operational history. Saved policies in the adopted TDC Local Plan (2006) namely Policies EC2 and EC4 recognise the functional connection between</p>

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		<p>the Northern Grass and the remainder of the airport land by safeguarding the Northern Grass land within the airport boundary and reserving it for airside development and development proposals that require an airside location.</p> <p>The RSP Masterplan seeks to reintroduce this functional connection. The airport is proposed to be used more intensively and this brings a need for more airside infrastructure in the form of taxiways, apron and cargo handling facilities alongside a new and enlarged passenger terminal, business aviation facilities and aircraft hangarage. The result is a greater density of airside development and therefore an increased need to displace uses that do not require an airside location, to the primary landside enclave within the airport's land boundaries – namely the Northern Grass.</p> <p>This airside/landside distinction is very important in terms of airport licensing and zoning, as security clearance and training is needed for buildings within or offering direct access to the airside area. This is costly and inflexible to operate within the airport boundary and therefore only those activities and personnel who need to be airside tend to be located there; all other activities that support the operational and commercial functioning of the airports tend to gravitate to landside locations as close as reasonably practicable to the airport and its operational area. The Northern Grass is ideal for this purpose especially given that historically, it was used for airside and airside-related uses and continues to be safeguarded in land use planning terms for this exact purpose.</p> <p>Annex 4 of the updated NSIP Justification Document (January 2019) (see TR020002/D1/2.3) lists the types of operations and facilities that are anticipated in the Northern Grass area. These include radar facilities, airport management offices that offer visibility over the airfield, offices and crew facilities for airlines, vehicle depots and storage facilities for air cargo handlers and associated logistics companies and offsite offices for Border Force Police. These are not activities that could sensibly be located at a substantial distance from the airport as this would undermine their ability to serve the operational and commercial support functions that the airport needs.</p>

		<p>COMMENT</p> <p>A. As identified by Thanet District Council in its Local Impact Report and by Historic England in its Written Response of 15 February 2019. A substantial portion of the Northern Grass is not considered to be previously developed land and any development here would be considered as development on a greenfield site in the countryside. Further, there is inadequate understanding of the archaeological significance of the North Grass Area and some areas of the proposed airside development, historic buildings and the historic landscape character of the airfield, which undermines the ability to make informed decisions about the proposed development.</p> <p>B. Applicant places a heavy dependency on the Northern Grass. It is unclear what the Applicant would do if archaeological findings are found and need preserving in situ.</p> <p>C. It is also unclear how Applicant is preserving and respecting the history of the Northern Grass by building a large number of buildings on this site.</p> <p>D. The broad long runway (built during World War II along with Woodbridge's to allow returning damaged bombers a longer than usual runway to land on)¹ and the airfield became something of a "graveyard" for heavy bombers.²</p> <p>E. Applicant places a heavy dependency on the Northern Grass. There is a general presumption</p>
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¹ Forces War Records Unit History: RAF Manston <https://www.forces--war--records.co.uk/units/631/raf--manston> (**Appendices G1-001**)

² Ibid

against inappropriate development on the countryside³ and that **such development should not be approved except in very special circumstances⁴.**

F. Applicant states above it will use 105,100 metres squared for airport-related B1, B2 and B8 airport related uses. This is 10.5 Ha.

G. Applicant states above that draining ponds and museums will use up to 40 Ha of land.

RESPECTFULLY REQUEST OF EXAMINING AUTHORITY

1. Applicant should evidence worst case assessment mitigation if the Northern Grass is not available for development given Kent County Council, Historic England and Thanet District Council Local Impact Reports repeated and continued concern.
2. Applicant should evidence how it is has met the very special circumstances threshold.
3. Applicant should evidence how this countryside (substantial part of Northern Grass) is no longer needed or how the loss of this countryside (substantial part of Northern Grass) can be replaced by equivalent or better provision in terms of quantity or quality in a suitable location⁵.
4. Applicant should evidence why it cannot move some if not all of the 10Ha of employment land to

³ Paragraph 5.114 Department for Transport (June 2018) Airports National Policy Statement: new runway capacity and infrastructure at airport in the South East of England Presented to Parliament pursuant to Section 9(8) of the Planning Act 2008 Moving Britain Ahead (**Appendices G1-002**)

⁴ Paragraph 5.114 Department for Transport (June 2018) Airports National Policy Statement: new runway capacity and infrastructure at airport in the South East of England Presented to Parliament pursuant to Section 9(8) of the Planning Act 2008 Moving Britain Ahead (**Appendices G1-002**)

⁵ Paragraph 5.112 Department for Transport (June 2018) Airports National Policy Statement: new runway capacity and infrastructure at airport in the South East of England Presented to Parliament pursuant to Section 9(8) of the Planning Act 2008 Moving Britain Ahead (**Appendices G1-002**)

		<p>be located on the Northern Grass and identified above to Manston Business Park given that it is only 5 minutes drive away.</p> <p>5. Applicant should evidence that all other UK freight airports have crew facilities for airlines, vehicle depots and storage facilities for air cargo handlers and associated logistics companies and offsite offices for Border Force Police are situated less than 5 minutes drive away.</p> <p>6. Applicant should evidence why no alternative other site for an airport has been found which does not use greenfield land/ countryside. Given that there are 15 military airfields that have been earmarked for closure over the next 6 years⁶.</p>
G.1.4	TDC	<p>Thanet Local Plan</p> <p>TDC's Draft Local Plan to 2031 (dated 26 October 2018) states at paragraph 1.43, with reference to Manston Airport that:</p>

⁶ Ministry of Defence (November 2016) A Better Defence Estate (**Separate Document in Examination Library - Section G1-003_Appendices_Secure Document**)

Ref No.	Respondent	Question
		<p>“...the site has an existing use for aviation, subject to other relevant legislation.”</p> <p>Explain the inclusion of the phrase “subject to other relevant legislation” .</p> <p>Applicant’s Response: N/A</p>
G.1.5	TDC	<p>Thanet Local Plan</p> <p>TDC’s Draft Local Plan to 2031 (dated 26 October 2018) states at paragraph 1.44 that:</p> <p>“If a DCO for aviation use at the site is granted, this would require a partial review of the Local Plan in relation to housing land supply provisions, aviation and environmental policies and other related matters.”</p> <p>Explain the effect that the consenting of the DCO would have on the draft Local Plan’s housing land supply and why a partial review would be required in this regard.</p> <p>Applicant’s Response: N/A</p>
G.1.6	The Applicant TDC	<p>Thanet Local Plan</p> <p>TDC’s Draft Local Plan to 2031 (dated 26 October 2018) allocates a site called Manston Green for 785 dwellings, which it states has planning permission. Some of the site falls within the DCO application boundary.</p>

Ref No.	Respondent	Question
		<p data-bbox="622 308 1731 336">Explain the effect that the consenting of the DCO would have on the delivery of the site.</p> <p data-bbox="622 411 891 440">Applicant's Response:</p> <p data-bbox="622 488 2067 628">The DCO proposals will not prevent delivery of the Manston Green housing development provided the development can comply with the safeguarding conditions that were attached to the outline planning permission to protect future residents in the event that aviation uses resumed at the airport. The decision to grant outline planning permission for the Manston Green development was taken in full recognition that Manston Airport could become operational again.</p> <p data-bbox="622 671 2067 850">Outline planning permission including access (TDC reference OL/TH/14/0050 – see Appendix OP.1.10 in TR020002/D3/FWQ/Appendices) was granted for up to 785 dwellings, highways infrastructure works (including single carriageway link road), primary school, small scale retail unit, community hall, public open space on land to the east and west of Haine Road, Ramsgate. That permission was granted consent on 13 July 2016, after the airport closed in May 2014.</p> <p data-bbox="622 898 2067 1153">In accordance with Condition 2 as listed on the planning permission, any application for the approval of reserved matters for the first phase of the development needs to be made in writing to the Local Planning Authority before the expiration of 3 years from the date of the permission i.e. 13 July 2019. Any application for approval of the reserved matters for any remaining phases needs to be made to the Local Planning Authority before the expiration of 5 years from the date of this permission i.e. 13 July 2021. To date, no application for the approval of reserved matters has been submitted to TDC. If this remains the case as at 13 July 2019, the site will no longer benefit from planning permission.</p> <p data-bbox="622 1201 2067 1342">The application site boundary for OL/TH/14/0050 does include land which is also included within the DCO Order Limits – but for the acquisition of permanent rights over land <u>not</u> the permanent acquisition of land (see drawing no. NK01847-WSP- MSE-01-DR-C-2104 in APP-016). This is land needed for the approach lights in the dDCO which is the exact land which previously accommodated the landing lights when the airport was operational.</p> <p data-bbox="622 1390 2067 1489">The decision to grant outline planning permission for OL/TH/14/0050 was taken in full recognition that Manston Airport could become operational again. Consequently, the permission was granted subject to several 'safeguarding' conditions to protect</p>

		the future residents in the event that aviation uses resumed at the airport. This included, for example, Condition 35 which
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Ref No.	Respondent	Question
		<p>prevented certain phases of development from commencing until a scheme for protecting the development from aircraft noise has been submitted to the Local Planning Authority. Condition 36 prevented any dwellings from being built in the Noise Category C area as set out in Policy EP7 of the Thanet Local Plan 2006.</p> <p>Condition 5 of OL/TH/14/0050 requires any reserved matters application submitted pursuant to the outline application to accord with the principles and parameters of the approved parameter plans including Parameter Plan 011 – Land Use and Amount. This plan shows an area of the application site which has been excluded from the developable area so that “the existing airport landing lights could be retained.” It is within this area that the land included within the DCO Order Limits falls. Consequently, if any reserved matters application is submitted for Phase One before the 13 July 2019 deadline, it would need to show no development in the area where the landing lights are proposed in the dDCO. Consenting the DCO would therefore not prevent the delivery of the housing scheme. Further work would need to be carried out to demonstrate that the Manston Green scheme could meet the Masterplan requirements which include a need for the scheme to be informed by predicted aircraft noise and the alignment of the runway and the operational needs of the airport.</p> <p>The environmental effects that the DCO would have on the Manston Green Development are reported in the individual chapters and the cumulative effects assessment contained in the ES (APP-033 – APP-035) for the DCO. Whilst significant effects are predicted, the consent for Manston Green stipulates that provision must be made for the protection of residents in the event that the airport is reopened. As such it will be necessary for the promoters of Manston Green to ensure that appropriate mitigation is included in the detailed design of the development to ensure that effects such as noise are adequately addressed. It is assumed that the promoter for the Manston Green development and the local authority is aware of the likely reopening of the airport and as such, any such mitigation is deliverable and would not have a detrimental effect on the viability of the Manston Green development. The Applicant is willing to discuss the data and findings of the DCO Environmental Impact Assessment with the promoters of Manston Green in order that any mitigation required as a result of the airport reopening is properly implemented.</p>

		<p>COMMENT</p> <p>A. Cogent Land LLP (CL) were granted planning permission for the site known as Manston Green (LPA ref: OL/TH/14/0050). In 2015, the airport was not operational. At that time there were hopes for an aspirational airport of passenger flights not cargo planes⁷.</p> <p>B. CL wrote to Thanet District Council in relation to the Draft Local Plan Consultation on 4 October 2018⁸.</p> <p>C. At paragraph (d) titled Manston Airport of the said CL letter, it states: “The Draft Local Plan also explains that following the closure of Manston Airport in May 2014, the Council has made significant efforts to support a functioning aviation use on site and has explored its CPO powers in seeking an indemnity partner and carried out soft marketing tests to seek an operator to run the airport. The Council commissioned an airport viability study, prepared by Avia Solutions, which concluded that the airport operations at Manston are very unlikely to be financially viable in the longer term and almost certainly not possible in the period to 2031⁹”.</p> <p>D. At paragraph (d) titled Manston Airport of the said CL letter, it states: “Given the housing shortfall within the Thanet District, it is imperative that at least 785 dwellings on the Manston Green site is implemented and the authorised development delivered. Any proposed expansion of Manston Airport must therefore be sympathetic and give respectful consideration to the development plans of the site. It is also important that future housing development in this area is not hindered in anyway by the proposed airport expansion plans. A</p>
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⁷ Thanet District Council - Deadline 3 Submission - Response to Examining Authority's Written Questions Appendix 1 and 2 (**REP3-108**)

