

Application by RiverOak Strategic Partners to upgrade and reopen Manston Airport
The Examining Authority's second written questions and requests for information (ExQ2)
Issued on 5 April 2019

The following table sets out the Examining Authority's (ExA's) second written questions and requests for information – ExQ2. Following the ExA's Procedural Decision dated 3 April 2019, the Examination Timetable now allows for a third round of written questions to be published on 10 May 2019. The third round of questions will be referred to as ExQ3.

Questions in ExQ2 are set out using an issues-based framework derived from the **Initial Assessment of Principal Issues (update)** provided as **Annex C** to the Rule 8 letter dated 18 January 2019¹. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word format is available on request from the Case Team: please contact ManstonAirport@pins.gsi.gov.uk.

Responses are due by **Deadline 6** (3 May 2019) in the Examination Timetable at **Annex A** to the Rule 8 letter.

¹ Available here: <https://infrastructure.planninginspectorate.gov.uk/document/TR020002-002848>

Abbreviations used

A list of the abbreviations used in this document is provided at **Annex A**.

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/manston-airport/?ipcsection=docs>

The Examination Library will be updated at regular intervals as the Examination progresses.

Citation of questions

Questions in this table should be cited as follows:

Topic identifier: ExQ round: question number

eg 'LV.1.1' refers to the first question in the first round of ExQs related to Landscape and Visual.

ExQ2		
	Question to:	Question:
G.2	General and cross-topic questions (including relevant planning policy)	
G.2.1	The Applicant Thanet District Council (DC)	Emerging Thanet Local Plan What is the latest position concerning the examination of the draft Thanet DC Local Plan to 2031?
G.2.2	The Applicant Thanet DC Stone Hill Park Ltd	Stone Hill Park Planning Application Thanet DC's response to first written questions stated that the determination period for the application (OL/TH/18/0660) was extended to 31 March 2019, which has now passed. What is the latest position?
AQ.2	Air Quality and emissions	
AQ.2.1	The Applicant	Flight movements Table 6.15 of [APP-044] shows the mix of aircraft used in the air quality assessment. How does this relate to Appendix 3.3 [APP-044] used in the noise assessment?
AQ.2.2	The Applicant	Revised Traffic Assessment submitted at Deadline 5

ExQ2	Question to:	Question:
		<p>The Applicant has set out that an addendum to the Environmental Statement (ES) [APP-033] Chapter 6 Air Quality be produced at Deadline 6.</p> <p>The ExA requires that this is submitted and any consequential changes to the ES be also considered and submitted at this deadline.</p>
AQ.2.3	The Applicant	<p>Worst Case Scenario Air Quality Assessment</p> <p>The Applicant in response to the ExAs first written question AQ 1.18 stated:</p> <p><i>"it is now adding an annual limit of ATMs equivalent to the number assessed in the ES, namely, 17,170 cargo plus 9,298 passenger movements, i.e. 26,468 movements in total. This cap has been included in the revised Noise Mitigation Plan (TR020002/D3/2.4) being submitted at Deadline 3. This total includes the movements generated by the 3 recycling stands but does not include general aviation movements."</i></p> <p>How many General Aviation movements were modelled in the air quality assessment in the ES [APP-033]?</p>
AQ.2.4	The Applicant	<p>NOx emissions</p> <p>ES paragraph 6.1.6 [APP-033] explains that emissions from road traffic cannot be incorporated into contour plots. Consequently, emissions are higher at roadside locations than shown. The ES explains that road traffic</p>

ExQ2	Question to:	Question:
		<p>concentrations have been included in the assessment of specific receptors with relevant exposure. The ES goes onto state that:</p> <p><i>"For similar reasons, it has not been possible to include the contribution from road traffic in the ecological assessment of daily mean NOx."</i></p> <p>Natural England in their Deadline 5 SoCG state at paragraph 5.1.3:</p> <p><i>"5.1.3 Natural England raised the following points on air quality: (a) Annual mean NOx for all the years modelled is above the level for 'insignificance' at some locations and is not adequately addressed in the biodiversity chapter of the ES"</i></p> <ul style="list-style-type: none"> i. Will the Deadline 6 assessment of NOx include road traffic NOx emissions? ii. If not, show how this represents a worst case assessment in air quality terms.
AQ.2.5	The Applicant	<p>Thanet Air Quality Management Area (AQMA)</p> <p>In preparing updated air quality assessment material following release of the revised transport assessment, state whether there are any exceedance of air quality objectives within Thanet AQMA?</p>
AQ.2.6	The Applicant	<p>Register of Environmental Actions and Commitments (REAC)</p> <p>The Updated REAC references 'Bans on older dirtier aircraft'.</p>

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> i. Confirm what aircraft would be banned and how this ban would be applied. ii. Show where this is secured in the draft DCO.
AQ.2.7	The Applicant	<p>Ground transport fleet</p> <ul style="list-style-type: none"> i. Confirm how modelling work has been taken into consideration the change in ground transport fleet mix over time. ii. Clarify why electric GSE is not proposed to be in place from the outset and iii. Clarify whether the assessment of likely significant effects has over represented the beneficial effect of GSE in years 2 and 6 of operation given that a transition from diesel to electric fleet is proposed?
Ec.2	Biodiversity, ecology and biodiversity (including Habitats Regulations Assessment (HRA))	
Ec.2.1	The Applicant	<p>Revised Noise and Air Quality Assessment for Deadline 6</p> <p>State whether an addendum will be produced to the Ecology ES chapter [APP-033] to reflect the updated Noise and Air Quality outputs at Deadline 6?</p>

ExQ2	Question to:	Question:
		The ExA requests that should this be submitted and that any consequential changes should also be considered and submitted at this deadline.
Ec.2.2	The Applicant	Ecological surveys What is the current status of the outstanding ecological surveys?
Ec.2.3	The Applicant	<p>Specific bird flightpaths</p> <p>The predicted level of disturbance that will be caused by the Proposed Development at sensitive nearby sites, such as Sandwich and Pegwell Bay, was assessed within the Environmental Statement (ES) in Chapter 7 [APP-033] and Appendix 7.1 [APP-044].</p> <p>It was concluded in the ES that there will not be significant effects on the qualifying bird species of the Sandwich Bay to Hacklinge Marshes SSSI or Thanet Coast and Sandwich Bay SPA/Ramsar as a result of visual and auditory disturbance from aircraft flights.</p> <p>Has the Applicant based this conclusion on its mapping of specific bird species foraging areas?</p> <p>In responding to this question set out your approach with justification.</p>
Ec.2.4	The Applicant	<p>Wildlife Hazard Management Plan</p> <p>Natural England in their SoCG submitted at Deadline 5 state:</p>

ExQ2	Question to:	Question:
		<p><i>"A Wildlife Hazard Management Plan (WHzMP) and a Habitat Management Plan (HMP) will be prepared post-DCO consent and that the management measures proposed (including bird scaring) would need to comply with guidelines provided in CAA CAP772 (Wildlife Hazard Management at Aerodromes)."</i></p> <p>Who will be consulted on this plan and what will be the mechanism for its approval?</p>
Ec.2.5	The Applicant	<p>The Waterbird Disturbance and Mitigation Toolkit (WDMT) Provide a copy of the WDMT (Cutts et. al, 2013).</p>
Ec.2.6	The Applicant	<p>RIAA PDFs</p> <p>The pdf figures omitted from the original Report to Inform the Appropriate Assessment but re-provided at Deadline 1 in Appendix 7.1 are partially corrupted.</p> <p>Provide a non-corrupted version of the figures.</p>
Ec.2.7	Natural England	<p>European sites noise contours</p> <p>In light of the ecology noise contour maps submitted by the Applicant at Deadline 4 [REP4-018], confirm whether, in Natural England's view:</p>

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> i. The scope of European designated sites considered within the Applicant’s habitats regulations assessment remains appropriate? ii. The revised noise contour data enables agreement with the conclusion that there will be no adverse impact on designated sites and features in relation to bird disturbance? iii. A significant adverse effect could arise for SSSI features (grey plover, sanderling and ringed plover)?
Ec.2.8	The Applicant	<p>Net gain</p> <p>At Deadline 3 the Applicant noted the compensatory habitat had been designed to deliver biodiversity net gain, however this is not quantified.</p> <p>Quantify the net gain.</p>
Ec.2.9	The Applicant	<p>Thanet Parkway</p> <p>The Applicant's response to question EC1.14 [REP3-195] states that Thanet Parkway has been assessed cumulatively with the Proposed Development, however the Parkway is excluded from further assessment in the Report to Inform the Appropriate Assessment on the basis that the parkway station proposals are not yet at planning. Kent County Council’s (CC) response to first written questions states that an application was submitted for the Parkway station in June 2018 [REP3-139].</p>

ExQ2	Question to:	Question:
		Confirm how this project would affect the in-combination assessment, with particular reference to effects on functionally linked habitat?
Ec.2.10	The Applicant	Outfall Works Signpost to and explain how the proposed minor works to the outfall described in your response to first written question Ec1.7 [REP3-195] have been assessed as part of the Report to Inform the Appropriate Assessment.
CA.2	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	
CA.2.1	The Applicant	Crown Land Provide an update on negotiations with: <ul style="list-style-type: none"> i. The Secretary of State for Defence in respect of some sixty-five plots; ii. The Government Legal Department in respect of plots 119a and 050b; and iii. The Meteorological Office in respect of plot 27. The Applicant is reminded that s135 of the Planning Act 2008 states that an order granting development consent may only include provisions relating to the compulsory acquisition of an interest in, or other

