

## Planning Act 2008 – section 91

### Application by RiverOak Strategic Partners for an Order Granting Development Consent for the reopening and development of Manston Airport

#### Agenda for Issue Specific Hearing dealing with matters relating to need and operations

The Examining Authority (ExA) notified Interested Parties in its letter dated 8 February 2019 of the decision to hold an Issue Specific Hearing into need and operations on the following date:

Hearing	Date and Time	Location
<b>Issue Specific Hearing 2</b> - need and operations	Thursday 21 March 2019 Seating available from 9.30am. The hearing will start at <b>10.00am</b>	Laurence Suite, Building 500, Discovery Park, Sandwich, CT13 9FF

#### Participation, conduct and management of hearing

This is the second Issue Specific Hearing (ISH) to be held in this Examination. It is being held because the ExA wishes to question the Applicant about the approach that it has taken to identifying and assessing the need for, and operational issues relating to, the Proposed Development.

Oral submissions on other subject matters or from persons who are not Interested Parties (IP) may only be heard at the discretion of the ExA. It is strongly preferable that any such issues arising from IPs are brought to an Open Floor Hearing where there is no subject specific agenda and IPs may raise any important and relevant matters.

The following IPs are invited, in particular, to attend and participate in this hearing:

- The Applicant;
- Civil Aviation Authority;
- Stone Hill Park; and
- Thanet District Council.

The named persons have been invited for the following reasons:

- As public bodies with policy and regulatory responsibilities for aviation and noise environment.
- As voluntary organisations with relevant interests.



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- As national and local authorities for the affected area.

Participation in the hearing is subject to the ExA's power to control the hearing. IPs may be invited to make oral representations at the hearing<sup>1</sup> (subject to the ExA's power to control the hearing). Oral representations should be based on the Relevant Representations or Written Representations made by the person by whom (or on whose behalf) the oral representations are made<sup>2</sup>.

However, representations made at the hearing should not simply repeat matters previously covered in a written submission. Rather, they should draw attention to those submissions in summary form and provide further detail, explanation and evidential corroboration to help inform the ExA.

The ExA may ask questions about representations or ask the Applicant or other party to comment or respond. The ExA will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the hearing will therefore be led by a member of the Panel, supported by other Panel members.

This agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them.

Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including through the inclusion of questions in the ExA's second Written Questions.

Should the consideration of the issues take less time than anticipated, the ExA may conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. Some of the issues identified in the Agenda are by their nature overlapping. It may be the case therefore that certain questions later on in the Agenda are answered by earlier questions. If this is the case the ExA will acknowledge this at the time.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing there may be a need to continue the session for longer on the day or continue the hearing at a subsequent sitting.

Those attending the hearing are asked to note that an early item on the agenda is to deal with any requests to question a person making oral representations directly under section 94(4)(a) of the Planning Act 2008.

The ExA may decide to allow oral cross-questioning of one party by another, where there is clear disagreement between the parties in question, to ensure

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<sup>1</sup> s91 Planning Act 2008

<sup>2</sup> s91 Planning Act 2008

adequate testing of the representations or to ensure that each party has a fair chance to put their case.

Breaks will be taken during the hearing as directed by the ExA.

All parties should note that the agenda given below is to provide a framework for this hearing and offer discussion points; it does not constrain the ExA to specific topics. The ExA may wish to raise other matters arising from submissions and pursue lines of inquiry in the course of the discussions which are not included in this agenda.

The hearing will have regard to submissions already set out in (amongst others):

- Relevant Representations;
- Written Representations;
- Planning Statement [APP-080];
- Azimuth Report [APP-085];
- Civil Aviation Authority Interface Document [APP-086];
- Responses to ExA's Written Questions;
- Local Impact Reports from Thanet District Council [REP3-010]; Kent County Council [REP3-143]; Dover District Council [REP3-227]; and Canterbury City Council [REP3-246].
- Draft and Agreed Statements of Common Ground (SoCG), including those between the Applicant and:
  - The Civil Aviation Authority [as submitted at Deadline 4, 8 March 2019 – reference number to be allocated]
  - The Ministry of Defence HRDF [as submitted at Deadline 4, 8 March 2019 – reference number to be allocated]
  - Vattenfall Wind Power Limited [REP3-177]
  - The Ministry of Defence, Defence Infrastructure Organisation and National Air Traffic Services (NATS) [as submitted at Deadline 4, 8 March 2019 – reference number to be allocated] (the ExA notes that this draft may be superseded)
  - NATS [as submitted at Deadline 4, 8 March 2019 – reference number to be allocated]
  - The Met Office [as submitted at Deadline 4, 8 March 2019 – reference number to be allocated]
- Revised Noise Mitigation Plan [as submitted at Deadline 4, 8 March 2019 – reference number to be allocated]
- Appendix to Comments on Written Representations [as submitted at Deadline 4, 8 March 2019 – reference number to be allocated]