⁸ Letter from Iceni Projects on behalf of Cogent Land LLP in relation to Manston Green to Thanet District Council on 4 October 2018 (**Appendices G1-005**)

⁹ Ibid

		<p>strategy must therefore be put in place that ensures the interest of future development sites for housing are reliably protected¹⁰”.</p> <p>E. At paragraph (d) titled Manston Airport of the said CL letter, it states: “Having assumed the closure of the airport in the long term, CL’s Manston Green outline consent has been designed around a certain noise level, with the expectation that there would be no significant noise disturbance and no need therefore for specific noise attenuation/mitigation measures be designed in. Given that Manston Airport consultation document (2017) prepared by RiverOak Strategic contained no information on noise, it’s anticipated that such measures will be required if the airport expansion proposals proceed and the associated costs of these measures will have a material impact on scheme viability¹¹”.</p> <p>F. The Inspectors appointed by the Secretary of State, Matthew Birkinshaw and Victoria Lucas, have raised the following matters, issues and questions for Examination:</p> <p><u>Matter 5 - Strategic Sites - Issue 2 - Manston Green Strategic Housing Site - Policy SP13- Question 10</u></p> <p>“What consideration has been given to the standard of living accommodation for potential future occupants [of 785 dwellings, open space and a primary school], having particular regard to the proximity of the site to Manston Airport?¹²”</p> <p>G. Public Safety Zones (PSZs) will be required due to the proposed number of at least 18,000</p>
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¹⁰Ibid

¹¹ Ibid

¹² The Planning Inspectorate, Independent Examination of Thanet Local Plan Inspectors’ Matters, Issues and Questions for Examination - Matter 5 - Strategic Sites (Policies SP13-Sp18 and HO2), Issue 2 - Manston Green Strategic Housing Policy SP13, Q10. (**Appendices G1- 006**)

		<p>ATMs and forecasts to exceed 30,000 ATMs within the next 15 years by the Applicant¹³ and close proximity to residential and commercial areas¹⁴. If the airport goes ahead as proposed by the Applicant Manston Green will not a viable site for a housing development.</p> <p>H. Existing residential and commercial areas of Ramsgate would also fall within the PSZs.</p> <p>I. On 21 July 2017, a Boeing 737, C-FWGH took off from Belfast International Airport with insufficient thrust for the environmental conditions and struck an obstacle after lift-off. It was the benign nature of the runway clearway and terrain elevation beyond, and the lack of obstacles in the climb-out path, which allowed the aircraft to climb away without further collision after it struck the runway light¹⁵. Belfast International Airport has PSZs. The crew did not apply full thrust until the aircraft was approximately 4 km for the end of the runway at around 800 ft aal¹⁶.</p>
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¹³ Applicant's Appendix 6.3 in Table 6.15 of the ES sets out **total number of aircraft movements (ATMs) as 64,468** (if you manually add up the extreme left hand column) (**APP-044**)

¹⁴ Department for Transport (5 March 2010) Control of Development in Airport Public Safety Zones Paragraph 2-3 . The current policy is that PSZs should be established at those airports shown to average more than 1,500 ATMs a month (18,000 ATMs a year) and are likely in due course to exceed 2,5000 ATMs on forecasts about the numbers and types of aircraft movements fifteen years ahead. (**Separate Document in Examination Library-Section G1-004_Appendices_ Secure Document**)

¹⁵ Aircraft Accident Report No: 2/2018 Report on the serious incident to Boeing 737-86J, C-FWGH Belfast International Airport 21 July 2017 (**Appendices G1-007**)

¹⁶ Ibid



J. Applicant lists Boeing 737 as a passenger aircraft¹⁷ that will take-off and land over Ramsgate. In 2018 a Boeing 737 next Generation aircraft crashed with 189 fatalities reports show that pilots struggled with an anti-stall system which pushed the plane's nose¹⁸ resulting in a fatal loss of lives.

RESPECTFULLY REQUEST OF EXAMINING AUTHORITY

1. Applicant should evidence how the DCO proposal will not have a detrimental effect on the viability of and deliverability of the Strategic Site Development at Manston Green of 785 dwellings, open space and a primary school particularly in light of Applicant's own prediction of significant effects.

¹⁷ Applicant's Appendix 6.3 in Table 6.15 of the ES (**APP-044**)

¹⁸ The Independent (28 November 2018) Lion Air Crash: Doomed Jet was not 'Airworthy', Investigators Say. (**Appendices G1-008**)

		<ol style="list-style-type: none"> 2. Applicant should evidence how the DCO proposal and specifically the Strategic Site Manston Green development fits with the NPPF 2018 Promoting Healthy and Safe Communities. 3. Applicant should evidence how the DCO proposal will compensate for loss of housing of the Manston Green housing development of 785 dwellings given that this land will be required for one of the Public Safety Zones. 4. Applicant should evidence how the DCO proposal will compensate for loss of housing given that existing residential and commercial land will be required for Public Safety Zones. 5. Applicant should evidence how the loss of housing and particularly Strategic Site Housing such as Manston Green housing and existing residential housing is compatible with Right Hon James Brokenshire Secretary of State for Housing, Communities and Local Government letter to the Robert Bayford, leader of Thanet District Council of 28 January 2019 and NPPF 2018 Delivering a Sufficient Supply of Homes.
G.1.7	The Applicant	Thanet Local Plan

Ref No.	Respondent	Question
	TDC	<p>TDC's Draft Local Plan to 2031 (dated 26 October 2018) allocates several housing sites in close proximity to the application site.</p> <p>What effect does this have on the application and what weight can be afforded to the proposed allocations at this time?</p> <hr/> <p>Applicant's Response:</p> <p>Allocated housing sites closest to the application site have been assessed in the Applicant's cumulative effects assessment. Paragraph 48 of the NPPF advises that in determining applications, weight to relevant policies in emerging plans may be given according (i) to the stage of preparation of the emerging plan with the more advanced its preparation, the greater the weight that may be given, (ii) the extent to which there are unresolved objections (the less the significant the unresolved objections, the greater the weight that may be given) and (iii), the degree of consistency with the NPPF (the closer the policies in the emerging local plan to the NPPF, the greater the weight that may be given). The Draft Thanet Local Plan to 2031 is expected to be considered at Examination in April/May 2019. Limited weight can be afforded to the policies contained with the Draft Local Plan, including housing site policies, as they have not yet been formally examined by Inspectors. There remains significant unresolved objections to the policies including to the approach taken on the Manston Airport site, in addition to those policies that relate to the Council's proposed housing strategy, the strategic housing allocations and other housing sites. Representations have been submitted raising questions about the Council's evidence base. Paragraph 48(b) of the NPPF suggest that the weight accorded to the emerging policy should be tempered by the existence of unresolved objections. The Applicant along with others has questioned the degree of consistency of certain policies in the emerging plan to the NPPF. Again, paragraph 48(c) of the NPPF suggests that in this scenario, less weight may be given to policies in the emerging plan. Overall it is considered that limited weight can be afforded to the emerging policies in the draft Thanet Local Plan.</p> <p>Irrespective of the outcome of the Local Plan examination, the draft Thanet Local Plan to 2031 fully recognises in paragraphs 1.44 and 1.45 that if the DCO is granted, that this would require a partial review of the Local Plan in relation to housing land supply provisions, aviation and environmental policies and other related matters. The Applicant and others including Dover District Council have made representations to the draft Thanet Local Plan in connection with housing land supply within Thanet and the significant surplus employment land that exists which could be given over to housing. The Employment Land Update and Economic</p>

Ref No.	Respondent	Question
		<p>Needs Assessment (July 2018) (Appendix G.1.3 Part A in TR020002/D3/FWQ/Appendices)) recommends making provision for around 15 hectares of employment land (gross). In contrast, the draft Local Plan allocates some 53.5 hectares of land. The TDC Strategic Housing Land Availability Assessment (SHLAA) Review July 2018 (G.1.7 in TR020002/D3/FWQ/Appendices) indicates that potential supply is sufficient to meet the target housing requirement across the Plan period and Table 4 in the same document demonstrates that Thanet has a rolling 5 year (2018-23) supply of housing land that is available, sustainable and achievable. This demonstrates that in the event of a future partial review of the Local Plan in relation to housing land supply provisions as a consequence of the Manston Airport DCO being granted, that there is no shortage of housing land available.</p>
		<p>COMMENT</p> <p>A. We would respectfully strongly remind the Examining Authority that there is a significant conflict of interest between Thanet District Council (officers) and Applicant and Cabinet (elected Councillors) in relation to the draft Local Plan. This has been evidenced in detail by Thanet District Council at REP3-018 Annex 1 (Previous Reporting to Planning Committee); REP2-012 at Sections 5.3, 5.4,5.5, 5.6; REP3-223 at Section 9.2, 9.3, 9.5; and REP3-056 at Section 15 1(A-X) and 2(A-G).</p> <p>B. By its own admission at the Oral Hearing Applicant has spent considerable time and effort resisting local plan changes that would make a non-airport development more likely¹⁹ for their own gain for example writing to the CEO of Thanet District Council and copying in all elected councillors demanding that the draft Local Plan (Preferred Options) should not be submitted for Examination²⁰.</p>

¹⁹ Summary of Applicant's Oral Submissions at January 2019 hearing (**REP1-004**)

²⁰ Letter of 16 January 2018 to CEO of Thanet District Council, Ms Madeline Homer, from Applicant's lawyers BDB. (**Appendices G1- 009**)

		<p>C. Two months later on 23 March 2018 the Rt Hon Sajid Javid MP (then) Secretary of State for Housing, Communities and Local Government wrote to the Robert Bayford, leader of Thanet District Council stating that: "The District Council's argument to justify this failure sets out two inter-related circumstances – the local debate over the future of Manston Airport and the need to undertake further work to identify alternative sites after the Plan failed to proceed. I consider that these are not exceptional circumstances – other authorities have dealt with uncertainty about the future of large sites. In terms of the intervention criteria, Thanet have failed to make progress on planmaking, the policies do not appear to be up to date and there is high housing pressure. At the current time this is an authority where intervention would have the greatest impact by accelerating Local Plan production²¹".</p> <p>D. The draft Local Plan is at an advanced stage with hearings scheduled until 31 May 2019. It is likely to be adopted before the decision on whether to grant a dDCO. The policies in the Draft Local Plan are a material consideration when determining this application for a dDCO.</p> <p>E. The Inspectors appointed by the Secretary of State, Matthew Birkinshaw and Victoria Lucas, have raised the following matters, issues and questions for Examination:</p> <p><u>Matter 5 - Strategic Sites - Issue 7 - Land at Manston Court/ Haine Road Strategic Housing Site - Policy SP18- Question 14</u></p> <p>"What consideration has been given to the standard of living accommodation for potential future</p>
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²¹ Letter of 23 March 2018 from Rt Hon Sajid Javid MP Secretary of State for Housing, Communities and Local Government to Councillor Bayford. (Appendices G1- 010)

occupants [of 1200 dwellings, open space and a secondary school], having particular regard to the proximity of the site to Manston Airport?²²”

Matter 6 - Non-Strategic Sites - Issue 1 - Land on west side of Old Hanie Road, Ramsgate, Non-Strategic Housing Site - Policy HO3 Question 7

“What consideration has been given to the standard of living accomodation for potential future occupants [of 250 dwellings, open space and a school], having particular regard to the proximity of the site to Manston Airport?²³”

RESPECTFULLY REQUEST OF EXAMINING AUTHORITY

1. Applicant should evidence for what reason and purpose did it significantly interfere with draft Local Plan particularly as Thanet District Council was (and still is) in intervention and any DCO would ‘trump’ any provisions of any Local Plan.
2. Applicant should evidence how the DCO proposal will not have a detrimental effect on the viability of and deliverability of the Strategic Site Development on the land at Manston Court/Haine Road of 1200 dwellings, open space and a secondary school.
3. Applicant should evidence how the DCO proposal will not have a detrimental effect on the viability of and the deliverability of the Non-Strategic Site Development on the land on west side of Old Haine Road, Ramsgate of 250 dwellings, open space and a school.