ExQ2	Question to:	Question:
		provisions relating to, Crown land if the appropriate Crown authority consents.
CA.2.2	Defence Infrastructure Organisation NATS	<p>Crown Land: High Resolution Direction Finder</p> <p>The ExA notes that the Draft (not agreed) Statement of Common Ground between the Applicant and the Ministry of Defence (HRDF) submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated] states at 5.2 that:</p> <p><i>"The identification of a suitable alternative site that satisfies the technical requirements outlined above has not yet been agreed."</i></p> <p>The ExA notes that the Agreed (unsigned) Statement of Common Ground between the Applicant and NATS submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated] states that:</p> <p><i>"3.1.2 The 'critical infrastructure' referred to in the relevant representation above is the 'High Resolution Direction Finder' (HRDF), situated at parcel 041 on the Land Plans (ref APP-016), which is owned by the Ministry of Defence (MoD).</i></p> <p><i>3.1.3 NATS has no other interest in the site or concerns about the application."</i></p> <p>Set out the current position in respect of negotiations in respect of the future siting of the High Resolution Direction Finder (HRDF) apparatus on plot 041 and indicate the likelihood of reaching an</p>

ExQ2	Question to:	Question:
		<p>agreement on this in advance of the end of the Examination on or before 9 July 2019.</p> <p>The Applicant is reminded that s135 of the Planning Act 2008 states that an order granting development consent may only include provisions relating to the compulsory acquisition of an interest in, or other provisions relating to, Crown land if the appropriate Crown authority consents.</p>
CA.2.3	The Applicant	<p>Crown Land: High Resolution Direction Finder</p> <p>Set out the current position in respect of negotiations in respect of the future siting of the High Resolution Direction Finder (HRDF) Apparatus on Plot 041 and indicate the likelihood of reaching an agreement on this in advance of the end of the Examination on or before 9 July 2019.</p> <p>The Applicant is reminded that s135 of the Planning Act 2008 states that an order granting development consent may only include provisions relating to the compulsory acquisition of an interest in, or other provisions relating to, Crown land if the appropriate Crown authority consents.</p>
CA.2.4	The Applicant	<p>Crown Land: High Resolution Direction Finder</p> <p>The Draft (not agreed) Statement of Common Ground between the Applicant and the Ministry of Defence (HRDF) submitted at Deadline 5 on 29 March 2019 [REP5 – index number to be allocated] states at 3.8 that:</p>

ExQ2	Question to:	Question:
		<p><i>"RiverOak have not included any provision within the dDCO to specifically cover the HRDF due to the fact that RiverOak proposes to relocate the HRDF to land outside the Order limits separately to the DCO application."</i></p> <p>Given the apparent lack of progress in finding a suitable site outside the Order Limits, is the Applicant reconsidering that decision?</p>
CA.2.5	The Applicant	<p>Crown Land: High Resolution Direction Finder</p> <p>A representative of the Applicant told the ExA at the Compulsory Acquisition Hearing (CAH) held on 20 March 2019 that the HRDF may be redundant to requirements.</p> <p>Provide evidence for this assertion.</p>
CA.2.6	Defence Infrastructure Organisation	<p>Crown Land: High Resolution Direction Finder</p> <p>A representative of the Applicant told the ExA at the CAH held on 20 March 2019 that the HRDF may be redundant to requirements.</p> <p>Comment on this assertion.</p>
CA.2.7	The Applicant The Met Office	<p>Crown Land: The Met Office</p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated] states, in relation to the Met Office, that:</p>

ExQ2	Question to:	Question:
		<p><i>"The Applicant will continue to contact this party to seek to advance voluntary negotiations and is close to entering into a Statement of Common Ground."</i></p> <p>The draft (not agreed) SoCG between the Applicant and the Met office submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated] states at 4.1.2 that:</p> <p><i>"The Met Office agrees that the Existing Weather Station will have to be removed from its present site and relocated to a new site."</i></p> <p>The Applicant is reminded that s135 of the Planning Act 2008 states that an order granting development consent may only include provisions relating to the compulsory acquisition of an interest in, or other provisions relating to, Crown land if the appropriate Crown authority consents.</p> <ul style="list-style-type: none"> i. Report on progress and on the likelihood of reaching an agreement on this in advance of the end of the Examination on or before 9 July 2019. ii. Will the SoCG contain a statement from the Met Office providing the required consent under s135 of PA2008?
CA.2.8	The Applicant	<p>Crown Land: The Government Legal Department</p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated] states, in relation to the Government Legal Department, that:</p>

ExQ2	Question to:	Question:
		<p><i>"Decision to be made by Government Legal Department as regards bona vacantia land"</i></p> <p>The Applicant is reminded that s135 of the Planning Act 2008 states that an order granting development consent may only include provisions relating to the compulsory acquisition of an interest in, or other provisions relating to, Crown land if the appropriate Crown authority consents.</p> <p>Report on progress and on the likelihood of reaching an agreement on this in advance of the end of the Examination on or before 9 July 2019.</p>
CA.2.9	The Applicant	<p>Special Category Land</p> <p>Plots 185b, 185c, 185d, and 185f are identified in Part 5 of the Book of Reference: Post-Application Revision 1 [REP3-194] as being special category land under s.131 and 132 of the 2008 Planning Act.</p> <p>The ExA notes that:</p> <ul style="list-style-type: none"> • The Draft (not agreed) Statement of Common Ground between the Applicant and StoneHill Park Ltd states that: <p style="margin-left: 40px;"><i>"SHP has no reason to challenge the Applicant's opinion that s.132 is not engaged in respect of 'Special Category Land' at plots 185b, 185c, 185d and 185f."</i></p> • Kent CC Responses to our first questions states that:

ExQ2	Question to:	Question:
		<p><i>"The County Council agrees that that the land will be no less advantageous to landowners or the public, even if the applicant obtains a right over the land."</i></p> <ul style="list-style-type: none"> • The Signed SoCG with Nemo Link submitted at Deadline 5 on 29 March 2019 [REP5 – index number to be allocated] states that: <p><i>"Nemo Link has no objection in principle to the acquisition by RiverOak of rights over plots 185b, 185c, 185d, 185f and has no comments to make as to the statutory test in section 132(3) of the Act in relation to the acquisition of rights over these plots."</i></p> • and Thanet DC's response to our question CA.1.43 states that: <p><i>"Thanet District Council considers that the special category land at plots 185b, 185c, 185d, 185f will be no less advantageous to either the Council or the public, given that it will remain as public open space/cycleway available for use by the public and for maintenance the Council where appropriate."</i></p> <p>Given this, the ExA is minded to recommend that subsections 3, 4 and 5 of s.132 of the Planning Act 2008 do not apply but that subsection 2 of s132 of the Act does apply in that:</p> <p><i>(3) ... the order land, when burdened with the order right, will be no less advantageous than it was before to the following persons—</i></p> <p><i>(a) the persons in whom it is vested,</i></p> <p><i>(b) other persons, if any, entitled to rights of common or other rights, and</i></p>

ExQ2	Question to:	Question:
		<p><i>(c) the public.</i></p> <p>Either:</p> <p>Comment on the ExA’s initial conclusions; or</p> <p>State your objection should this recommendation be included in the ExA’s Recommendation Report.</p>
CA.2.10	The Applicant	<p>Statutory Undertakers</p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated] lists the following Statutory Undertakers:</p> <ul style="list-style-type: none"> • BT Group plc • Nemo Link Limited • Network Rail Infrastructure • South Eastern Power Networks plc (originally shown as UK Power Networks Services (South East) Limited in the submitted Book of Reference. • Southern Gas Networks plc • Southern Water Services Limited

ExQ2	Question to:	Question:
		Confirm that this remains the complete list of those Statutory Undertakers potentially affected by the request for CA of land and/or rights over land.
CA.2.11	The Applicant	<p>Provide an update on progress in achieving agreement with the following Statutory Undertakers:</p> <ul style="list-style-type: none"> • BT Group plc; • Nemo Link Limited; • Network Rail Infrastructure; • South Eastern Power Networks plc; • Southern Gas Networks plc; an • Southern Water Services Limited; <p>including progress in drafting any specific Protective Provisions required by them and highlighting any potential barriers to agreements being reached with these bodies on or before the end of the Examination on 9 July 2019.</p>
CA.2.12	The Applicant	<p>Representations from Affected Persons</p> <p>The ExA notes that representations have been received from the following Affected Persons:</p> <ul style="list-style-type: none"> • Cogent Land LLP

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> • Robin Cross • Barry James Morris • Kent Facilities • Jeremy Ian de Rose • The Master, Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge • Marcus James Russell • David Steed • Stone Hill Park Ltd • Robin Willi <p>The ExA notes that Robin Cross, Jeremy Ian de Rose and Marcus James Russell are listed in the updated Compulsory Acquisition Status Report submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated] as being trustees for RAF Manston Spitfire and Hurricane Memorial Museum.</p> <p>Confirm or otherwise that this is the Applicant’s understanding of the total number and extent of sources of representations by Affected Persons other than those by Statutory Undertakers and local authorities.</p>
CA.2.13	The Applicant	Representations from Affected Persons: David Steed