References in square brackets [] are the unique document reference numbers in the Examination Library. This document can be found on the National

Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-002558-Manston%20Examination%20Library%20Template.pdf>

During the hearing, the ExA may additionally refer in particular to:

- The future of UK aviation: making best use of existing runways (Department for Transport, June 2018)
- Aviation 2050: the future of UK aviation (Department for Transport, December 2018)
- The Town and Country Planning (General Permitted Development) (England) Order 2015



## AGENDA

### 1. INTRODUCTIONS

### 2. OPENING REMARKS BY THE EXAMINING AUTHORITY (EXA)

Including consideration of other possible items for the agenda of the hearing.

### 3. REQUESTS TO QUESTION A PERSON MAKING ORAL REPRESENTATIONS DIRECTLY UNDER S94 OF THE PLANNING ACT 2008

s94 (7) of the Planning Act 2008 (PA2008) states that

*"...the Examining authority must apply the principle that any oral questioning of a person making representations at a hearing (whether the applicant or any other person) should be undertaken by the Examining authority except where the Examining authority thinks that oral questioning by another person is necessary in order to ensure —*

*(a) adequate testing of any representations, or*

*(b) that a person has a fair chance to put the person's case."*

The ExA has considered a request in a letter dated 15 January 2019 [REP01-022] from Quod Limited, on behalf of Stone Hill Park Limited, that the Examining Authority makes a Procedural Decision that cross-examination will be permitted where the following matters are to be the subject of those hearings:

- Aviation needs and forecasts at Manston Airport.

The ExA has considered this request and has taken into account the circumstances of this Examination.

#### **Procedural Decision**

The ExA has made a Procedural Decision under s89(3) of PA2008 that it will allow questioning of those making oral representations at the hearing by Stone Hill Park Limited or its representative in respect of the item listed above.

At the hearing the ExA will set out any constraints in terms of, for example, the time to be allowed, and the place(s) on the agenda, for such questioning.

The ExA will consider any other requests for questioning of those making oral representations at the hearing by another person under this item at the hearing.

Various parties have made requests to provide oral submissions. An update on the specific issues on which parties may wish to provide an oral submission will be requested from Interested Parties (IP) and provision for such submissions will be made under agenda item 16, at which the ExA will set out any constraints in terms of time to be allowed for such submissions.



## 4. POLICY

Exploration of the relevance of, and views relating to, the Aviation Policy Framework, including the latest consultation of the new Aviation Policy and the Airports National Policy Statement, and their context and relevance for Manston Airport in the context of need and operations.

This item will draw on, inter alia, responses to the ExQ1 ND.1.1, ND.1.2 and ND.1.46.

## 5. FORECASTS AND FREIGHT TYPES/ PATTERNS

The ExA wish to examine the forecasts of the Applicant, including in relation to:

- a) The methodology and approach taken during the calculation of the forecasts, the breakdown of forecasts and expected business types and areas.
- b) Potential operators/ airlines, including integrator uses.
- c) Department for Transport forecasts.
- d) The various reports of **York Aviation** [REP3-187 Appendix ND1.7 - Report for FTA, RR-1601 Appendix 8a, RR-1601 Appendix 12a and RR03-025 Appendix 4 (although placed as appendix 6)]; **Avia Solutions** [RR-1601 Appendix 2 - report for Thanet District Council (TDC), RR-1601 Appendix 6 – report for TDC]; **Altitude Aviation** [RR-1601 Appendix 11 (although placed after appendix 12b) and REP3-025 Appendix 5 (although placed as appendix 1)] and **Northpoint Aviation** (Appendix to Comments on Written Representations [as submitted at Deadline 4, 8 March 2019 – reference number to be allocated]).
- e) Differences between the Applicant's forecast and historical performance, including reasons for any differences.
- f) Any other forecasts.
- g) The differences between 'bellyhold' and 'pure' freight (including the role of integrators and their facilities) in the UK market and differences and reasons between this split and those in the rest of Europe, as well as the requirements and trend of the air freight industry with regard to mode, operations, time, night flights, and services.
- h) The differences between road and air freight and the interrelationship and synergy between the two.
- i) The view of TDC and others over the viability of an airport with regards to likely usage.

This item will draw on, inter alia, responses to ExQ1 ND.1.6, ND.1.9, ND.1.11, ND.1.12, ND.1.14, ND.1.16, ND.1.23, ND.1.25, ND.1.27, ND.1.28, ND.1.29, ND.1.30, ND.1.31, ND.1.32, ND.1.33, ND.1.35, ND.1.36, ND.1.37, ND.1.38 and ND.1.42.