²² The Planning Inspectorate, Independent Examination of Thanet Local Plan Inspectors’ Matters, Issues and Questions for Examination - Matter 5 - Strategic Sites (Policies SP13-Sp18 and HO2), Issue 7 - Land at Manston Court/ Haine Road Strategic Housing Policy SP18, Q14.(**Appendices G1- 006**)

²³ The Planning Inspectorate, Independent Examination of Thanet Local Plan Inspectors’ Matters, Issues and Questions for Examination -Thanet Local Plan Examination - Matters, Issues and Questions Matter 6- Non-Strategic Sites (Policies HO3-HO9), Issue 1 - Land on west side of Old Haine Road, Ramsgate, Non-Strategic Housing Site Policy HO3 Q7.(**Appendices G1- 006**)

		<p>4. Applicant should evidence how it is to the benefit of Thanet to add more employment land of a very similar type to that of Manston Business Park which is currently half developed and has 42 Ha available.</p>
G.1.8	The Applicant	<p>The Planning Statement (APP-080) refers to the National Planning Policy Framework, 2012. The revised NPPF was published in July 2018.</p> <p>Explain if the changes introduced by the revised NPPF 2018 have any relevance to the application.</p> <p>Applicant's Response:</p> <p>Paragraph 5 of the revised NPPF 2018 reaffirms that the framework does not contain specific policies for nationally significant infrastructure projects which are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). In the absence of a directly applicable Airports NPS, it remains important and relevant to consider the provisions in the revised NPPF 2018.</p> <p>Many of the changes introduced into the revised NPPF 2018 relate to housing matters. There was also a revision to Green Belt policy introduced. These matters do not directly relate to the determination of the Manston Airport DCO application.</p> <p>Section (c) in Chapter 7 (paragraphs 7.45 to 7.93) of the DCO Planning Statement (APP-080) considered the draft text for consultation on the revised NPPF (March 2018) and highlighted the points that are relevant and important to the determination of the DCO. In finalising the revised NPPF for publication in July 2018, the points that are of relevance, or that</p>

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		<p>are important to the determination of this DCO, have not been changed from those that were included in the March 2018 Consultation Draft. Therefore, the application, despite not being considered against the final publication version of the revised NPPF 2018, has nevertheless been assessed against the same national policy tests.</p>
		<p>COMMENT</p> <p>A. In the absence of a directly applicable Airports NPS, it remains important and relevant to consider the provisions in the NPPF 2018..</p> <p>B. Paragraph 6 of the NPPF 2018 states that “other statements of government policy may be material when preparing plans or deciding plans or deciding applications, such as Ministerial Statements and endorsed recommendations of the National Infrastructure Commission”.</p> <p>C. RUCATSE’s 1993 report for the Department of Trade and Industry on runway capacity in the South East of England found Manston did not merit detailed assessment and was unsuitable for development as a major airport because of its proximity to the town – a conclusion confirmed by the recent Airports Commission²⁴. This conclusion which over a period of 25 years and as recently as June 2018 has consistently determined that due to the geography of the site, proximity to the nearby town of Ramsgate and distances from the major sources of demand; Manston airport was not (and is not) suitable as a major airport²⁵.</p> <p>D. The recent House of Commons, Housing, Communities and Local Government Committee, High</p>

²⁴ RR-1625

²⁵ REP1-044 at Section 2 Evidences previous considerations, decisions and guidance includes but not limited to i) RUCATSE report for the Department for Transport (DfT) into Runway Capacity to serve the South East, (1993) ii) The Future Development of Air Transport in the UK South East (DfT, 2002) iii) Sir Howard Davies’ Airports Commission Interim Report of 2013 iv) Sir Howard Davies’ Airports Commission Final Report of 2015 v) House of Commons Briefing Paper of June 2018 which all came to the same conclusion that Manston airport was not (and is not) suitable as a major airport based upon the geography of Manston airport site, proximity to Ramsgate Town and distances from major sources of demand. These geography, proximity to Ramsgate and distances from major sources of demand have not changed.

		<p>Streets and town centres in 2030 Eleventh Report of Session 2017-19 concludes that “high streets and town centres will survive, and thrive, in 2030 if they adapt, becoming activity-based community gathering places where retail is a smaller part of a wider range of uses and activities. Green space, leisure, arts and culture and health and social care services must combine with housing to create a space that is the “intersection of human life and activity” based primarily on social interactions rather than financial transactions. Individual areas will need to identify the mix that best suits their specific characteristics, local strengths, culture and heritage. Fundamentally, community must be at the heart of all high streets and town centres in 2030²⁶”.</p> <p>E. Ramsgate Town Centre is characterised as “living town centre” with much charm²⁷ heritage, green spaces and named in a top ten of the most beautiful towns and cities of England in 2018. The town centre is predominately pedestrianised and is busy all year round. It is detailed in REP3-056 at Section 13 (A-G), REP2-013 Section 5, and REP 1-019 titled The Town of Ramsgate as well as representations from Ramsgate Town Council REP1-035 particularly Sections on The Impact on The Local Economy of Ramsgate and Social Cohesion and representation by Ramsgate Neighborhood Plan REP3-075 as very positively in many other representations well as many others.</p> <p>F. Due to the orientation of the runway over Ramsgate Town Centre and its close proximity to the runway the proposed development will result in low-flying planes at about 400-500 feet above Ramsgate Town Centre. This will have a negative impact on the town centre. This impact can be evidenced by the sheer amount of inward mostly private investment (circa £40+million) and change in Ramsgate town since the closure of the airport²⁸ and as stated by the Ramsgate</p>
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²⁶ Ordered by the House of Commons to be printed 13 February 2019, House of Commons Housing, Communities and Local Government Committee, High Streets and town centres in 2030 Eleventh Report of Session 2017-19 (**Appendices G1- 011**) Page 19

²⁷ Historic England Urban Panel Report:Ramsgate 28-29 September 2016, Page 16, Paragraph 7.1 (**Appendices G1- 012**)

²⁸ **REP3-056** Sections Examples of Inward Investment since the Airport Closed in May 2014, Tourism, House Prices pages 2-5

		<p>Coastal Community Team “Since the closure of the airport, there have been signs of improvement in the town²⁹.”</p> <p>G. The National Infrastructure Commission objectives are to: support sustainable economic growth across all regions of the UK, improve competitiveness and improve quality of life.</p> <p>H. Applicant states its proposal is for “350,000 tonnes of air freight and 1.5 million passengers a year³⁰”. To put this into context East Midland Airport is currently “the UK’s largest pure cargo freight airport, handling 324,216 tonnes³¹” (ie: Applicant is proposing to handle more freight than East Midlands Airport). As such it must be held to the same standard as East Midlands Airport.</p> <p>I. Consequently it is reasonable to look to East Midlands Airport as an example to assess what infrastructure and land would be required to handle and meet Applicant’s forecast of 350,000 tonnes of freight³².</p> <p>J. The operational area of East Midland Airport was 445 Ha in 2014³³ which is about 200% larger than the proposed development by Applicant.</p> <p>K. Currently, East Midlands is adding the SEGRO Logistics Park East Midlands Gateway (SLPEMG) which is a 700 acre (283 Ha) development with planning consent for up to 6,000,000 sq ft of logistics accommodation. The development incorporates a 50 acre (20 Ha) Strategic Rail</p>
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²⁹ RR-1625

³⁰ RiverOak Strategic Partners Deadline 3 Submission - Appendices to Answers to First Written Questions Appendix G.1.10 Bev Coupe CV January 2019 (REP3-187)

³¹ East Midlands Airport Noise Action Plan 2019-2023 (Appendices G1- 013)

³² RiverOak Strategic Partners Deadline 3 Submission - Appendices to Answers to First Written Questions Appendix G.1.10 Bev Coupe CV January 2019 (REP3-187)

³³ Cabinet, Leicester City Council -17 June 2014 East Midlands Airport Sustainable Development Plan - Consultation (Appendices G1 - 014)

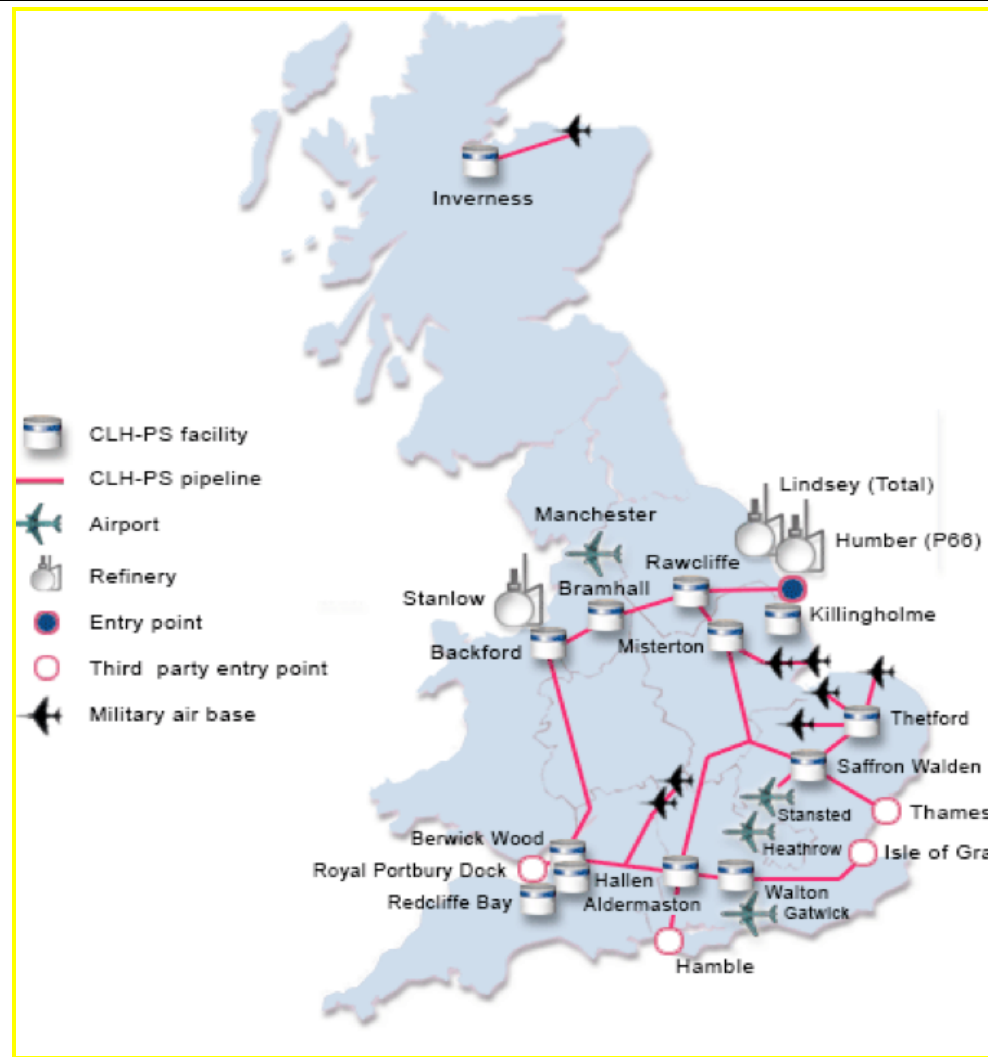
		<p>Freight Interchange (SRFI) which will include a rail freight terminal, capable of handling up to sixteen 775m freight trains per day, container storage and HGV parking³⁴.</p> <p>L. This is a further circa 500 Ha of employment land required for the proposed airport to be a sustainable development in an area that the Right Hon James Brokenshire Secretary of State for Housing, Communities and Local Government has identified as an area where:</p> <p>“There is a higher housing pressure: Thanet is within the top third of Districts in England for high housing pressure, based on average affordability ratios. Thanet lack of a five-year housing land supply further highlights the authority’s failure to plan for and deliver the homes people need³⁵” and has put on public record his concerns about “the low level of housing supply and delivery in Thanet. I expect planning decision-takers to have regard to these concerns as a material consideration when deciding local planning applications³⁶”.</p> <p>M. Fuel is transported via the UK pipeline network using the CLH Pipeline System. Below is a map of the fuel pipelines³⁷.</p>
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³⁴ East Midlands Gateway SRFI - Roxhill (**Appendices G1 - 015**)

³⁵ Letter of 28 January 2019 from Rt Hon James Brokenshire MP Secretary of State for Housing, Communities and Local Government to Councillor Bayford. (**Separate Document in Examination Library-Section G1-016_Appendices_ Secure Document**)

³⁶ Letter of 28 January 2019 from Rt Hon James Brokenshire MP Secretary of State for Housing, Communities and Local Government to Councillor Bayford. (**Separate Document in Examination Library-Section G1-016_Appendices_ Secure Document**)

³⁷ CLH Pipeline System (CLH-PS) (**Appendices G1- 017**)



Note the fuel pipeline or facility is on the Isle of Grain about one and half away by car from the proposed development.