ExQ2	Question to:	Question:
	David Steed	<p>The updated Compulsory Acquisition Status Report submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated] states, in relation to David Steed, that for certain plots agreement has been reached ‘for a fixed term’.</p> <p>Explain what ‘fixed term’ means in this context.</p>
CA.2.14	The Applicant	<p>Representations from Affected Persons: Trustees of the RAF Manston Spitfire and Hurricane Memorial Museum</p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated] states, in relation to Trustees of the RAF Manston Spitfire and Hurricane Memorial Museum, that agreement has been reached (Statement of Common Ground)</p> <p>The updated status report also states that:</p> <p><i>“The Statement of Common Ground contains provisions as to timings of new negotiations and to relocation.”</i></p> <p>Given this, explain how this constitutes and agreement in the context of the status of Compulsory Acquisition negotiations.</p>
CA.2.15	The Applicant	<p>Representations from Affected Persons: Cogent Land LLP</p> <p>A representation has been submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated] from Cogent Land LLP the owners of the site of a permitted development of housing and other uses at Manston Green.</p>

ExQ2	Question to:	Question:
		<p>The submission states, inter alia, that:</p> <p><i>"The CPO land incorporates the Manston Green access road (which benefits from full planning permission), the CPO of this land could jeopardise the implementation of the whole development."</i></p> <p>The ExA notes that in its response to question G.1.6 the Applicant stated that:</p> <p><i>"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 not the permanent acquisition of land (see drawing no. NK01847-WSPMSE-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. the proposal would not affect the delivery of the Manston Green site for 785 dwellings."</i></p> <p>Provide an evidenced comment on the assertion by Cogent Land LLP that the CPO of this land could jeopardise the implementation of the whole development.</p>
CA.2.16	The Applicant	<p>Representations from Affected Persons</p> <p>Provide details of negotiations with those Affected Persons who have submitted representations and who are not covered by other questions and comment on the likelihood of reaching an agreement</p>

ExQ2	Question to:	Question:
		<p>on this in advance of the end of the Examination on or before 9 July 2019:</p> <ul style="list-style-type: none"> • Barry James Morris • Kent Facilities • The Master, Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge • Stone Hill Park Ltd • Robin Willi
CA.2.17	Barry James Morris Kent Facilities The Master, Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge Stone Hill Park Ltd Robin Willi	<p>Representations from Affected Persons</p> <p>Provide details of negotiations with the Applicant in respect of the request to compulsorily acquire land and/or the rights over land and comment on the likelihood of reaching an agreement on this in advance of the end of the Examination on or before 9 July 2019.</p>
CA.2.18	The Applicant	<p>Associated Development: Land Requirement - Works Nos. 15, 16 and 17</p>

ExQ2	Question to:	Question:
		<p>The April 2013 DCLG Guidance on associated development applications for major infrastructure projects states that:</p> <p><i>"The definition of associated development, as set out in paragraph 3 above, requires a direct relationship between associated development and the principal development."</i></p> <p>Following the discussions at the Issue Specific Hearing on the draft DCO held in January 2019, the revised version of the draft Development Consent has added the words <i>"airport-related"</i> to the descriptions of Works Nos. 15-17 in Schedule 1.</p> <p>The revised draft DCO does not define 'airport related'.</p> <p>Provide a definition of 'airport related' as it applies to the proposed scheme.</p>
CA.2.19	The Applicant	<p>Associated Development: Land Requirement - Works Nos. 15, 16 and 17</p> <p>The DCLG Guidance on associated development applications for major infrastructure projects states that:</p> <p><i>"Development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant...."</i></p> <p>Appendix 10 of Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices, submitted at</p>

ExQ2	Question to:	Question:
		<p>Deadline 5 on 29 March 2019 [REP5–index number to be allocated], states at paragraph 2.1 that:</p> <p><i>“At this point, it is difficult to ascertain who will be occupying a specific amount of space, and on what terms that tenant will be looking for. The applicant has been in extensive conversations with potential end-users to occupy space on the Northern Grass for Airport related purposes, however, these conversations remain commercially confidential.”</i></p> <p>Explain how this statement serves to reassure the ExA that the test in Guidance is being met.</p>
CA.2.20	The Applicant	<p>Land Requirement - Works Nos. 15, 16 and 17</p> <p>The Local Impact Report from Kent CC [REP3-143] states, in relation to archaeology, at paragraph 4.8(3) that:</p> <p><i>“The County Council would accept that [preservation in situ] can be achieved post determination, as long as there is sufficient - and perhaps substantial - flexibility in the development design to enable preservation to be achieved. The applicant explained in the teleconference that this can be achieved in the North Grass Area through reduction of the area of business development if required, as that would not compromise the overall position of airport development.”</i></p> <p>Justify the extent of the sites shown for Works Nos. 15, 16 and 17 if a reduction of the area of business development would not compromise the overall position of airport development.</p>

ExQ2	Question to:	Question:
CA.2.21	The Applicant	<p>Land Requirement – Plots 015b, 017, 020, 021, 022, 023, 024, 025</p> <p>Appendix 1: <i>Details of the Purpose for Which Compulsory Acquisition and Temporary Possession Powers Are Sought</i> of the Statement of Reasons [APP-012] shows the purpose for which Plots are required for plots 015b, 017, 020, 021, 022, 023, 024, 025 as being glide path safeguarding. Plots 017, 020, 021, 022, 023, 024, 025 are to be permanently acquired solely for this purpose.</p> <p>Your response to ExA question CA.1.5 [REP3-201] states that:</p> <p><i>“aerodrome licensees will ensure that the Obstacle Limitation Surfaces (OLS) are safeguarded against any development that may impact upon their operation.”</i></p> <p>You cite Civil Aviation Publication (CAP) 738 (Safeguarding of Aerodromes). The ExA notes that this appears to deal with a process of consultation between a local planning authority and consultees which may be statutory or unofficial. (para 1.1.)</p> <p>Demonstrate why you require permanent acquisition to safeguard Obstacle Limitation Surfaces rather than a process of statutory consultation or, for example, through a restrictive covenant?</p>
CA.2.22	The Applicant	<p>Land Requirement</p> <p>The Applicant’s Comments on Local Impact Reports submitted for deadline 4 on 8 March [REP4-028] states that:</p>

ExQ2	Question to:	Question:
		<p><i>"The Museums and Memorial Gardens will be retained within a safeguarded museums area that also includes the former RAF Manston ATC Tower and the former RAF Battle Headquarters. These features will be retained within the context of an active airfield, contributing positively through the continuation of aviation operations."</i></p> <p>Show where this is secured in the draft DCO or in the documents that are listed in Schedule 10 of the draft DCO.</p>
CA.2.23	The Applicant	<p>Acquiring by voluntary agreement</p> <p>DCLG Guidance related to procedures for the compulsory acquisition of land (2013) advises at paragraph 25 that, as a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</p> <p>The ExA has made a procedural decision in the Rule 6 letter to require the Applicant to provide an updated CA Status Report at Deadline 5, to accompany the responses to these questions.</p> <p>The ExA notes that the updated Status Report states that, out of some 163 Affected Persons, only those Persons related to the acquisition of the Jentex site are shown, unequivocally, to have reached agreement.</p> <p>Given this:</p> <p>i. Detail your approach to negotiation with Affected Persons including the timing and nature of negotiations held since</p>

ExQ2	Question to:	Question:
		<p>your response to the ExA's first questions was submitted on 15 February; and</p> <p>ii. set out your intended timescales for reaching agreements.</p>
CA.2.24	The Applicant	<p>Acquiring by voluntary agreement</p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 5 on 29 March 2019 [REP5 – index number to be allocated] states, in relation to Avman Engineering Limited and Polar Helicopters Limited that agreement has been reached (Statement of Common Ground).</p> <p>The updated status report also states that:</p> <p><i>"The Statement of Common Ground contains provisions as to timings of new negotiations and to relocation."</i></p> <p>Given this, explain how this constitutes an agreement in the context of the status of Compulsory Acquisition negotiations.</p>
CA.2.25	The Applicant	<p>Acquiring by voluntary agreement</p> <p>DCLG Guidance related to procedures for the compulsory acquisition of land (2013) advises at paragraph 25 that, as a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</p> <p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices, submitted at Deadline 5 on</p>

ExQ2	Question to:	Question:
		<p>29 March 2019 [REP5–index number to be allocated], states at paragraph 12.3 that:</p> <p><i>"SHP had suggested that the Applicant lease the site for a period. Mr Freudmann inaccurately summarised the offer as being for 25 years. In fact it was for 125 years."</i></p> <p>The length of the potential lease appeared from Mr Freudmann’s comments to be a clear factor in RSP’s decision on this offer.</p> <p>If this is not the case, set out the reasons for RSP’s decision on the suggestion by SHP that the Applicant lease the site.</p>
CA.2.26	The Applicant	<p>Jentex Contaminated Land Liabilities</p> <p>The Applicant submitted at Deadline 5 in the record of Compulsory Acquisition Hearings in Appendix 2 which states:</p> <p><i>"GEA-18996b-16-204, May 2016</i></p> <p><i>4.1.6.1 Significant organic contamination with reference to human health was detected at three locations: MBH102, MTP103 and MTP107."</i></p> <p><i>GEA-18996-15-134 Rev A, October 2016</i></p> <p><i>"8.2 It should be noted that the investigation represents a preliminary assessment only and it is acknowledged that further investigation will be required at a later date.</i></p> <p><i>8.5 Further investigation is required beneath residual tanks and below the area of the active Environmental Permit. This investigation is only possible</i></p>