## **6. EXISTING AND FUTURE CAPACITY AND CONSTRAINTS IN THE SOUTH EAST AND WIDER UK AIRPORTS**

The ExA wishes to explore the Applicant's case in relation to the following areas, amongst others:

- a) Freight capacity and constraints at London Heathrow, including any effects of a possible 3<sup>rd</sup> runway.
- b) Freight capacity and constraints at London Stansted Airport.
- c) Freight capacity and constraints at other South East Airports.
- d) Freight capacity and constraints at East Midlands Airport.
- e) Freight capacity and constraints for European Airports.

The discussion will include references to known capacity increases at UK airports, constructed or consented and the potential or otherwise for permitted development rights to be used at such airports.

This item will draw on, inter alia, responses to ExQ1 ND.1.10, ND.1.12, ND.1.13, ND.1.15, ND.1.18, ND.1.19, ND.1.20, ND.1.21, ND.1.25, ND.1.26, ND.1.33, ND.1.37 and ND.1.41.

## **7. LOCATIONAL FACTORS**

The ExA wishes to explore locational factors relating to Manston Airport and other airports, notably London Stansted and East Midlands but also other airports in the south east, as well as issues relating to northern European airports.

Consideration of routes between various airports and London and the south east, including the assertions given concerning road capacities and travel times will also be covered.

This item will draw on, inter alia, responses to ExQ1 ND.1.4, ND.1.7, ND.1.8, ND.1.17, ND.1.22, ND.1.26, ND.1.34, as well as the Canterbury City Council LIR.

## **8. OPERATIONS – RUNWAY USAGE**

The ExA wish to examine the likely usage of the runway with reference to the proposed preferences detailed in the Revised Noise Mitigation Plan [as submitted at Deadline 4, 8 March 2019 – reference number to be allocated], with particular regard to:

- a) Historical information.
- b) Wind directions and speeds and safety of operations.
- c) Forecast levels of usage and practicality of preferences.
- d) Displaced thresholds and altered glideslopes.

This item will draw on, inter alia, responses to ExQ1 OP.1.1, OP.1.13A and OP.1.13B.



## 9. OPERATIONS – SCALE AND CAPACITY

The ExA wish to examine the proposed quantum of development proposed to support the freight business in the light of the proposed cap on air transport movements proposed in the Revised Noise Mitigation Plan [as submitted at Deadline 4, 8 March 2019 – reference number to be allocated].

## 10. OPERATIONS – AERODROME CERTIFICATE

**Report from the Applicant** on the latest position relating to this parallel application, and questions arising from this.

This item will draw on, inter alia, responses to ExQ1 OP.1.3.

## 11. OPERATIONS – AIRSPACE CHANGE PROCESS

**Report from the Applicant** on the latest position relating to this application, and questions arising from this.

This item will draw on, inter alia, responses ExQ1 OP.1.5 and OP.1.14.

## 12. OPERATIONS – PUBLIC SAFETY ZONES

To consider if, and when, public safety zones may be considered for the airport.

This item will draw on, inter alia, responses to ExQ1 OP.1.7 and OP.1.8.

## 13. OPERATIONS – SAFEGUARDING

The ExA wishes to explore the possible implications of aerodrome safeguarding for an operational airport, including considerations relating to:

- a) Obstacle limitation surfaces.
- b) Wind turbines.
- c) Bird strikes.

This item will draw on, inter alia, responses to ExQ1 OP.1.9, OP.1.10, OP.1.15, OP.1.16 and the SoCG between the Applicant and Vattenfall Wind Power Ltd.

## 14. OPERATIONS - HIGH RESOLUTION DIRECTION FINDER

The ExA note that the Ministry of Defence (through the Defence Infrastructure Organisation) is, in principle, prepared to consider the re-location of the apparatus, but is yet to be completely satisfied that there would be no degradation of the capability of the equipment.

**Report from the Applicant** on the latest position relating to this matter and the proposed Aquila assessment, and questions arising from this.

This item will draw on, inter alia, responses to ExQ1 OP.1.4 and the letter dated 6 February 2019 from the Defence Infrastructure Organisation.





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Parties should note that any aspects of this issue relating to the Compulsory Acquisition of land and/ or rights will also be examined at the Compulsory Acquisition Hearing scheduled for Wednesday 20 March 2019.

- 15. ANY OTHER MATTERS ARISING FROM DEADLINE 4 SUBMISSIONS NOT COVERED ABOVE**
- 16. ORAL REPRESENTATIONS FROM INTERESTED PARTIES WHO HAD PREVIOUSLY REQUESTED TO SPEAK**
- 17. ANY OTHER RELEVANT BUSINESS**
- 18. EXA'S CLOSING REMARKS AND CLOSE OF HEARING**