N. **Setting** is defined in the **National Planning Policy Framework** as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the assets and its surroundings evolve. Elements of a setting may make a positive or negative contribution to to the

		<p>significance of the asset, may affect the ability to appreciate that significance or may be neutral³⁸.</p> <p>O. Ramsgate’s Royal Harbour the only Royal Harbour in the UK which the HE Colliers Report of October 2018 describes as “the defining visual and historical architectural feature of the town³⁹”</p> <p>P. “Development further afield may also affect significance, particularly where it is large scale, prominent or intrusive⁴⁰”.</p> <p>Q. In this instance, ‘large scale’ may reasonably include a development being examined as a Nationally Significant Infrastructure Project (NSIP) and ‘intrusive’ may reasonably include lowflying aircraft as a result of the “implications of development affecting the setting of heritage assets”⁴¹.</p> <p>R. “Evaluation may need to extend to cumulative and complex impacts which may have as great an effect on heritage assets as largescale development and which may not solely be visual”⁴²</p> <p>S. ‘... assessment should address the attributes of the proposed development in terms of its .. wider effects’⁴³”</p>
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³⁸ Annex 2: Glossary, [National Planning Policy Framework](#), Department for Communities and Local Government

³⁹ Creative Industries in Historic Buildings and Environments, Colliers, October 2018, pg. 76, para 3.7.1 (**Separate Document in Examination Library-Section G1-AA_COLLIERS P76**)

⁴⁰ Historic England (2017) The Setting of Heritage Assets- Historic Environment Good Practice Planning Note 3 (Second Edition) (**Separate Document in Examination Library-Section G1-BB_THE SETTING OF HERITAGE ASSETS**)
Page 5

⁴¹ Historic England (2017) The Setting of Heritage Assets- Historic Environment Good Practice Planning Note 3 (Second Edition) (**Separate Document in Examination Library-Section G1-BB_THE SETTING OF HERITAGE ASSETS**)
Page 8, para 17

⁴² Historic England (2017) The Setting of Heritage Assets- Historic Environment Good Practice Planning Note 3 (Second Edition) (**Separate Document in Examination Library-Section G1-BB_THE SETTING OF HERITAGE ASSETS**)
Page 12, para 32

⁴³ Historic England (2017) The Setting of Heritage Assets- Historic Environment Good Practice Planning Note 3 (Second Edition) (**Separate Document in Examination Library-Section G1-BB_THE SETTING OF HERITAGE ASSETS**)
Page 12, para 33

		<p>T. “Wider effects of the development (includes) Economic viability⁴⁴”</p> <p>U. ‘Cumulative and complex impacts’ and “wider effects” of a development may reasonably include low flying aircraft at 400ft 500ft above the conservation area and heritage assets as a result of the development.</p> <p>V. Views which contribute more to understanding the significance of a heritage asset include: Those with historical associations, including viewing points and the topography of battlefields⁴⁵.</p> <p>W. ‘Historical associations might also reasonably include the designation of Ramsgate as a Royal Harbour by King George IV in 1821 as well as its role in the ‘Little Ships’ evacuation of Dunkirk.</p> <p>X. “Those with cultural associations, including landscapes known historically for their picturesque and landscape beauty, those which became subjects for paintings of the English landscape tradition, and those views which have otherwise become historically cherished and protected⁴⁶”</p> <p>Y. “An assessment of the contribution to significance of a view does not depend alone on the significance of the heritage assets in the view but on the way the view allows that significance to be appreciated. The view may be part of a landscape, townscape or other design intended to allow a particular attribute of the asset to be enjoyed ... Composite or fortuitous views which are the cumulative results of a long history of development, particularly in towns and cities, may become cherished and may be celebrated in artistic representations⁴⁷”.</p>
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⁴⁴ Historic England (2017) The Setting of Heritage Assets- Historic Environment Good Practice Planning Note 3 (Second Edition) (**Separate Document in Examination Library-Section G1-BB_ THE SETTING OF HERITAGE ASSETS**)
Page 13

⁴⁵ Historic England (2017) The Setting of Heritage Assets- Historic Environment Good Practice Planning Note 3 (Second Edition) (**Separate Document in Examination Library-Section G1-BB_ THE SETTING OF HERITAGE ASSETS**)
Page 6 Paragraph 11

⁴⁶ Historic England (2017) The Setting of Heritage Assets- Historic Environment Good Practice Planning Note 3 (Second Edition) (**Separate Document in Examination Library-Section G1-BB_ THE SETTING OF HERITAGE ASSETS**)
Page 6 Paragraph 11

⁴⁷ Historic England (2017) The Setting of Heritage Assets- Historic Environment Good Practice Planning Note 3 (Second Edition) (**Separate Document in Examination Library-Section G1-BB_ THE SETTING OF HERITAGE ASSETS**)
Page 11 Paragraph 30

Z. Three of many examples: Thanet's skies minus aircraft are a key contributing factor to the setting of the HAZ, with JMW Turner immortalising them in numerous works in the English landscape tradition and famously writing 'the skies over Thanet are the loveliest in all Europe'. Ramsgate Sands, with the Eastcliff section of the conservation area, (which has hardly changed since the original painting) as a backdrop, are the subject of Frith's 'Life at the Seaside' in the Royal Collection and Royal Road, Ramsgate, is the subject of a pencil sketch by Van Gogh during his residency in the town in 1876.

AA. "A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it⁴⁸"

BB. "The way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration⁴⁹"

CC. "Need to consider the fact that **developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation⁵⁰**".

DD. The draft Local Plan at paragraph 2.4.1 has identified that the "regeneration of Ramsgate depends on the continued attractiveness of the Royal Harbour." Due to the orientation of the runway and its proximity to the Royal Harbour planes will be visible and noisy at around 600-700 feet over the Royal Harbour and flying down over Ramsgate town at around 400 feet or vice versa) this will without doubt negatively impact the sustainable economic growth of Ramsgate.

RESPECTFULLY REQUEST OF EXAMINING AUTHORITY

⁴⁸ Historic England (2017) The Setting of Heritage Assets- Historic Environment Good Practice Planning Note 3 (Second Edition) (**Separate Document in Examination Library-Section G1-BB_ THE SETTING OF HERITAGE ASSETS**) Page 2

⁴⁹ Ibid

⁵⁰ Historic England (2017) The Setting of Heritage Assets- Historic Environment Good Practice Planning Note 3 (Second Edition) (**Separate Document in Examination Library-Section G1-BB_ THE SETTING OF HERITAGE ASSETS**) Page 2

		<ol style="list-style-type: none"> 1. Applicant should evidence how the proposed development sits positively within the NPPF 2018, National Infrastructure Commission objectives and the most recent intervention letter from Secretary of State for Housing, Communities and Local Government. 2. Given that to achieve the forecasted 350,000 tonnes of airfreight⁵¹ the proposed development will require an additional circa 500 Ha of employment land in Manston⁵², I respectfully request the Examining Authority to determine how this proposed development is sustainable within Manston, particularly in light of the draft Local Plan, the amount of employment land available in Manston, the higher housing pressure in Thanet and recent intervention letter from Rt Hon James Brokenshire MP Secretary of State for Housing, Communities and Local Government to Councillor Bayford. 3. I respectfully request the Examining Authority to determine how this proposed development positively meets the NPPF 2018 particularly in relation to: <ol style="list-style-type: none"> (a) delivering a Sufficient Supply of Homes; (b) ensuring the Vitality of Town Centres (particularly given the recent House of Commons to be printed 13 February 2019, House of Commons Housing, Communities and Local Government Committee, High Streets and town centres in 2030 Eleventh Report of Session 2017-19 and Ramsgate Town's location directly under the flight path and with low-flying planes directly above); (c) Promoting Health and Safe Communities (particularly in light of concerns raised in REP1-019 titled A&E and Emergency Services and People of Ramsgate; REP2-013 at Sections 3.2 (III)(c-k),(s-gg)and 6; and REP3-056 Sections 10 (A-J), 11 (A-J) and 12 (A-F) as well as representations from Ramsgate Town Council REP1-035 and REP3-066 ;
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⁵¹ RiverOak Strategic Partners Deadline 3 Submission - Appendices to Answers to First Written Questions Appendix G.1.10 Bev Coupe CV January 2019 (**REP3-187**)

⁵² Evidenced at Pages 24 and 25 above

		<p>(d) Promoting Sustainable Transport (particularly given Applicant sole dependency on road infrastructure for passengers, workers, road haulage and fuel tankers, negative impact on quality walking and cycling facilities (since the airport closed, Ramsgate is part of the 28-mile circular Viking Coastal Trail (one of the most attractive cycle routes in Kent), voted in top 100 ITV British Walks (2018), Active Ramsgate was awarded Gold (2017) and awarded by Explore Kent the first We Love Cyclists and Walkers accreditation status in 2016), Applicant development will increase of number and length of journeys needed for employment and education viewed against the high cost of rail and bus travel on Thanet and Kent, the removal of the general aviation airfield (Applicant at APP-076 page 60 state “[Applicant] cannot guarantee the inclusion of a flying school at the site because its priority is the provision of a successful cargo airport, but will consider such ancillary uses once the airport is established” and at APP-076 page 507 states “[A flying school] is unlikely to be compatible with a busy freight airport), Applicant will risk efficient delivery of mail and emergency services and lack of charge plug-in and other ultra-low emission vehicles).</p> <p>(e) making Effective Use of Land (particularly given Thanet District Council’s commissioned reports on the Commercial Viability of Manston Airport which confirmed that “AviaSolutions concludes that airport operations at Manston are very unlikely to be financially viable in the longer term, and almost certainly not possible in the period to 2031⁵³” as well as recent reports from York Aviation and Altitude Aviation Advisory Limited in February 2019);</p> <p>(f) Achieving Well-Designed Places (please see G1.11 below for some design timelines which Applicant proposes to be post-DCO and not part of the application);</p> <p>(h) Meeting the Challenge of Climate Change, Flooding and Coastal Change;</p> <p>(i) Conserving and Enhancing the Natural Environment; and</p> <p>(j) Conserving and Enhancing the Historic Environment (particularly in light of significant concerns raised by Historic England, Kent County Council, Thanet District</p>
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⁵³ REP3-064 Paragraph 2.5

		<p>Council, Ramsgate Society REP3-008, Ramsgate Heritage and Design Forum REP3-017, paragraphs 3.1-3.6, REP3-056 pages 1-3, and Section 16, RR-1754 Section 9 and compatibility with draft Local Plan SP09 and Policy SP33 at Paragraphs 4.83 and 4.86 of Thanet's draft Local Plan which lists for example: A designated Registered Park and Garden, Albion Place Gardens in Ramsgate, The presence of significant historical technical innovation - Albion Place Garden Grade II, A number of highly significant Grade I, or II* listed buildings including St Augustine's and Sir Moses Montefiore Synagogue in Ramsgate, The Grange (Ramsgate) the first modern house and Grade I listed designed and lived in by Augustus Pugin who designed the interiors of the Houses of Parliament, Ramsgate Royal Harbour, designated in 1821, has a number of Grade II and Grade II* listed buildings and structures ranging from the Customs House and Clock tower, harbour inner basin walls and Jacob's Ladder to rare seaside structures such as the East Cliff lift. Ramsgate, has also, been home to the romantic poet Samuel Taylor Coleridge, Vincent Van Gogh, Wilkie Collins etc and the subject of great painters including Joseph Tissot, JM Turner and William Powell Frith's Ramsgate Sands held in the Royal Collection Trust).</p> <p>4. Applicant should evidence how it has met Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990⁵⁴ and Section 66(1) of the 1990 Act⁵⁵ as well as relevant case law Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council and Others CA Feb 2014.⁵⁶</p> <p>5. Applicant should provide an assessment of the impact on setting in relation to such heritage assets in Ramsgate including (but means not limited to) A designated Registered Park and Garden, Albion Place Gardens in Ramsgate, The presence of significant historical technical</p>
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⁵⁴ PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 **Separate Document in Examination Library-Section G1-CC_PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