ExQ2	Question to:	Question:
		<p><i>once these have been fully decommissioned and overhead power lines etc. removed to permit access."</i></p> <p>The Applicant stated at the Compulsory Acquisition Hearing held on 20 March 2019 that these two reports provided them with "<i>a clean bill of health</i>".</p> <p>When does the Applicant anticipate that the further site investigations will be performed in order for the remediation liabilities to be quantified?</p>
CA.2.27	The Applicant	<p>The Book of Reference: Post-Application Revision 1 [REP3-194] contains a number of new interests in land. These are set out in the Schedule of Changes to Book of Reference [REP3-180].</p> <p>In addition to the plots related to the Jentex Fuel site, we note for example, that: Robert Montgomery LLP has been added in respect of Plots 008, 012, Karen Elisabeth Morse has been added in respect of plot 45, and Andrew Ralph Lane, Barbara Julie Stead, Costa Limited, Decimus Property (Minster) Limited, Jane Barbara Bowyer, Jane Lane, Janet Dear, Kevin Michael Patrick Dear, Kerry Sanders, Murdad Takaloo, Nicholas John Evans, Paul Allen Freeman, and Wilson & Wilson Limited have been added in respect of properties.</p> <p>Outline the procedure which you have adopted to inform and consult with these Affected Persons.</p>

ExQ2	Question to:	Question:
CA.2.28	The Applicant	<p>The basis for assessing the value of the land for the purposes of Article 9 was discussed at the CAH held on 20 March 2019.</p> <p>At that CAH, a representative of the Applicant, Mr Smith from CBRE, indicated a relationship between the estimation of value and the designation of, and policies relevant to, the site of the proposed scheme in Thanet DC's emerging local plan.</p> <p>The Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices states at Appendix 1, paragraph 3 that:</p> <p><i>"The Applicant has allowed for a quantum of contingency sufficient to accommodate such a change in Thanet District Council's emerging plan."</i></p> <p>i. State, the amount of contingency allowed for in the estimate of value.</p> <p>The ExA notes that the Written Summary of Stone Hill Park Ltd's (SHP) Oral Submissions put at the Compulsory Acquisition Hearing held on 20 March 2019, submitted at Deadline 5 on 29 March [REP5-index number to be allocated] restates part of Appendix 6: Compensation Assessment to SHP's Written Representations [REP3-025]. In paragraph 8.2, Avison Young (formerly GVA) states:</p> <p><i>"The compensation provision made in RSP's funding statement is insufficient to meet the compensation obligations resulting from a made DCO. It is important to note that RSP's most recent offer of £20m excludes any value associated with residential development potential, demonstrating</i></p>

ExQ2	Question to:	Question:
		<p><i>the need for RSP's funding provision and business case to be reassessed to reflect significantly higher compensation liabilities."</i></p> <p>ii. Provide a reasoned response to this statement.</p>
CA.2.29	The Applicant	<p>In the Written Summary of SHP's Oral Submissions put at the CAH held on 20 March 2019, submitted at Deadline 5 on 29 March [REP5-index number to be allocated] SHP state at paragraph 7.6 that:</p> <p><i>"The Applicant should not be able to rely on the powers in the Compulsory Purchase (Vesting Declarations) Act 1981, as amended by Article 26, in respect of SHP's land. These powers, where they would relate to any of SHP's freehold land, are wholly inappropriate."</i></p> <p>Comment on this statement and for the reasons given for it in the SHP submission.</p>
CA.2.30	Stone Hill Park	<p>In the Written Summary of SHP's Oral Submissions put at the CAH held on 20 March 2019, submitted at Deadline 5 on 29 March [REP5-index number to be allocated] you state at paragraph 7.5, in respect of Article 25 (Application of Compulsory Purchase Act 1965):</p> <p><i>"As a result of a reduction in time in which to exercise the compulsory acquisition powers from 5 years to 1 year in respect of SHP's land, consequential amendments are required to Article 25(1)(a)(ii) and Article 25(2)."</i></p> <p>Suggest what changes may be necessary.</p>

ExQ2	Question to:	Question:
CA.2.31	The Applicant	<p>In the Written Summary of SHP’s Oral Submissions put at the Compulsory Acquisition Hearing held on 20 March 2019, submitted at Deadline 5 on 29 March [REP5-index number to be allocated] SHP state at paragraph 7.3, with reference to Article 18 (Authority to survey and investigate the land) that:</p> <p><i>“...the wide powers sought by the Applicant to survey and investigate land are inappropriate and are likely to have a blighting impact on land held by SHP.”</i></p> <p>i. Comment on this statement.</p> <p>ii. Have such possible blighting effects been taken into account in your estimate of possible compensation payable and reflected in the figure in Article 9?</p>
CA.2.32	The Applicant	<p>In the Written Summary of SHP’s Oral Submissions put at the Compulsory Acquisition Hearing held on 20 March 2019, submitted at Deadline 5 on 29 March [REP5-index number to be allocated] SHP state at paragraph 5.3:</p> <p><i>“Following variation of the agreement with the Secretary of State for Transport (which post-dated SHP’s response to the Examining Authority’s written questions), a restriction on title has recently been recorded against title numbers K873634 and K803975. This covers substantially all of SHP land to the south of Manston Road). The restriction was recorded on 28.02.2019 and states that “no transfer or lease of the registered estate by the proprietor of the registered estate is to be registered without a written</i></p>

ExQ2	Question to:	Question:
		<p><i>consent signed by Secretary of State For Transport of Great Minster House, 33 Horseferry Road, London SW1P 4DR or their conveyancer."</i></p> <p>Given this, should the Secretary of Transport be registered as an Affected Person in the Book of Reference?</p>
CA.2.33	<p>The Applicant All Parties</p>	<p>Compelling Case in the Public Interest</p> <p>Section 122 of Planning Act 2008 requires that the Secretary of State must be satisfied that there is a compelling case in the public interest for the Compulsory Acquisition.</p> <p>The Applicant and all parties are reminded that the ExA considers that responses to other questions and submissions to, and arising from, Issue Specific Hearings, particularly those on need and on socio-economic issues are pertinent to this statutory requirement.</p>
CA.2.34	<p>The Applicant All Parties</p>	<p>Restrictive Covenants</p> <p>The Applicant and all parties should note that there are questions on this issue in the section below, DCO.2.</p>
CA.2.35	<p>The Applicant All Parties</p>	<p>Temporary stopping up and restriction of use of streets</p> <p>The Applicant and all parties should note that there are questions on this issue in the section below, DCO.2.</p>
DCO.2	Draft Development Consent Order (DCO)	

ExQ2	Question to:	Question:
DCO.2.1	To note by all parties	<p>The ExA considers it may be helpful to set out the sequence to date of iterations of the draft DCO, Explanatory Memorandum and Works Plans.</p> <ul style="list-style-type: none"> • A draft DCO was submitted with the Application documents [APP-006] and published on 14 August 2018. • A revised draft DCO was submitted in clean [REP3-186] and tracked [REP3-193] versions at Deadline 3, on 22 February 2019. • This was accompanied by Draft Development Consent Order Validation Report [REP3-189]. • A second revised draft DCO was submitted in clean [REP5-index number to be allocated] and tracked [REP5-index number to be allocated] versions and in a Word (tracked) version [REP5-index number to be allocated] at Deadline 5, on 29 March 2019. • An Explanatory Memorandum [APP-007] was submitted with the Application documents and published on 14 August 2018. • A revised Explanatory Memorandum was submitted in clean [REP3-200] and tracked [REP3-199] versions at Deadline 3, on 22 February 2019. • A second revised Explanatory Memorandum was submitted in clean [REP5-index number to be allocated] and tracked [REP3- index number to be allocated] versions at Deadline 5, on 29 March 2019.

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> • Works Plans [APP-018] were submitted with the Application documents and published on 14 August 2018. • Revised Works Plans [REP3-197] were submitted at Deadline 3, on 22 February 2019.
DCO.2.2	Kent CC	<p>Kent CC</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadlines 3 [REP3-186] on 22 February 2019 and 5 on 29 March 2019 [REP5-index number to be allocated] includes additional references to Kent CC at Requirements 13(1), 13(2), 16(5) and 16(6).</p> <ul style="list-style-type: none"> i. Is Kent CC content to be referenced in the parts of the draft DCO? ii. Are there other parts of the draft DCO at which Kent CC would justifiably wish to be referenced either as a body to be consulted or as an approving body?
DCO.2.3	Thanet DC	<p>Thanet DC</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadlines 3 [REP3-186] on 22 February 2019 and 5 on 29 March 2019 [REP5-index number to be allocated] includes additional references to 'the relevant planning authority' at Articles 3(1), 6(1), 7(1) and 11(4) and has deleted or changed references to 'the relevant planning authority' at Requirements 16(4) and 16(6).</p>

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> i. Is Thanet DC content to be referenced in these parts of the draft DCO? ii. Is Thanet DC content for references to be deleted in these other parts of the draft DCO? iii. Are there other parts of the draft DCO at which Thanet DC would justifiably wish to be referenced either as a body to be consulted or as an approving body?
DCO.2.4	Kent Wildlife Trust	<p>Kent Wildlife Trust</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadlines 3 [REP3-186] on 22 February 2019 and 5 on 29 March 2019 [REP5-index number to be allocated] includes additional references to Kent Wildlife Trust at Requirements 12(2), 12(3) and 12(4).</p> <ul style="list-style-type: none"> i. Is Kent Wildlife Trust content to be referenced in the parts of the draft DCO? ii. Are there other parts of the draft DCO at which Kent Wildlife Trust would justifiably wish to be referenced as a body to be consulted?
DCO.2.5	The Environment Agency	<p>The Environment Agency</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadlines 3 [REP3-186] on 22 February 2019 and 5 on 29 March 2019</p>