⁵⁵ Ibid

⁵⁶ Weekly Law Reports (ICLR)/2015/Volume 1 /*East Northamptonshire District Council and others v Secretary of State for Communities and Local Government and another - [2015] 1 WLR 45 (**Appendices G1- 018**)

		<p>innovation Albion Place Garden Grade II, A number of highly significant Grade I, or II* listed buildings including St Augustine's and Sir Moses Montefiore Synagogue in Ramsgate, Ellington Park, The Grange (Ramsgate) the first modern house and Grade I listed designed and lived in by Augustus Pugin who designed the interiors of the Houses of Parliament, Ramsgate Royal Harbour, designated in 1821, has a number of Grade II and Grade II* listed buildings and structures ranging from the Customs House and Clock tower, harbour inner basin walls and Jacob's Ladder to rare seaside structures such as the East Cliff lift. Ramsgate, has also, been home to the romantic poet Samuel Taylor Coleridge, Vincent Van Gogh, Wilkie Collins etc and the subject of great painters including Joseph Tissot, JM Turner and William Powell Frith's Ramsgate Sands held in the Royal Collection Trust.</p> <p>6. Given that Ramsgate has been “assessed at risk by the Council and Historic England⁵⁷” - Applicant should provide an assessment of the impact on setting in relation to the largest conservation area⁵⁸ in Kent; Ramsgate.</p> <p>7. Applicant should evidence how it proposes to house airport workers given its employment forecasts which have not been factored into housing requirements until 2031 and Thanet's higher housing pressure.</p> <p>8. Applicant should evidence how cost of public transport is not a time and economic barrier for employees and passengers. Particularly in light of cutbacks to bus services in Thanet, the fact that public transport costs in Thanet are relatively high in relation to the National Living Wage £8.21 and Minimum Wage £7.83. As detailed at APP-060 buses are usually only one an hour with limited locations often requiring change of bus and do not run on a regular basis or on a 24 hour basis. For example cost of single way daily travel from would in many cases essentially cost an employee about two hours of pay from their salary and add about two hours of commuting to their work day:</p>
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⁵⁷ Creative Industries in Historic Buildings and Environments, Colliers, October 2018, pg. 76, para 3.7.1(**Appendices LV-003**)

⁵⁸ Thanet District Council Map of the Conservation Area of Ramsgate **Separate Document in Examination Library-Section G1-DD_RAMSGATE CONSERVATION AREA)**

		<p>Anywhere in Ramsgate on Loop bus from £2.70 (single); Ramsgate station to Margate bus from £2.70 around 45/60 minute bus journey time⁵⁹; Ramsgate station to Margate total from £7.30 (£4.30 (train⁶⁰) plus £3 (bus)) ; Ramsgate station to Canterbury bus from £5.70 around 45/60 minute journey time⁶¹; Ramsgate station to Dover total from £13.70 (£10.70 (train⁶²) plus £3 (bus)) ; Ramsgate station to Birchington-on-sea bus from £2.20 around 45/60 minute bus journey time⁶³; Ramsgate station to St Nicholas at Ware bus from £5.40 around 45/60 minute bus journey time⁶⁴ Ramsgate station to Herne Bay bus from £6.80 over 60+ minute bus journey time⁶⁵.</p> <p>9. I respectfully request the Examining Authority to determine how this proposed development is sustainable within Manston given that the:</p> <ul style="list-style-type: none"> (a) proposed development is not located close to other major employers in the locality such as a M&S Distribution Centre, (b) proposed development is not located close to a Strategic Rail Freight Interchange, (c) proposed development is not located close to associated distribution centres, (d) proposed development is not located close to adequate public transport for use by passengers or employees. It is important to note that even if the aspirational railway station Thanet Parkway station is built, Applicant has stated in Appendix M (Public Rights
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⁵⁹ Stagecoach bus timetable and ticket costs (**Appendix G1-019**)

⁶⁰<https://www.thetrainline.com/book/results?origin=60df6013184756a9d76e216338139e88&destination=e5ce1711abcb11e1cbe16f2b48394ceb&outwardDate=2019-03-04T08%3A00%3A00&outwardDateType=departAfter&journeySearchType=openReturn&passengers%5B%5D=1989-03-04&selectedOutward=9qCVr%2FHnls0%3D%3AAIX3GGhNE%2Bs%3D>

⁶¹ Stagecoach bus timetable and ticket costs (**Appendix G1-020**)

⁶²<https://www.thetrainline.com/book/results?origin=60df6013184756a9d76e216338139e88&destination=e5ce1711abcb11e1cbe16f2b48394ceb&outwardDate=2019-03-04T08%3A00%3A00&outwardDateType=departAfter&journeySearchType=openReturn&passengers%5B%5D=1989-03-04&selectedOutward=9qCVr%2FHnls0%3D%3AAIX3GGhNE%2Bs%3D>

⁶³ Stagecoach bus timetable and ticket costs (**Appendix G1-021**)

⁶⁴ Stagecoach bus timetable and ticket costs (**Appendix G1-022**)

⁶⁵ Stagecoach bus timetable and ticket costs (**Appendix G1-023**)

		<p>of Way Management Plan) (document reference TR020002/APP/5.2-25) a sustainable pedestrian route to this proposed station could not be implemented⁶⁶.</p> <p>(e) road cargo traffic (HGV traffic) will be a relatively large proportion of overall traffic on the local road system,</p> <p>(f) fuel of all planes must be transported by road using fuel tankers,</p> <p>(g) proximity to Eurotunnel;</p> <p>(h) small passenger catchment area;</p> <p>(i) proximity to Lydd Airport (which is expanding);</p> <p>(j) proximity to Eurostar with 8 direct European destinations and connecting destination in France, Belgium, Netherlands and Germany; and</p> <p>(k) that the proposed airport will consume a lot of energy.</p>
G.1.9	<p>The Applicant</p> <p>Stone Hill Park Ltd</p> <p>TDC</p>	<p>Stone Hill Park Ltd (RR-1601] planning application to TDC</p> <p>Manston Airport is being promoted for redevelopment for housing and mixed use scheme.</p> <p>What is the current status of this proposal?</p>

⁶⁶ APP-075 Page 81 and APP-071 Appendix M

		<p>Applicant's Response:</p> <p>There are currently two live planning applications by Stone Hill Park Limited (SHP) for redevelopment of the Manston Airport site for a new mixed-use settlement as described in paragraphs 2.20 to 2.30 of the DCO Planning Statement (APP-080).</p> <p>Hybrid Planning Application TDC reference OL/TH/16/0550 submitted 31st May 2016</p> <p>A decision is still pending on this application which was for the comprehensive redevelopment of the Manston Airport site to create a new, mixed-use settlement comprising up to 2,500 new homes; an advanced manufacturing focused business park with some distribution/storage and office space; large scale – indoor and outdoor – sports and recreational facilities with the former runway becoming part of a network of parkland, trails and outdoor space; and a new heritage hub which will accommodate the Spitfire and Hurricane Memorial Museum and RAF Museum.</p> <p>The determination date for the application was October 2016 (2 years and 4 months ago). Certain additional information was requested by TDC after the application was submitted but before the determination date to allow it to determine the application. To date SHP has not provided the environmental information that was requested by TDC. This was information that SHP admitted that they had not provided at the time the application was submitted (transport, archaeology, ecology and contamination information). This is acknowledged in references made in the application documents where SHP commit to</p>
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Ref No.	Respondent	Question
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	<p>providing further information after submission of the application. TDC did not issue a Regulation 25 request for the 'missing' environmental information under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs 2017).</p> <p>The Applicant wrote to TDC on 31st May 2018 and recommended that they treat the application as being 'finally disposed of' (Article 40 of the General Development Procedure Order 2015) and recommended that the application should be removed from TDC's Planning Register. To date, no response has been received by TDC further to this recommendation.</p> <p>This application has not been formally replaced by planning application OL/TH/18/0660 (see below).</p> <p>Hybrid Planning Application TDC reference OL/TH/18/0660 submitted 4th May 2018</p> <p>A decision on this planning application is pending. The application also proposes the comprehensive redevelopment of the Manston Airport site for a mixed-use settlement but with a revised proposal from that presented in the 2016 application. Planning application OL/TH/18/0660 proposes a higher number of housing units (up to 3,700 new residential dwellings). The full description of the development is set out in paragraphs 2.27 and 2.28 of the Planning Statement (APP-080). The expiry date for a decision on the application was 15th August 2018.</p> <p>TDC confirmed in an email to the Applicant dated 15th August 2018 that they had requested further environmental information to be submitted by SHP in response to several matters raised by consultees. TDC confirmed that this information would require an addendum to the Environmental Statement. TDC has not made a formal request for this information under Regulation 25 of EIA Regs 2017 (as amended). SHP confirmed that this information would be submitted by the end of October 2018 but as far as the Applicant is aware it still has not been submitted, certainly it is not available on the TDC planning register. TDC extended the deadline for determination firstly until 31st December 2018 to accommodate the request for additional information but given that no information was submitted by this date, TDC has extended the deadline for a second time until 31st March 2019. Despite a Freedom of Information (FOI) request made by a member of the public on 3rd September 2018 (see Appendix G.1.9 in TR020002/D3/FWQ/Appendices), no information has been supplied by TDC as to what information has been requested from SHP. Regulation 20 request was not made.</p>
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Ref No.	Respondent	Question				
		<p>The 2018 application, much like the 2016 application, has attracted significant objections including some from statutory consultees who do not believe that their original objections to the 2016 application have been addressed. The planning application continues to represent a departure from the Development Plan.</p> <p>It is important to point out that in agreeing numerous extensions to the deadline for determining their application, SHP are relinquishing their right to appeal on the grounds of non-determination each time the deadline is extended. Bearing this in ⁶⁷mind and the fact that SHP continually fail to provide the additional information asked of them (and that this has been the case across two separate planning applications), it puts into question the seriousness of the SHP’s intentions.</p>				
G.1.10	The Applicant	<p>Detailed CVs</p> <p>We note that brief resumes have been provided as a preamble to Chapter 1 of the ES [APP-033] as evidence of “Competent Experts”.</p> <p>Can the Applicant provide detailed CVs of the principal author of each assessment chapter in the ES (APP-033 to 036] and of the principal author of the rest of the ES and also the Azimuth Report?</p> <hr/> <p>Applicant’s Response:</p> <p>Detailed CVs for the principal authors of each chapter of the Environmental Statement are provided in Appendix G.1.10 in TR020002/D3/FWQ/Appendices. The authors’ CVs and the relevant chapters are shown in Table 1. The CV for the author of the Azimuth Report is also attached.</p> <p><u>Table 1 - Environmental Statement principal authors of chapters</u></p> <table border="1" data-bbox="622 1257 1823 1362"> <thead> <tr> <th data-bbox="622 1257 1223 1362">Author</th> <th data-bbox="1223 1257 1823 1362">Chapter</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Author	Chapter		
Author	Chapter					

Ref No.	Respondent	Question	
		<p>Nick Hilton</p>	<p>Overseeing authorship of the ES including:</p> <p>Chapter 1 Introduction (APP-033)</p> <p>Chapter 2 The Need for the Proposed Development and the Alternatives Considered to Date (APP-033)</p> <p>Chapter 3 Description of the Proposed Development (APP-033)</p> <p>Chapter 4 Planning Policy Context (APP-033)</p> <p>Chapter 5 Approach to the Environmental Statement (APP-033)</p> <p>Non-Technical Summary (APP-032)</p> <p>Construction Environmental Management Plan (APP-011)</p>
		<p>Martin Peirce</p>	<p>Chapter 6 Air Quality (APP-033) and any associated appendices</p>
		<p>Mark Linsley</p>	<p>Chapter 7 Biodiversity (APP-033) and any associated appendices (other than Appendix 7.1)</p>

Ref No.	Respondent	Question	
		Mike Raven	Appendix 7.1 (APP-044)
		Liz Buchanan	Chapter 8 Freshwater Environment (APP-033) and any associated appendices (other than Appendices 8.1 and 8.2)
		Tim Haines	Appendix 8.1 (APP-046 – APP-047)
		Ben Fretwell	Appendix 8.2 (APP-048)
		John Mabbitt	Chapter 9 Historic Environment (APP-033) and any associated appendices
		Barry Mitcheson	Chapter 10 Land Quality (APP-033) and any associated appendices
		Ian Gates	Chapter 11 Landscape and Visual (APP-034) and any associated appendices
		Steve Wright	Chapter 11 Landscape and Visual (APP-034) and any associated appendices

Ref No.	Respondent	Question	
		Oliver Bewes and John Cookson	Chapter 12 Noise and Vibration (APP-034) and any associated appendices
		Colin Carter	Chapter 13 Socio-Economics (APP-034) and any associated appendices
		Bev Coupe and Glyn Price	Chapter 14 Traffic and Transport (APP-034) and any associated appendices
		Andrew Buroni	Chapter 15 Health and Wellbeing (APP-034) and any associated appendices
		Christopher Harris	Chapter 16 Climate Change (APP-034) and any associated appendices
		Kate Duff	Chapter 17 Major Accidents and Disasters (APP-035) and any associated appendices
		Emma North and Nick Hilton	Chapter 18 Cumulative Effects (APP-035) and any associated appendices
		<p>COMMENT</p> <p>A. The Consultation Report (APP-075) clearly states that a statutory consultation, Stage 3, (Full s.42, s.47 and s.48 consultation was conducted, 12 January -16 February 2018 (with some</p>	

		<p>given 9 March deadline)⁶⁸.</p> <p>B. However, Nick Hilton, Technical Director - EIA Lead/ Project Director who “oversaw the authorship of the ES” states in his submitted January 2019 CV within the Project Highlights Section that:</p> <p>“Following a second round of PEIR consultation in late 2017 the ES was completed in 2018 with the DCO application being submitted shortly afterwards⁶⁹.</p> <p>C. Further, Steve Wright, Associate Director, Landscape states in the Experience Section of his CV that he “coordinated landscape and visual inputs to Stage 1 and 2 Consultation PEIRs and ES LVIA to support a DCO Submission⁷⁰”.</p> <p>D. This evidence submitted by Applicant means that Nick Hilton, EIA Lead/ Project Director who “oversaw the authorship of the ES” and Steve Wright, Landscape, did not complete the ES after Stage 3. The Stage 3 Consultation with Statutory Consultees was to amongst many other things comply with the 2017 Environmental Impact Assessment regulations, consult specifically on proposals to mitigate aircraft noise and to target properties under the proposed flightpath swathes⁷¹.</p> <p>E. In addition, although Andrew Buroni is listed as the author of Chapter 15 Health and Wellbeing above, his CV submitted as part of REP3-187 is undated⁷² and although it confirms his work with a number of airports it makes no mention of Manston in any regard. It is not listed on his LinkedIn page either⁷³.</p>
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⁶⁸ APP-075 at Section 1.9

⁶⁹ RiverOak Strategic Partners Deadline 3 Submission - Appendices to Answers to First Written Questions Appendix G.1.10 Nick Hilton CV January 2019 (REP3-187)

⁷⁰ RiverOak Strategic Partners Deadline 3 Submission - Appendices to Answers to First Written Questions Appendix G.1.10 Steve Wright CV January 2019 (REP3-187)

⁷¹ APP-075 at Section 1.18

⁷² RiverOak Strategic Partners Deadline 3 Submission - Appendices to Answers to First Written Questions Appendix G.1.10 Andrew Buroni CV undated (REP3-187)

⁷³ Andrew Buroni (Health and Wellbeing) LinkedIn page of 3 March 2019 (Appendices G1- 024)

		<p>F. It is unclear as to the extent of Andrew Buroni, Health and Well-being, involvement in the ES.</p> <p>G. There is no author given for the Noise Mitigation Plan (APP-009) and it has not been evidenced above as to who authored it and their area of expertise.</p> <p>H. The work done and presented in every chapter of the Environmental Statement is based upon Azimuth Report Volumes 1 to 4 (Volume 1 prepared and produced by Sally Dixon) (Volume II prepared and produced by Sally Dixon) (Volume III prepared and produced by Sally Dixon) and (Volume IV prepared and produced by Sally Dixon) together known as the Azimuth Report. Essentially the Azimuth Report is the foundation of all other works done by Applicant.</p> <p>I. Consequently the integrity, impartiality and veracity of the Azimuth Report is of critical importance and underpins all reports submitted by Applicant for its DCO application and consultations.</p> <p>J. If Azimuth Report is found wanting it would necessarily follow that all Applicant reports including but not limited to APP-033 to -074 and APP-009 are unsound and cannot be relied upon.</p> <p>K. Sally Dixon clearly states at the beginning of each volume of the Azimuth Report that she is an “independent aviation and business research consultant⁷⁴.”</p> <p>L. Sally Dixon’s submitted CV states that for the past 3 years her only client has been Applicant⁷⁵ save for lecturing at Cranfield University. However, Sally Dixon is not listed as a lecturer at Cranfield University⁷⁶</p> <p>M. Sally Dixon’s CV lists 6 projects working for Applicant⁷⁷ after leaving Planestation plc in 2002 save for 1 month in April 2016⁷⁸.</p> <p>N. From the evidence submitted in REP3-187 Sally Dixon is economically dependent upon</p>
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⁷⁴ Azimuth Report, Volume I, Volume II, Volume III, Volume IV (**APP-085**)

⁷⁵ RiverOak Strategic Partners Deadline 3 Submission - Appendices to Answers to First Written Questions Appendix G.1.10 Sally Dixon (**REP3-187**)

⁷⁶ Screenshot of Search for Sally Dixon within Cranfield University’s People Finder (**Appendices G1 - 025**)

⁷⁷ RiverOak Strategic Partners Deadline 3 Submission - Appendices to Answers to First Written Questions Appendix G.1.10 Sally Dixon (**REP3-187**)

⁷⁸ Sally Dixon LinkedIn CV of 18 January 2019 (**Appendices G1 - 026**) and top right link on Sally Dixon (**REP3-187**)

		<p>Applicant.</p> <p>O. Sally Dixon put in an Interested Person representation strongly in support of the Applicant at RR-049.</p> <p>P. Sally Dixon's LinkedIn CV of 18 January 2019⁷⁹ differs to the one furnished to the Examining Authority particularly with regard to her aviation experience.</p> <p>Q. Sally Dixon CV of 18 January 2019 states that during the period 2000-2002: Sally Dixon was heavily involved in master planning for Kent International Airport⁸⁰, (known as Manston Airport) and wrote business plans for all airports in the PlaneStation network⁸¹ and was responsible for the strategy for e-business for Wiggins and PlaneStation airports⁸². This is her sole practical aviation experience nearly 20 years ago.</p> <p>R. Mr Tony Freudmann (director of Applicant) oversaw Manston's transfer from an RAF base to a commercial operation. He was Senior Vice President of Wiggins Group between 1994 and 2005. He was 'let go' by Wiggins in February 2005. He [was] the spokesman for the RiverOak consortium⁸³ and a is now a director of the Applicant⁸⁴.</p> <p>S. Sally Dixon and Anthony Freudmann worked at Wiggins and PlaneStation together. Sally Dixon and Anthony Freudmann worked together on Kent International Airport acquisition and in relation to business plans for all airports in the PlaneStation network⁸⁵.</p> <p>T. In 1998 Wiggins Group acquired Manston Airport for £4.75 million. Its company accounts show</p>
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⁷⁹ Sally Dixon LinkedIn CV of 18 January 2019 (**Appendices G1 - 026**)

⁸⁰ Sally Dixon LinkedIn CV of 18 January 2019 (**Appendices G1 - 026**)

⁸¹ Sally Dixon LinkedIn CV of 18 January 2019 (**Appendices G1 - 026**)

⁸² Sally Dixon LinkedIn CV of 18 January 2019 (**Appendices G1 - 026**)

⁸³ Kent County Council (March 2015) Position Statement Manston Airport under private ownership: The story to date and the future prospects Page 4 (**Appendices G1- 027**)

⁸⁴ Kent County Council (March 2015) Position Statement Manston Airport under private ownership: The story to date and the future prospects Page 4 (**Appendices G1- 027**)

⁸⁵ Kent County Council (March 2015) Position Statement Manston Airport under private ownership: The story to date and the future prospects Page 4 (**Appendices G1- 027**)

		<p>that between 1999 and 2002 the company reported losses of £8.6 million, with a further loss of around £2 million reported over the next two years⁸⁶.</p> <p>U. In January 2004 Wiggins Group renamed itself Planestation and later that year Planestation bought 30 per cent of airline company EUJet⁸⁷.</p> <p>V. In September 2004 EUJet operated flights to destinations across Europe. That year Planestation's losses were £73 million and the company had to borrow £46 million at an interest rate of 28%. In December Planestation bought the remaining 78 per cent of EUJet⁸⁸.</p> <p>W. In its busiest month in early 2005 the airport carried 62,709 passengers. EUJet's aim had been to handle over 750,000 passengers per annum but the company became insolvent and went into administration⁸⁹.</p> <p>X. In July 2005 all EUJet operations were suspended along with all non-freight operations⁹⁰.</p> <p>Y. The Wiggins Group and Planestation failed in their ambition for Manston to become a successful international airport; but even then, more than [14] years ago, they also had ambitions for property development on the airport site, in collaboration with property developers MEPC plc⁹¹.</p> <p>Z. After Sally's time at Wiggins Group and Planestation Sally set herself up as a sole trader known</p>
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⁸⁶ Kent County Council (March 2015) Position Statement Manston Airport under private ownership: The story to date and the future prospects Page 4 (**Appendices G1- 027**)

⁸⁷ Kent County Council (March 2015) Position Statement Manston Airport under private ownership: The story to date and the future prospects Page 4 (**Appendices G1- 027**)

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⁹⁰ Kent County Council (March 2015) Position Statement Manston Airport under private ownership: The story to date and the future prospects Page 4 (**Appendices G1- 027**)

⁹¹ Kent County Council (March 2015) Position Statement Manston Airport under private ownership: The story to date and the future prospects Page 4 (**Appendices G1- 027**)

		<p>as Azimuth Associates and worked for 12 years mostly in property development, lettings and block management until 2014⁹².</p> <p>AA. Aside from her aviation experience of just 2 years at Wiggins/Planestation nearly 20 years ago. Sally Dixon's aviation expertise is theoretical and is in how airport managers take account of stakeholder opinion in their master planning - this was the basis of her PhD thesis.</p> <p>BB. Sally Dixon has one publication to her name - Managing the Mater Planning Process: How Do Airport Managers Incorporate Stakeholder Contribution in Their Final Master Plans? PhD Thesis 2014⁹³ as well as Azimuth Report.</p> <p>CC. REP3-223 at Paragraphs 5-10 clearly evidences how Sally Dixon's thesis work has been used by her and Applicant to provide a clear strategy to exert and influence power to promote an airport development agenda and constrain open decision making and discussion.</p> <p>DD. In commissioning Sally Dixon, Applicant has prioritised managing stakeholder opinion over developing a robust business model and need case; and acquired a ready-made strategy for achieving this aim.</p> <p>EE. Sally Dixon Linkedin CV of 18 January 2019 states that for a period of only 6 months during her PhD studies (Jul-December 2015) "Sally developed Ricardo's aviation business and provided cutting edge expertise"⁹⁴.</p> <p>FF. This has now been augmented since a month ago to state in the CV submitted to the Examining Authority that Sally Dixon was a:</p> <p>"Principal Aviation Consultant Ricardo AEA Ltd. 2015 Providing expertise in the economic and social impacts of aviation, airport business and master planning, and in stakeholder involvement</p>
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⁹² RiverOak Strategic Partners Deadline 3 Submission - Appendices to Answers to First Written Questions Appendix G.1.10 Sally Dixon **(REP3-187)**

⁹³ RiverOak Strategic Partners Deadline 3 Submission - Appendices to Answers to First Written Questions Appendix G.1.10 **(REP3-187)**

⁹⁴ Kent County Council (March 2015) Position Statement Manston Airport under private ownership: The story to date and the future prospects