ExQ2	Question to:	Question:
		<p>[REP5-index number to be allocated] includes additional references to The Environment Agency at Article 6(2) and Requirements 6(1) and 7(1).</p> <ul style="list-style-type: none"> i. Is the Environment Agency content to be referenced in the parts of the draft DCO? ii. Are there other parts of the draft DCO at which the Environment Agency would justifiably wish to be referenced as a body to be consulted or as an approving body?
DCO.2.6	Southern Water	<p>Southern Water</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadlines 3 [REP3-186] on 22 February 2019 and 5 on 29 March 2019 [REP5-index number to be allocated] includes additional references to Southern Water at Requirements 6(1) and 7(1).</p> <ul style="list-style-type: none"> i. Is Southern Water content to be referenced in the parts of the draft DCO? ii. Are there other parts of the draft DCO at which Southern Water would justifiably wish to be referenced as a body to be consulted or as an approving body?
DCO.2.7	The Civil Aviation Authority	<p>The Civil Aviation Authority</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadlines 3 [REP3-186] on 22 February 2019 and 5 on 29 March 2019</p>

ExQ2	Question to:	Question:
		<p>[REP5-index number to be allocated] includes additional references to the Civil Aviation Authority at Requirements 6(1) and 7(1).</p> <ul style="list-style-type: none"> i. Is the Civil Aviation Authority content to be referenced in the parts of the draft DCO; and ii. Are there other parts of the draft DCO at which The Civil Aviation Authority would justifiably wish to be referenced as a body to be consulted or as an approving body?
DCO.2.8	The Health and Safety Executive	<p>The Health and Safety Executive</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadlines 3 [REP3-186] on 22 February 2019 and 5 on 29 March 2019 [REP5-index number to be allocated] includes additional references to the Health and Safety Executive at Requirements 6(1) and 7(1).</p> <ul style="list-style-type: none"> i. Is the Health and Safety Executive content to be referenced in the parts of the draft DCO? ii. Are there other parts of the draft DCO at which the Health and Safety Executive would justifiably wish to be referenced as a body to be consulted or as an approving body?
DCO.2.9	Natural England	<p>Natural England</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadlines 3 [REP3-186] on 22 February 2019 and 5 on 29 March 2019 [REP5-index number to be allocated] includes additional references to</p>

ExQ2	Question to:	Question:
		<p>Natural England at Arts. 16(5) and 16(6) and Requirements 6(1) and 7(1).</p> <ul style="list-style-type: none"> i. Is Natural England content to be referenced in the parts of the draft DCO? ii. Are there other parts of the draft DCO at which Natural England would justifiably wish to be referenced either as a body to be consulted or as an approving body?
DCO.2.10	The Applicant	<p>Associated Development</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated] has added a definition of associated development as follows:</p> <p><i>“associated development” has the same meaning as in section 115 (development for which development consent may be granted) of the 2008 Act</i></p> <p>S115 (2) of the 2008 Planning Act states that:</p> <p><i>“Associated development” means development which is associated with the development</i></p> <p>Explain how the introduction of this definition supports your categorisation of ‘associated development’ in, inter alia, Schedule 1 of the Revised 2.1 Draft Development Consent Order submitted</p>

ExQ2	Question to:	Question:
		at Deadline 5 on 29 March 2019 [REP5-index number to be allocated].
DCO.2.11	The Applicant	<p>Article 2 - Interpretation</p> <p>Justify the omission of a phrase relating to possible environmental effects apart from those identified in the environmental statement in the definition of “commence” in the Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated].</p>
DCO.2.12	The Applicant	<p>Article 2 - Interpretation</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated] states that:</p> <p><i>“maintain” in relation to the authorised development includes to inspect, repair, adjust, alter, remove, refurbish, replace, improve or reconstruct provided that such actions do not give rise to any new or materially different worse environmental effects from those identified in the environmental statement”</i></p> <p>Which body or bodies is to certify that such actions do not give rise to any new or materially different worse environmental effects from those identified in the environmental statement?</p>
DCO.2.13	The Applicant	Article 2 - Interpretation

ExQ2	Question to:	Question:
		Justify the omission of the definition of ‘limits to deviation’ in the Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated].
DCO.2.14	The Applicant	<p>Article 5(1) - Maintenance of drainage works</p> <ul style="list-style-type: none"> i. Justify the apparent breadth of this statement of limits of the undertaker’s responsibility. ii. Define who or what may be the “<i>person responsible</i>” in this Article.
DCO.2.15	The Applicant	<p>Article 6 – Limits of deviation</p> <p>Article 6(2). This Article appears to allow for unlimited vertical deviation subject to approval by SoS in consultation with Environment Agency.</p> <ul style="list-style-type: none"> i. Show where and how has this been assessed in the ES? ii. How would it be assessed in the future? <p>Bearing in mind the advice in The Inspectorate’s Advice Note 15 that: “... details fixed by the terms of the DCO can only be changed if authorised, and following adherence with the prescribed approach explained in section 153 of and Schedule 6 to the PA2008” the ExA consider that this could result in a material change to the project which has not been examined.</p>

ExQ2	Question to:	Question:
		<p>iii. How would this be consulted upon?</p> <p>iv. Why is the relevant planning authority not listed as an approving authority or as a consultee?</p>
DCO.2.16	The Applicant	<p>Article 6 – Limits of deviation</p> <p>i. Explain between the maximum height above OD of the radar tower constructed as part of Work no.4 (74.0 metres) and the height given in Schedule 1 Work No.4 (a maximum building height of 27m).</p> <p>ii. State, with reference to this Work and, similarly to Works No.12 and No.14 which height takes precedence.</p>
DCO.2.17	The Applicant	<p>Article 9 - Guarantees in respect of payment of compensation, etc.</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated] includes “a guarantee by a parent company of the undertaker” in Article 9(2)(f).</p> <p>Which company will be the parent company of the undertaker?</p>
DCO.2.18	Thanet DC	<p>Article 9 - Guarantees in respect of payment of compensation, etc.</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated] includes the Secretary of State as the approving body in Article 9 - Guarantees in respect of payment of compensation, etc.</p>

ExQ2	Question to:	Question:
		<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated] states at paragraph 3.23 that:</p> <p><i>"The report of the Transport Select Committee inquiry into small airports in 2015 is provided at Appendix 8, supporting the case that the Secretary of State would be the better body to approve the guarantee provided at Article 9. The project also affects a wider area than that of Thanet District Council, further suggesting a higher-level body would be more appropriate."</i></p> <p>Comment on both parts of the Applicant's justification for the choice of approving body in this Article.</p>
DCO.2.19	The Applicant	<p>Article 9 - Guarantees in respect of payment of compensation, etc.</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated] includes the Secretary of State as the approving body in Art. 9 Guarantees in respect of payment of compensation, etc.</p> <p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated] states at paragraph 3.23 that:</p> <p><i>"The report of the Transport Select Committee inquiry into small airports in 2015 is provided at Appendix 8, supporting the case that the Secretary of State would be the better body to approve the guarantee provided at Article 9. The project also affects a wider area than that of Thanet District</i></p>

ExQ2	Question to:	Question:
		<p><i>Council, further suggesting a higher-level body would be more appropriate."</i></p> <ul style="list-style-type: none"> i. Indicate on which parts of the 2015 report of the Transport Select Committee inquiry into small airports you rely on as your justification for retaining the Secretary of State as the approving body in this Article. ii. Show how these support your position.
DCO.2.20	The Applicant	<p>Articles 11 and 12 - Construction and maintenance of new, altered or diverted streets and Temporary stopping up and restriction of use of streets.</p> <p>The ExA recommend that the streets referred to should be identified on the Access and Rights of Way Plans listed at Schedule 10 and words be included in this Article that reference that plan.</p> <p>Comment.</p>
DCO.2.21	The Applicant	<p>Article 12 - Temporary stopping up and restriction of use of streets.</p> <p>Article 12(2) states that:</p> <p><i>"...the undertaker may use any street temporarily stopped up or restricted under the powers conferred by this article and which is within the Order limits as a temporary working site..."</i>.</p>

ExQ2	Question to:	Question:
		Show where the use of streets as temporary working sites been assessed in the Environmental Statement?
DCO.2.22	The Applicant	<p>Article 12(2)</p> <p>In its response to ExA question DCO.1.2 [REP3-139], Kent CC states that: <i>"KCC is not content with the wording of Article 12(2). The County Council requests that the wording is altered to require the applicant to seek written consent from the Highway Authority to be able to use the highway as a temporary working site.</i></p> <p><i>The County Council notes that utility companies, as statutory undertakers, have a right to access and maintain any plant. The NRSWA 1991 Guidance on Measures necessary where apparatus is affected by Diversionary Works - A Code of Practice (appendix 1) states that when a highway, which is subject of a stopping up order, contains undertakers' apparatus, the Highway Authority should be aware of the undertaker's need for adequate access or protection and should discuss the intended closure at an early stage. The statutory undertaker should be consulted with and given an opportunity to divert any mains/plant.</i></p> <p><i>With regards to permissions for access, once a stopping up order has been raised then this is no longer public highway and therefore in theory, any utility will not need to request road space from KCC as Highway Authority in order to access their plant/ apparatus. The wording should be altered to require the applicant to seek written consent from the Street</i></p>

ExQ2	Question to:	Question:
		<p><i>Authority (i.e. the Highway Authority) to use the highway as a temporary working site."</i></p> <p>The ExA notes that Article 12(2) has not been amended to take these comments into account.</p> <p>Either:</p> <ul style="list-style-type: none"> • Justify why this Article should remain as drafted; or • Provide draft wording to take account of Kent CC's comments.
DCO.2.23	The Applicant	<p>Article 14 - Access to Works</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated] states that:</p> <p><i>"The undertaker may, for the purposes of the authorised development, and with the consent of the street authority, form and layout means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development provided that this does not result in any materially new or materially worse environmental effects".</i></p> <p>i. State whether this is designed to allow for works beyond those specified in Schedule 1.</p>

ExQ2	Question to:	Question:
		<p>ii. State which body or bodies are to certify whether or not development does result in any materially new or materially worse environmental effects.</p> <p>The ExA is considering adding the phrase "<i>from those identified in the environmental statement</i>" at the end of this Article.</p> <p>iii. Comment.</p>
DCO.2.24	The Applicant	<p>Article 18 - Authority to survey and investigate the land</p> <p>Justify the insertion of the phrase "<i>and on the Secretary of State</i>" in 18(2).</p>
DCO.2.25	The Applicant	<p>Article 18 - Authority to survey and investigate the land</p> <p>The ExA is considering amending Article 18(7)(a) to read "<i>Operation Stack has been declared by Highways England and/or Kent Police</i>".</p> <p>Comment.</p>
DCO.2.26	The Applicant	<p>Article 19(1) – Compulsory acquisition of land</p> <p>The ExA recommend that the words "<i>as described in the Book of Reference</i>" should be added to the end of the sentence.</p> <p>Comment.</p>

ExQ2	Question to:	Question:
DCO.2.27	The Applicant	<p>Article 21 - Time limit for exercise of authority to acquire land compulsorily</p> <p>Article 21(2) states that:</p> <p><i>"The authority conferred by article 29 (temporary use of land for carrying out the authorised development) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period."</i></p> <p>Article 29(3)(a) sets a limit of one year for the temporary use of land.</p> <p>Clarify whether there is any possible conflicts between the time limits set in Article 21 and Article 29</p>
DCO.2.28	The Applicant	<p>Article 22 - Compulsory acquisition of rights and restrictive covenants</p> <p>Article 22(1) allows for the imposition of restrictive covenants.</p> <p>The Applicant is referred to paragraph 26 of Advice Note 15: <i>"Before deciding whether or not the power is justified the Secretary of State will need to consider issues such as proportionality; the risk that the use of land above or below a structure could be sterilised if it has to be acquired outright in the absence of a power to impose restrictive covenants"</i>.</p>

ExQ2	Question to:	Question:
		<p>For information rather than claiming precedence, the Applicant is also referred to the Secretary of State’s decision at paragraph 62 of the M4 Motorway (Junctions 3 to 12) (Smart Motorway) DCO <i>“to remove the power to impose restrictive covenants and related provisions as he does not consider that it is appropriate to give such a general power over any of the Order land as defined in article 2(1) in the absence of a specific and clear justification for conferring such a wide-ranging power in the circumstances of the proposed development and without an indication of how the power would be used”</i>.</p> <p>In the absence of any draft restrictive covenants within the draft DCO or in the application documents, set out your justification for not specifying the nature, geographic limitation and content of such restrictive covenants.</p>
DCO.2.29	The Applicant Thanet DC	<p>Article 34 - Felling or lopping of trees and removal of hedgerows</p> <p>The ExA is considering whether to include the phrase <i>“no actions under this Article may be commenced until a landscaping scheme for that part, which sets out details of all proposed hard and soft landscaping works, has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.”</i> into this Article.</p> <p>Comment.</p>
DCO.2.30	The Applicant	<p>Article 35 - Abrogation of agreement</p>

ExQ2	Question to:	Question:
		Cite the legal basis for the unilateral abrogation of an agreement between two parties.
DCO.2.31	The Applicant	Article 36 - Application of landlord and tenant law Why do you consider this Article to be necessary in the circumstances of this particular project.
DCO.2.32	The Applicant	Schedule 1: Authorised Development Describe what is meant by "<i>associated pavement and infrastructure</i>" in the description of Work No.8.
DCO.2.33	The Applicant	Schedule 1: Authorised Development Justify the inclusion of Work No.12 – The construction of a new passenger terminal facility with a maximum building height of 15m under 'Associated Development' rather than under the s14 and 23 list of works.
DCO.2.34	The Applicant	Schedule 1: Authorised Development The Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated] includes the words " <i>airport related</i> " within the description of Works Nos. 15. 16 and 17.

ExQ2	Question to:	Question:
		Show how the references to Use Classes B1 and B8 serve to ensure that these works are 'airport related'.
DCO.2.35	The Applicant	Schedule 2 – Requirements Requirement 1 – Interpretation With reference to, for example, Requirement 11, justify the deletion of the meaning of “contaminated land” from Requirement 1 – Interpretation.
DCO.2.36	The Applicant	Schedule 2 – Requirements Requirement 5 - Detailed design of fuel depot The ExA is considering adding “...and the relevant planning authority” at the end of this Requirement. Comment.
DCO.2.37	The Applicant The Environment Agency	Schedule 2 – Requirements Requirement 5 - Detailed design of fuel depot The ExA is considering adding: <i>(3) (5) Prior to any part of the authorised development being occupied the undertaker must obtain confirmation in writing from the Environment Agency that the fuel depot site, Work No.19, has been remediated according to the standards required by the Environment Agency</i>

ExQ2	Question to:	Question:
		Comment.
DCO.2.38	The Applicant	<p>Schedule 2 – Requirements</p> <p>Requirement 5 - Detailed design of fuel depot</p> <p>The updated Register of Environmental Actions and Commitments states in relation to Work No.19 [check] states that:</p> <p><i>"Design will be undertaken beyond BAT and will include: bund construction, specification of storage tanks. double banded tanks, bund to be underlain by impermeable membrane (e.g. visqueen), joints to be sealed with a hydrophobic sealant to prevent leakage, and concrete to include self-sealing material (e.g. xypex) and to be specified to water impermeable standard with additional reinforcement to limit cracks to e.g. <0.2 mm."</i></p> <p>Demonstrate how the proposed specifications for Work No.19 contained in the Updated Register of Environmental Actions and Commitments [REP4-] are adequately secured through Requirement 5.</p>
DCO.2.39	The Applicant	<p>Schedule 2 – Requirements</p> <p>Requirement 7 - Operation environmental management plan</p> <p>The ExA recommend that reference should be made in Requirement 7(b) to the:</p>

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> • Framework Travel Plan; • Public Rights of Way Management Strategy; • Car Park Management Strategy; and • Airport Surface Access Strategy. <p>Comment.</p>
DCO.2.40	The Applicant	<p>Schedule 2 – Requirements</p> <p>Requirement 13 – Surface and foul water drainage</p> <p>The ExA is considering whether this Requirement should contain phasing for the completion of the elements of the relevant Work in advance of the start of operation of the Proposed Development.</p> <p>Comment.</p>
DCO.2.41	The Applicant	<p>Schedule 2 – Requirements</p> <p>Requirement 13 – Surface and foul water drainage</p> <p>The ExA is considering “<i>Natural England</i>” after “<i>Kent County Council</i>” in line 2 of sub-clause (2) this Requirement.</p> <p>Comment.</p>
DCO.2.42	Kent CC	<p>Schedule 2 – Requirements</p>

ExQ2	Question to:	Question:
		<p>Requirement 16 – Archaeological remains</p> <p>The Relevant Representation from Kent CC [RR- 0975] states that: <i>“a DCO requirement should cover the need to preserve the archaeology including through adjustment of development parameters as well as covering the necessary stages of evaluation and investigation. The requirements should also cover extensive investigation of those areas of the airport where archaeology will be affected by development but is not to be preserved in situ. The County Council welcomes the intention to agree a Written Scheme of Investigation for future archaeological investigations.”</i></p> <p>i. Do you consider that Requirement 16, as drafted in the Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated], fulfils these requirements?</p> <p>ii. If not, provide suggested draft wording.</p>
DCO.2.43	Kent CC The Applicant	<p>Schedule 2 – Requirements</p> <p>Requirement 16 - Archaeological remains</p> <p>In its response to DCO.1.4 [REP3-139] Kent CC stated that: KCC can provide some wording into Requirement 16 that allows for preservation following evaluation of those areas but would need to be sure that this does not counter the principle of the permitted</p>

ExQ2	Question to:	Question:
		<p>development and make the requirement unworkable. It would be best to agree this requirement with Historic England.</p> <ul style="list-style-type: none"> i. Provide a report on any actions consequent on this offer. ii. Provide any draft agreed wording.
DCO.2.44	The Applicant	<p>Schedule 2 – Requirements</p> <p>Requirement 19 - Airport-related commercial facilities</p> <p>Requirement 19 - Airport-related commercial facilities states that: <i>“Works Nos. 15, 16 and 17 must only be developed and used to support the operation of Works Nos. 1 to 11 and 13.”</i></p> <p>The ExA note that the word ‘support’ is used in April 2013 MHCLG Guidance on associated development applications for major infrastructure projects.</p> <ul style="list-style-type: none"> i. Define, including through the use of examples, what is meant by “support” in this Requirement. ii. How would this ensure that works 15, 16 and 17 are required for aviation purposes?
DCO.2.45	The Applicant	<p>Discharging Authority</p> <p>You have included the Secretary of State as the discharging authority in a number of Articles and Requirements.</p>