		<p>in decision-making. Developing Ricardo's aviation offering and promoting aviation services at technical meetings and in academic and trade papers. Sally was instrumental in winning high value work from the EU and British Government⁹⁵.</p> <p>GG. Ricardo prepared a report for Thanet District Council on behalf of Canterbury City Council known as Manston Airport NSIP Application: Pre application Responses Technical Note Noise and Vibration. It has been submitted as part of Canterbury City Council's Local Impact Report (REP3-246). We believe that Sally's LinkedIn CV of 18 January 2019 is a more accurate statement of her work with Ricardo as merely a student; nevertheless, as Sally has now elevated her role within Ricardo to one of significant government influence "winning high value from EU and British Government" in this BREXIT climate we ask if this conflict of interest was declared to Thanet District Council prior to them commissioning Ricardo.</p> <p>HH. Sally Dixon states in her RR-0496 that in aviation historic data is not a good indicator of future performance⁹⁶.</p> <p>II. This is a very odd statement particularly from the author of the report presenting the case for a NSIP. A NSIP is based on identifying/ recognising a need of national importance where forecasts can only be based on current and historic data. Anything other than this is pure speculation which is not a NSIP.</p> <p>JJ. Sally Dixon states in her RR-0496 as an example to support her argument that in aviation historic data is not a good indicator of future performance that in the mid to late 1990's she was involved in forecasting the impact of e-commerce on industry and that "using past data was simply not viable and only inexperienced or foolhardy practitioners would attempt a straight-line regression in these situations⁹⁷.</p> <p>KK. Given that unlike Sally Dixon, practitioners like the Economist Intelligence Unit did in fact forecast the impact of e-commerce on industry in the mid to late 1990's for example reporting at the time that "[Bookseller] Amazon.com has found over time people become more</p>
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⁹⁵ RiverOak Strategic Partners Deadline 3 Submission - Appendices to Answers to First Written Questions Appendix G.1.10 Sally Dixon (**REP3-187**)

⁹⁶ Sally Dixon Interested Person Relevant Representation **RR-0496**

⁹⁷ Sally Dixon Interested Person Relevant Representation **RR-0496**

comfortable with online transactions; the number of customers making online credit card payments has risen to 90% of total purchases from 50%. Clearly, Amazon has succeeded in building a reputation for reliability - 40% of orders are from repeat customers. This is an impressive figure, given that the Internet-based bookstore only stocked its virtual shelves in July 1995. It is one of the most successful retailers to date - with sales swelling more than 30% per month and reaching revenues of US\$30 million in its first year of operation⁹⁸.

LL. Volume II of the Azimuth Report uses source materials from Lab-Tools Ltd at Figures 13 and 14⁹⁹

MM. Lab-Tools Ltd put in an Interested Person Relevant Representation in support of the Applicant at RR-0997 and several representations to the DCO process at RR-0997, REP1-046 and REP3-132.

NN. One of the two directors of Lab-Tools Ltd is Dr John Beausire Wyatt Webber¹⁰⁰.

OO. Dr Beau Webber has put in a Interested Person Relevant Representation in support of Applicant at RR-0499.

PP. The said Dr Beau Webber is the chair of a facebook group Save Manston Airport association which put in a number of representations in support of the Applicant REP1-024, REP1-025, REP1-026, REP1-027, REP3-026, REP3-029, REP3-030, REP3-033, REP3-035, REP3-036, REP3-037, REP3-038, REP3-039, REP3-040, REP3-041, REP3-042, REP3-043, REP3-044, REP3-045, REP3-046, REP3-047, REP3-048, REP3-050, REP3-051, REP3-054, REP3-055, REP3-057, REP3-059, REP3-062.

RESPECTFULLY REQUEST OF EXAMINING AUTHORITY

1. Given the statements made by Nick Hilton and Steve Wright. Applicant should evidence that

⁹⁸ EIU (October 1996) Electronic Commerce: Asia's New Emerging Market Custom Publishing Report Page 1 (**Appendices G1- 028**)

⁹⁹ Azimuth Report Volume II Page 46 and 47 (**APP-085**)

¹⁰⁰ <https://beta.companieshouse.gov.uk/officers/qtetLzhm0-5maSCVJqPUBfS25H4/appointments> It is noted that Dr Beau Webber does not live in Thanet.

		<p>Nick Hilton, EIA Lead/ Project Director who “oversaw the authorship of the ES” and Steve Wright, Landscape, did complete the ES after Stage 3 Consultation that the ES was in fact amended in line with the comments made from s42, s.47 and s.28 consultees.</p> <ol style="list-style-type: none"> 2. If Applicant is unable to evidence the above, I respectfully request that Stage 3 Statutory Consultation is voided, recorded as such and reported that Applicant did not fulfil the requirement of Stage 3 statutory consultation. 3. Applicant should evidence the scope and extent of Andrew Buroni, Health and Well-being, involvement. 4. If Applicant is unable to evidence the above, I respectfully request that Chapter 15 (an associated appendices) is voided, recorded as such and reported that Applicant did not fulfil the requirement of Health Impact Assessment / Health and Well-being. 5. Applicant should evidence the start and end date of all individuals working on Applicant DCO and listed above at G 1.10 table. 6. Applicant should evidence the author of and methodology behind the Noise Mitigation Plan. 7. Applicant should evidence why it has not followed the regulatory regime and produced a Noise Action Plan. 8. Applicant has removed all RiverOak documents to do with the DCO from its website including but not limited to PEIR Volume I-XI 2018, Statement of Community Consultation, Azimuth Associates Volume I-III and An Introduction to Consultation 2018¹⁰¹. All other documents remain
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¹⁰¹ Example evidencing Applicant has removed all RiverOak Documents from its website (**Appendices G1 - 029**)

		<p>on their website. As you will be aware in order to obtain a paper copy of the PEIR one had to pay £500 consequently I do not have a copy of the PEIR. This makes it not possible to compare what was publicly available for the Consultation process against what was submitted as the Application. I received an email confirmation from Applicant which clearly states that: “The application documents are different from the 2018 consultation documents¹⁰²”.</p> <p>9. I would respectfully request that Applicant is formally asked by ExA to make publicly available these documents or to provide tracked changes. As you will recall at the Preliminary Meeting on 9 January 2019 there was much discussion about how circa 4,500 pages at Consultation became 11,000 pages at Examination.</p> <p>10. Given Sally Dixon’s long association dating back nearly 20 years with Anthony Freudmann (director of Applicant), her economic dependency on Applicant and her Relevant Representation in strong support of Applicant in her personal capacity; I respectfully request the Examining Authority to determine to what extent Sally Dixon can reasonably claim to be independent, impartial and not exhibit optimism bias.</p> <p>11. Given the failure of Manston Airport, Wiggins and Planestation in the sum of circa £86 million which culminated in insolvency and 5,000 EUJet passengers stranded abroad; I respectfully request the Examining Authority to determine to what extent Sally Dixon’s aviation and business research consultancy skills can reasonably be relied upon.</p> <p>12. Given Sally Dixon’s work experience at Ricardo on LinkedIn is substantially and significantly different to the work experience stated on her CV submitted to the Examining Authority¹⁰³ and in light of Ricardo’s recent reports for Thanet District Council; I respectfully request the Examining Authority to ask for confirmation from Ricardo of the nature of Sally Dixon’s work with them and</p>
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¹⁰² Email from Applicant to me 20 August 2018 (redacted) (**Appendices G1 - 030**)

¹⁰³ RiverOak Strategic Partners Deadline 3 Submission - Appendices to Answers to First Written Questions Appendix G.1.10 (**REP3-187**)

		<p>whether a conflict of interest exists.</p> <p>13. Given Sally Dixon's PhD and professional experience is not in dedicated and/or integrated and/or bellyhold air freight, capacity in UK, freight demand, freight and passenger forecasts, supply logistics, economic and social impacts of airport operations and/ or in economics. I respectfully request the Examining Authority to determine the extent to which Sally Dixon can reasonably be relied upon as an expert in dedicated and/or integrated and/or bellyhold air freight, capacity in UK, freight demand, supply logistics, freight and passenger forecasts, economic and social impacts of airport operations and/ or in economics.</p> <p>14. I respectfully request the Examining Authority to determine the extent to which Sally Dixon's statement "historic data is not a good indicator of future performance" can reasonably be relied upon.</p> <p>15. Given source material for Azimuth Report is from Lab-Tools Ltd and one of Lab-Tools Ltd directors is Dr Beau Webber (who is also the chair of the facebook group Save Manston Airport) whom is/are very supportive of Applicant; I respectfully request the Examining Authority to determine to what extent is Azimuth Report researched and evidenced from impartial and independent sourced material.</p>
G.1.11	The Applicant	Post-DCO process plans, systems and strategies

Ref No.	Respondent	Question												
		<p>The Applicant is committing to producing a number of plans, systems and strategies following the end of the DCO process.</p> <p>Can the Applicant provide a definitive list of all these documents and the proposed associated approval process?</p>												
		<p>Applicant's Response:</p> <p>The Register of Environmental Actions and Commitments (REAC) (APP-010) details a number of plans that will be prepared or finalised following the end of the Development Consent Order (DCO) process. Table 1 details the list of plans, the party responsible for approval and the requirement of the dDCO under which that approval is required.</p> <p>It should be noted that in all cases the Secretary of State is identified as the discharging body. The reason for this is that the breadth of the subject matter contained within these plans and strategies the discharging requirements are beyond the capacity of any individual local authority. However, in many instances the approval is subject to consultation with other bodies.</p> <p>Table 1 – Environmental Plans and Proposed Approval Process</p> <table border="1"> <thead> <tr> <th>Document name</th> <th>Reference location</th> <th>Timing</th> <th>Details</th> <th>Discharging body / Approval process</th> <th>Provision of dDCO requiring approval</th> </tr> </thead> <tbody> <tr> <td>Construction Environmental Management Plan (CEMP)</td> <td>APP-011 Referenced in APP-010</td> <td>Live Document. To be approved post grant of DCO</td> <td>The CEMP will be continually updated during the construction phase as contractors are appointed for each part etc.</td> <td>Secretary of State for Transport (SoS) in consultation (as appropriate) with Thanet District Council (TDC), Kent County Council (KCC), the Environment</td> <td>Requirement 6</td> </tr> </tbody> </table>	Document name	Reference location	Timing	Details	Discharging body / Approval process	Provision of dDCO requiring approval	Construction Environmental Management Plan (CEMP)	APP-011 Referenced in APP-010	Live Document. To be approved post grant of DCO	The CEMP will be continually updated during the construction phase as contractors are appointed for each part etc.	Secretary of State for Transport (SoS) in consultation (as appropriate) with Thanet District Council (TDC), Kent County Council (KCC), the Environment	Requirement 6
Document name	Reference location	Timing	Details	Discharging body / Approval process	Provision of dDCO requiring approval									
Construction Environmental Management Plan (CEMP)	APP-011 Referenced in APP-010	Live Document. To be approved post grant of DCO	The CEMP will be continually updated during the construction phase as contractors are appointed for each part etc.	Secretary of State for Transport (SoS) in consultation (as appropriate) with Thanet District Council (TDC), Kent County Council (KCC), the Environment	Requirement 6									

Ref No.	Respondent	Question						
						Agency, Southern Water, Historic England, Natural England, the Civil Aviation Authority (CAA), the Health and Safety Agency		
		Dust Management Plan (DMP)	Referenced in APP-010	To be approved post grant of DCO Part of CEMP approval	The DMP will be continually updated during the construction phase as contractors are appointed etc.	SoS in consultation with Thanet District Council (TDC)	Requirement 6	
		Mitigation and Habitat Creation Plan (MHCP)	Referenced in APP-010	To be finalised once DCO granted and surveys completed. Part of CEMP approval Part of ecological mitigation approval	A draft of the MHCP has been prepared but a revised version will be prepared at the end of the examination period, when the results of a number of additional ecological surveys will be available. The MCHP will be reviewed again when the full suite of	SoS in consultation with Natural England	Requirement 6 Requirement 8	

Ref No.	Respondent	Question						
					ecological surveys upon outcome of ecological surveys is known at the end of the examination period.			
		Spillage Environmental Response Plan / Environmental Spillage Plan	Referenced in APP-010	To be approved post grant of DCO Part of CEMP and Operation Environmental Management Plan (OEMP) approval	The plan will require detailed design (for example, of aircraft and fuel types) before it can be finalised.	SoS in consultation with Environment Agency and TDC	Requirement 6 Requirement 7	
		UXO Threat and Risk Assessment	Referenced in APP-010	To be approved post grant of DCO Part of CEMP approval	The unexploded ordnance risk assessment will be undertaken in a phased approach with assessment undertaken through site investigation.	SoS in consultation with TDC	Requirement 6	