ExQ2	Question to:	Question:
		<p>You are reminded that PINS Advice note fifteen: Drafting Development Consent Orders, Version 2 July 2018 states at Para 19.3:</p> <p><i>"If an applicant proposes that the approval of matters be required from a discharging authority other than the relevant planning authority, the Applicant should consult with that discharging authority ahead of submitting the application and consider whether it has the required resources and expertise to perform that function."</i></p> <p>i. Have you consulted with the Secretary of State's office?</p> <p>ii. Has the Secretary of State's office agreed to the references to the Secretary of State in this respect?</p>
DCO.2.46	The Applicant All parties	<p>Additional Articles or Requirements</p> <p>The ExA is considering inserting a new Article under principal Powers which specified that the operation of the airport is subject to a total annual air transport movement limit and is subject to a total annual General Aviation movement limit.</p> <p>The quantum of these limits will be set out by the ExA in further drafts of the DCO following further Examination through Written Questions and Issue Specific Hearings.</p> <p>Comment.</p>
DCO.2.47	The Applicant	<p>Additional Articles or Requirements</p>

ExQ2	Question to:	Question:
	All parties	<p>The ExA is considering inserting a Requirement into the draft DCO stating that an aircraft cannot take-off or be scheduled to land at night between 2300 and 0600 and that 'scheduled' be defined in Requirement 1 – Interpretation.</p> <p>Comment.</p>
DCO.2.48	The Applicant All parties	<p>Additional Articles or Requirements</p> <p>The ExA notes that the Register of Environmental Actions and Commitments [APP- 010] references:</p> <p><i>"Measures to optimise local recruitment during construction and operation, including possible measures to ensure linkages to local training initiatives and/or voluntary agreements relating to local recruitment."</i></p> <p>The ExA notes the reference in the Preliminary Meeting of the need to consider 'education' as well as training and the subsequent inclusion of this word in the list of Principal Issues.</p> <p>The ExA is considering inserting a Requirement into the draft DCO requiring the drawing up and implementation of policies and programmes relating to the employment of local labour and the provision of training and education schemes.</p> <p>i. Comment on the value and implementability of such a Requirement.</p>

ExQ2	Question to:	Question:
		<p>ii. If agreeable to such a Requirement, provide draft wording that may be acceptable to the Applicant.</p>
DCO.2.49	<p>The Applicant All parties</p>	<p>Additional Articles or Requirements</p> <p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated] states at paragraph 10.1 that:</p> <p><i>"The Applicant does not agree with SHP's proposals for inclusion in the dDCO, except that it would be prepared to adopt the equivalent to the Crichel Down rules in relation to SHP's interest."</i></p> <p>Provide possible drafting for inclusion in the draft DCO embedding the principles inherent in the Crichel Down rules.</p>
DCO.2.50	<p>The Applicant All parties</p>	<p>Additional Articles or Requirements</p> <p>The ExA is considering whether it should be a requirement that the authorised development must not be commenced until measures set out in sections 2, 3, 4 and 5 of the revised Noise Mitigation Plan have been implemented.</p> <p>Comment.</p>
DCO.2.51	<p>The Applicant To be noted</p>	<p>The ExA request that the Applicant check that all references to other documents contained in the draft DCO, particularly</p>

ExQ2	Question to:	Question:
		<p>references in Schedule 10, refer to the latest versions of those documents.</p>
F.2	Funding and resources	
F.2.1	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] states at paragraph 3.1 that:</p> <p><i>"restructuring was estimated to be complete by the end of April."</i></p> <p>The Applicant must note that the ExA require that any answers to these second questions to be submitted at Deadline 6 (3 May 2019) must reflect and be informed by that completed restructuring.</p>
F.2.2	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated] states at paragraph 3.1 that:</p> <p><i>"restructuring was estimated to be complete by the end of April."</i></p> <p>The Applicant must note that the ExA require that any answers to these second questions must be accompanied by an Updated Funding Statement (in both tracked and clean versions) with an explanation of, and a justification for, any changes between it and the submitted version [APP-013]</p>

ExQ2	Question to:	Question:
F.2.3	The Applicant	<p>The Applicant is reminded that Regulation 5(2)(h) requires that an application be accompanied by a statement to indicate how an order that contains the authorisation of compulsory acquisition is proposed to be funded.</p> <p>The Applicant is further reminded that DCLG Guidance related to procedures for the compulsory acquisition of land (2013) advises at para. 9 that the applicant should be able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available.</p> <p>The Applicant is reminded that information in the public domain at http://rsp.co.uk/news/the-formation-and-funding-of-riveroak-strategic-partners/ states that:</p> <p><i>"comprehensive details of our funding partners and investment arrangements will of course be provided to PINS as part of the DCO application, providing solid evidence of our ability to meet all of the financial obligations associated with the acquisition, reopening and operation of the airport."</i></p> <p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] states at paragraph 3.3 that:</p> <p><i>"...the investors wished to remain confidential..."</i></p>

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> i. Explain how this latter statement conforms to, and supports, a system of Examination which is designed to be open and transparent. ii. Explain how this latter statement confirms to RSP's own commitment to provide comprehensive details of its funding partners. iii. Suggest ways in which the ExA may recommend to the Secretary of State on issues surrounding the availability of funding in the face of a desire for confidentiality relating to that issue.
F.2.4	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated] states at paragraph 3.2 that:</p> <p><i>"The Applicant's intention is that RiverOak Manston Limited, a UK registered company, would be its sole owner"</i></p> <p>Information in the public domain, held at Companies House, shows that, at 18 July 2018, RiverOak Manston Limited (Company number 10286975) had a share capital of 4 shares at £1.00 each and that the accounts for a dormant company were made up to 31 July 2017 were filed on 11 April 2018.</p> <ul style="list-style-type: none"> i. State whether Manston Limited is still a dormant company. ii. Provide filed accounts made up to 31 July 2018 or later.

ExQ2	Question to:	Question:
F.2.5	The Applicant	<p>Information in the public domain, held at Companies House, shows that the filed accounts for the Applicant, RSP Ltd, a dormant company, are those made up to 31 July 2017.</p> <p>Provide filed accounts made up to 31 July 2018 or later.</p>
F.2.6	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] has omitted any reference to the answers given at the Compulsory Acquisition hearing related to the Applicant's subsidiary companies and other related companies.</p> <p>Your answer to our question F.1.2 states that:</p> <p><i>"The Applicant, RiverOak Strategic Partners Limited, has three subsidiary companies: RiverOak Operations Limited, RiverOak AL Limited and RiverOak Fuels Limited."</i></p> <ul style="list-style-type: none"> i. Provide filed accounts made up to 31 July 2018 or later for the three companies listed in the Applicant's response to ExA question F.1.2: RiverOak Operations Limited, RiverOak AL Limited and RiverOak Fuels Limited. ii. Confirm whether Riveroak MSE Limited should be added to the list of subsidiary companies. iii. If so, provide filed accounts made up to 31 July 2018 or later for Riveroak MSE Limited.

ExQ2	Question to:	Question:
		<p>iv. Explain the different roles of RiverOak Strategic Partners Limited and its subsidiary companies in the proposed scheme.</p> <p>v. Confirm which company will be the undertaker.</p>
F.2.7	The Applicant	<p>The Applicant's response to question CA 1.20 states that:</p> <p><i>The Applicant can confirm that the land contained in Plot Numbers 071, 072, 072a and 77 (being the Jentex Fuel Facility) was acquired by RiverOak Fuels Limited on 17 September 2018. RiverOak Fuels Limited is a wholly owned subsidiary of the Applicant."</i></p> <p>Riveroaks Fuels Ltd was incorporated on 24th August 2018 with a share allocation with a total aggregate nominal value of £1 with Riveroak Strategic Partners as the sole shareholder.</p> <p>The Land Registry entry for the Jentex Site provided as Appendix 3 to the Applicant's states that:</p> <p><i>"The price stated to have been paid on 17 September 2018 was £2,300,000."</i></p> <p>Provide evidence of Riveroaks Fuels Ltd having expended this sum.</p>
F.2.8	The Applicant	<p>Information in the public domain, held at Companies House, shows that note 10 to the Financial Statements for Freudmann Tipple International Ltd for the period ended 30th March 2018 states that:</p>

ExQ2	Question to:	Question:
		<p><i>"During the year, the company held funds in trust for Riveroak Operations Limited, a company of which Mr A Freudmann is a director. At the balance sheet date, the company held £588,906."</i></p> <p>The Applicant's response to ExA question F.1.2 [REP3-195] lists RiverOak Operations Limited as a subsidiary company of the Applicant.</p> <ol style="list-style-type: none"> i. Describe the relationship between the Applicant and Freudmann Tipple International Ltd. ii. State the amount held in trust for Riveroak Operations Limited by Freudmann Tipple International Ltd as at 30th March 2019. iii. State the purpose for which these funds are held.
F.2.9	The Applicant	<p>The Draft (not agreed) Statement of Common Ground between the Applicant and Cogent Land LLP [REP4-015] lists under matters not yet agreed between the parties:</p> <p><i>"5.1 The extent of, and who would pay for, mitigation measures that will satisfy Thanet District Council in discharging Condition 35.</i></p> <p><i>5.2 The extent of, and who would pay for, mitigation measures that will satisfy any requirements for noise mitigation as a result of the Development for future development of land within the control of Cogent Land LLP.</i></p>

ExQ2	Question to:	Question:
		<p>5.3 The extent of, and who would pay for, any measures required to mitigate the effects described in Table 18.5 of the Environmental Statement Volume 3 Chapters 17 to 18 [APP-035].”</p> <ul style="list-style-type: none"> i. Provide an update on the position on this issue. ii. Show where this putative responsibility is included in estimates of costs for the scheme.
F.2.10	The Applicant	<p>The Local Impact Report from Kent CC [REP3-143] states at paragraph 3.1 that:</p> <p><i>“The County Council would expect monies to be secured to improve the surface of the existing and diverted bridleways to a minimum width of 3m along the entire length, which will include bridleways TR8 and TR10. KCC can supply a cost for this work.”</i></p> <p>The Applicant’s Comments on Local Impact Reports states that:</p> <p><i>“The PRowMS included proposals to improve TR8 to a 3m width. TR10 was not identified as an affected route”.</i></p> <p>The Updated Register of Environmental Actions and Commitments includes (at page 36 tracked version) PRow TR10 in the list of locations experience significant effects in respect of visual impact.</p> <ul style="list-style-type: none"> i. Show where this putative responsibility is included in estimates of costs for the scheme.