Ref No.	Respondent	Question						
		Landscape Masterplan	Referenced in APP-010	To be approved post grant of DCO	The landscape masterplan requires detailed design and input from ecological surveys.	SoS in consultation with TDC	Requirement 10	
		Noise Mitigation Plan	APP-009 Referenced in APP-010	Finalised during DCO examination	The Noise Mitigation Plan (APP-009) will be reviewed through the DCO process with the aim of finalising.	SoS	Article 41	
		Noise and Vibration Management Plan	Referenced in APP-010	To be approved post grant of DCO Part of CEMP approval	Part of s61 consent to be obtained by the contractor prior to the commencement of construction.	SoS in consultation with TDC	Requirement 6	
		Construction Traffic Management Plan (inclusive of staff travel plan, traffic routing strategy)	Referenced in APP-010	To be approved post grant of DCO Part of CEMP approval	The CTMP will be continually updated during the construction phase as contractors are	SoS in consultation with Kent County Council (KCC)	Requirement 6	

Ref No.	Respondent	Question						
		and traffic timing strategy)			appointed etc. It needs agreement with KCC and will require updates following consulting with representatives.			
		Public Rights of Way (PRoW) Management Plan	Referenced in APP-010	To be approved post grant of DCO Part of CEMP approval	The PRoW management plan will be continually updated during the construction phase as contractors are appointed etc.	SoS in consultation with KCC.	Requirement 6	
		Construction Emergency Plan	Referenced in APP-010	To be approved post grant of DCO Part of CEMP approval	The Construction Emergency Plan requires detailed design information before it can be finalised.	SoS in consultation with TDC	Requirement 6	
		Site Waste Management Plan (SWMP)	Referenced in APP-010	To be approved post grant of DCO Part of CEMP and OEMP approval	The SWMP will be continually updated during the construction and operation of the airport.	SoS in consultation with TDC	Requirement 6 Requirement 7	

Ref No.	Respondent	Question						
		Construction Risk Assessment	Referenced in APP-010	To be approved post grant of DCO Part of CEMP approval	The Construction Risk Assessment will be updated as the construction process is ongoing.	SoS in consultation with TDC	Requirement 6	
		Carbon Minimisation Action Plan	Referenced in APP-010	To be approved post grant of DCO Part of OEMP approval	The Carbon Minimisation Action Plan can be produced now if needed.	SoS in consultation with TDC	Requirement 7	
		Operational Environmental Management Plan	Referenced in APP-010	To be approved post grant of DCO	The OEMP will be continually updated during the operational phase.	SoS in consultation (as appropriate) with Thanet District Council (TDC), Kent County Council, the Environment Agency, Southern Water, Historic England, Natural England, the Civil Aviation Authority, the Health and Safety Agency.	Requirement 7	

Ref No.	Respondent	Question						
		Operational Emergency Plan	Referenced in APP-010	To be approved post grant of DCO Part of OEMP approval.	Operational Emergency Plan requires detailed design information and will not be ready until the DCO is granted.	SoS in consultation with TDC	Requirement 7	
		Wildlife Hazard Management Plan	Referenced in APP-010	To be approved post grant of DCO Part of OEMP approval	The Wildlife Hazard Management Plan will be the responsibility of the Applicant to produce once the DCO is granted.	SoS in consultation with Natural England and the CAA.	Requirement 7	
		Habitat Management Plan	Referenced in APP-010	To be approved post grant of DCO Part of OEMP approval Part of ecological mitigation approval	The Habitat Management Plan will be the responsibility of the Applicant to produce once the DCO is granted.	SoS in consultation with Natural England	Requirement 7 Requirement 8	

Ref No.	Respondent	Question						
		Long Grass Policy	Referenced in APP-010	To be approved post grant of DCO Part of OEMP approval	Will be the responsibility of the Applicant to produce once the DCO is granted.	SoS in consultation with Natural England with TDC and CAA.	Requirement 7	
		Emergency Response and Post-Crash Management Plan	Referenced in APP-010	To be approved post grant of DCO Part of OEMP approval	Will be the responsibility of the Applicant to produce once the DCO is granted.	SoS in consultation with CAA, the Environment Agency and TDC	Requirement 7	
		Tree Survey and Protection Plans	Referenced in APP-010	To be approved post grant of DCO Part of CEMP approval	The Tree Survey and Protection Plans feeds into the design process (i.e. leading to detailed design). Responsibility of the Applicant to produce once DCO granted.	SoS in consultation with TDC	Requirement 6	
		Construction Safety Management Plan	Referenced in APP-010	To be approved post grant of DCO Part of CEMP approval	Requires detailed design.	SoS in consultation with TDC and the Health and Safety Executive	Requirement 6	

Ref No.	Respondent	Question						
		Remediation Strategy (ies)	Referenced in APP-010	To be approved post grant of DCO	NB these will only be designed when required and following consultation with ES and relevant local authority.	SoS in consultation with the Environment Agency and TDC	Requirement 11	
		Drainage Strategy	Referenced in APP-010	To be approved post grant of DCO Part of CEMP approval Part of surface and foul water drainage approval	Outline Drainage Strategy provided with submission but Drainage Strategy to be refined as detailed design becomes available.	SoS in consultation with the Environment Agency and Southern Water	Requirement 6 Requirement 13	
		Surface Water Monitoring Strategy / Detailed Plan	Referenced in APP-010	To be approved post grant of DCO Part of surface and foul water drainage approval	Requires detailed design.	SoS in consultation with the Environment Agency and Southern Water	Requirement 13	

Ref No.	Respondent	Question						
		Method Statement for Environmental Monitoring	Referenced in APP-010	To be approved post grant of DCO		SoS in consultation with Natural England and TDC	Requirement 7 Requirement 8	

COMMENT

- A. There are a large number of issues/matters that are to be approved post grant of DCO.
- B. In relation to the Protection of Other Habitats and Species and in particular the Mitigation and Habitat Creation Plan (MHCP) and Habitat Management Plan we respectfully draw the ExA attention to paragraph 5.105 of the Airport NPS which states: “The Secretary of State will refuse consent where harm to these other habitats, or species and their habitats, would result, unless the benefits of the development (including need) clearly outweigh that harm”.
- C. As survey results will not be available. There is uncertainty about adequacy of compensation proposals as unclear what is being compensated for.
- D. There is **no author given for the Noise Mitigation Plan (APP-009)** and it has not been evidenced above as to who authored it and their area of expertise.
- E. The Noise Mitigation Plan seems to have been drafted by **Applicant with scant regard for the regulatory regime.**
- F. It has been based on informal and statutory consultation rather the **law informing a Noise Action Plan which is then consulted upon.** There are **four main tiers of regulation which govern aircraft noise in the UK:** International, European, National and Land. The diagram on the next page summarises the tiers of aircraft noise regulation affecting operations at

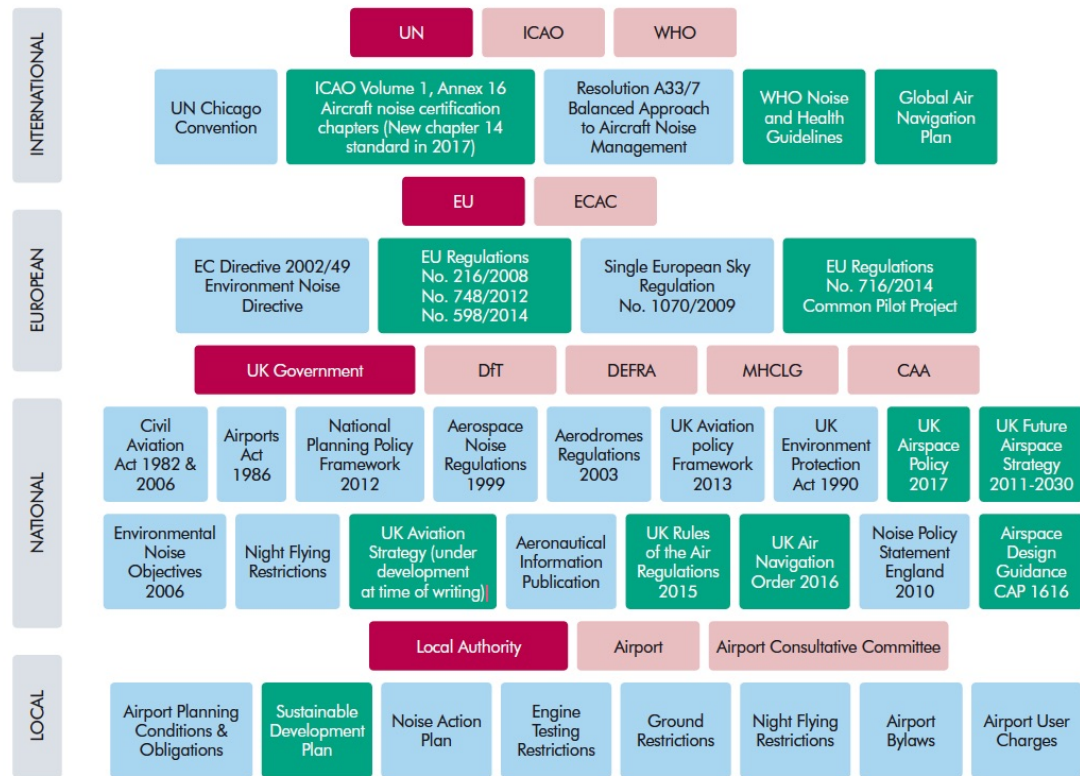
INTERNATIONAL

As aviation activities occur across the globe, many policies to address the effect of aircraft noise have been developed at an international level.

International Civil Aviation Organisation (ICAO) Aircraft Noise Policy

The International Civil Aviation Organisation, (ICAO), is a specialised agency of the United Nations, created with the signing in Chicago, on 7 December 1944, of the Convention on International Civil Aviation. It aims to develop the principles and techniques of international civil air navigation and foster the planning and development of international air transport. They established a balanced approach for managing aircraft noise with four priorities⁹.

- Governing Body
- Implementation Body
- Policies unchanged since 2013
- New or updated policies since 2013



⁹ For more information on the noise standards agreed by the ICAO balanced approach see – <https://www.icao.int/environmental-protection/Pages/noise.aspx>

G. Applicant has not done a Noise Action Plan. This is a legal requirement.

H. All other airports that Applicant compared itself to for example East Midlands, Southend, Bournemouth, Southampton etc all have Noise Action Plans.

I. A **Noise Action Plan is a five-year plan to assess, consider and manage aircraft noise at the airport.** It is a key part of delivering broader **UK Government noise objectives that are to limit and, where possible, reduce** the number of people in the UK significantly affected by aircraft noise¹⁰⁵.

J. Noise Action Plans **are a legal requirement** under European Union Directive 2002/49/EC relating to the Assessment and Management of Environmental Noise. This Directive is commonly referred to as the Environmental Noise Directive or END. The requirements of the END are transposed by the **UK Government in the Environmental Noise (England) Regulations 2006** as amended (“the Regulations”).

K. The Noise Action Planning process **operates in five-yearly cycles.** The aim is for each subsequent Noise Action Plan to build on **existing progress to manage the effects of aircraft noise on people.**

L. The Noise Action Plan includes **existing and proposed measures** to manage aircraft noise and shows how the operator intend to measure and report progress against targets.

¹⁰⁵ East Midlands Noise Action Plan Page 25 (**Appendices G1-031**)

M. Following a consultation of a new plan with local stakeholders, it will be presented for formal adoption by **DEFRA**.

RESPECTFULLY REQUEST OF EXAMINING AUTHORITY

1. Applicant should evidence that it is normal practice to leave all these issues/matters to be approved post grant of DCO.
2. Applicant should evidence how it will be able to quantify compensation without data re surveys.
3. Applicant should evidence why it has not produced a Noise Action Plan as required by law and why it has not run a consultation of 12 weeks on said Noise Action Plan.
4. Applicant should evidence why DEFRA is not the agency adopting the Noise Action Plan.
5. Applicant should evidence how it will quantify compensation for noise without a consulted upon and adopted Noise Action Plan.