ExQ2	Question to:	Question:
		<p>ii. Explain the apparent anomaly as to whether TR10 is affected or not.</p>
F.2.11	The Applicant	<p>The Local Impact Report from Kent CC [REP3-143] states at paragraph 3.2 that:</p> <p><i>"In respect of ongoing maintenance, it will be expected that the site operators will take on ongoing maintenance responsibilities for any landscaping and enhancements along the bridleway and PRow network."</i></p> <p>Show where this putative responsibility is included in estimates of costs for the scheme.</p>
F.2.12	The Applicant	<p>The Statement of Common Ground between the Applicant and the RAF Manston Spitfire and Hurricane Memorial Museum [REP3-191] states at paragraph 4.1.5 that:</p> <p><i>"RiverOak will make a significant financial contribution to the capital costs of a relocated museum ... as well as to the fit-out and removal costs."</i></p> <p>Show where this putative responsibility is included in estimates of costs for the scheme.</p>
F.2.13	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] states at paragraph 3.3 that:</p> <p><i>"The shareholders of MIO Investments are the project's investors"</i></p>

ExQ2	Question to:	Question:
		<p>Information in the public domain at http://rsp.co.uk/news/the-formation-and-funding-of-riveroak-strategic-partners/ states that:</p> <p><i>"We have provided all required details of our company ownership structure to Companies House"</i></p> <ul style="list-style-type: none"> i. Provide a copy of the documentation provided to Companies House. ii. Provide a link to the Companies House website showing where details of MIO Investments are to be found.
F.2.14	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] states at paragraph 3.3 that:</p> <p><i>"The shareholders of MIO Investments are the project's investors"</i></p> <p>In the Applicant's Response for Deadline 1: Enclosure 1 to Main Letter re. s51 Advice on Funding you state that:</p> <p><i>"The Applicant has recognised that the lack of transparency in relation to the Belize entity in particular has given rise to a number of questions."</i></p> <p>Information in the public domain at http://rsp.co.uk/news/the-formation-and-funding-of-riveroak-strategic-partners/ states that:</p> <p><i>"MIO Investments Limited is a company registered in the Commonwealth territory of Belize."</i></p>

ExQ2	Question to:	Question:
		<p>i. Show how the continuing use of MIO Investments as the project’s investors serves to address the lack of transparency in relation to the Belize entity.</p> <p>ii. Provide details of, or a link to, company details for MIO Investments.</p>
F.2.15	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] states at paragraph 3.3 that:</p> <p><i>“The shareholders of MIO Investments are the project’s investors ... their loans to MIO Investments had been subject to due diligence and approval by HMRC under the Business Investment Relief scheme and declared in their tax returns.”</i></p> <p>You have provided redacted copies of three letters, each dated 1 December 2016, from Business Investment Relief, HMRC (reference numbers 0498, 0499 and 0500).</p> <p>Each of these letters refers to <i>“the proposed investment in RiverOak Strategic Partners Ltd”</i> not, as you state, to MIO Investments.</p> <p>The letters from HMRC state that:</p> <p><i>“If any of the circumstances or the nature of the investment differ from those described by you, or other facts come to light which have an impact on whether the investment is a qualifying investment, HMRC will not be bound by this opinion.”</i></p>

ExQ2	Question to:	Question:
F.2.16	The Applicant	<p>Would the opinion of the HMRC remain valid if the nature of the loan has changed?</p> <p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] states at paragraph 3.3 that:</p> <p><i>"The shareholders of MIO Investments are the project's investors ... their loans to MIO Investments had been subject to due diligence and approval by HMRC under the Business Investment Relief scheme and declared in their tax returns."</i></p> <p>You have provided redacted copies of three letters, each dated 1 December 2016, from Business Investment Relief, HMRC (reference numbers 0498, 0499 and 0500).</p> <p>Each of these letters states that:</p> <p><i>"I remind you that:</i></p> <p><i>As the person claiming relief, you are wholly responsible for the accuracy of the information supplied to HMRC.</i></p> <p><i>This opinion is based solely on the information you provided and will not apply in any circumstances beyond those described by you."</i></p> <p>Given these two statements, justify your statement that "the loans to MIO Investments had been subject to due diligence... by HMRC".</p>

ExQ2	Question to:	Question:
F.2.17	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] states at paragraph 3.3 that:</p> <p><i>"The shareholders of MIO Investments are the project's investors ... their loans to MIO Investments had been subject to due diligence and approval by HMRC under the Business Investment Relief scheme and declared in their tax returns."</i></p> <p>You have provided redacted copies of three letters, each dated 1 December 2016, from Business Investment Relief, HMRC (reference numbers 0498, 0499 and 0500).</p> <p>Each of these letters states that:</p> <p><i>"Although we have provided this assurance please be aware that we do have reservations about the above company's likely trading position. As such we expect you and your agent to keep the position under review and to expect that HMRC will do likewise. With that in mind it would be helpful if, for the two years after the claim is made, a "white notes" entry is made on your tax return to summarise the position as this may help avoid us having to open formal enquiries."</i></p> <p>i. Comment, in respect of each of the three investors, on the statement by HMRC that, it does "have reservations about the ... company's likely trading position".</p> <p>ii. Has the claim been made?</p>

ExQ2	Question to:	Question:
		<p>iii. Have “white notes” entries been made on the tax returns for the three investors?</p> <p>iv. Has HMRC opened formal enquiries into any of the three investors?</p>
F.2.18	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] states at paragraph 3.1 that:</p> <p><i>“the restructuring [is] taking longer than expected in part due to the ongoing discussions with Stone Hill Park (SHP) regarding the acquisition of the site.”</i></p> <p>Explain how the ongoing discussions with Stone Hill Park regarding the acquisition of the site have delayed the restructuring.</p>
F.2.19	The Applicant	<p>Resource Implications – Implementation of the Project</p> <p>The Applicant is reminded that that DCLG Guidance related to procedures for the compulsory acquisition of land (DCLG (2013) Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land, April) states that:</p> <p><i>“Any application for a consent order authorising compulsory acquisition must be accompanied by a statement explaining how it will be funded. This statement should provide as much information as possible about the</i></p>

ExQ2	Question to:	Question:
		<p><i>resource implications of ... implementing the project for which the land is required."</i></p> <p>The Planning Inspectorate's advice to the Applicant under s.51 of PA2018, in a letter dated 14th August 2018 states that:</p> <p><i>"...the Inspectorate considers that the Funding Statement poses substantial risk to the examination of the application."</i></p> <p>Show what steps you have taken thus far to minimise that risk.</p>
F.2.20	The Applicant	<p>The Applicant is reminded that the DCLG <i>Guidance related to procedures for the compulsory acquisition of land</i> (DCLG (2013) Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land, April) states that:</p> <p><i>"Any application for a consent order authorising compulsory acquisition must be accompanied by a statement explaining how it will be funded. This statement should provide as much information as possible about the resource implications of ... implementing the project for which the land is required."</i></p> <p>You stated in F.1.11 that:</p> <p><i>"The Applicant will submit an updated funding statement as soon as the restructuring mentioned in the Deadline 1 cover letter (REP1-001) is complete."</i></p>

ExQ2	Question to:	Question:
		<p>The ExA notes that an updated Funding Statement has not been provided at Deadline 5 despite the Applicant's statement in its Response for Deadline 1: Enclosure 1 to Main Letter re s51 Advice on Funding that:</p> <p><i>"...it is anticipated that [the restructuring] will be complete and that further details can be put into the public domain by Deadline 3 (8 February)."</i></p> <p>Explain why you have failed to meet your anticipated deadline of 8 February, and subsequent Deadlines 4 (8 March) and 5 (29 March).</p>
F.2.21	The Applicant	<p>The Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated] states at paragraph 3.15 that:</p> <p><i>"The Applicant has now spent £14.5m on the project ..."</i></p> <p>Provide proof of this statement.</p>
F.2.22	The Applicant	<p>The Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated] states at paragraph 3.15 that:</p> <p><i>"...[the] funders continue to have a further £30m set aside to include its costs until the grant of the DCO and to pay for land acquisition and noise mitigation costs."</i></p>

ExQ2	Question to:	Question:
		<p>You have provided a redacted copy of the joint Venture Agreement at Appendix 4 to Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated].</p> <p>This Agreement is characterised as being a Loan Note Instrument constituting up to £15,000,000 interest-free non-convertible loan stock 2025.</p> <p>Show where the remaining £15,000,000 is set aside.</p>
F.2.23	The Applicant	<p>You have provided a redacted copy of the joint Venture Agreement at Appendix 4 to Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated].</p> <p>This states that:</p> <p><i>"The JVC is a private company limited by shares incorporated in England under the CA 2006 and has an issued share capital of one ordinary share of £1 which is held by ROML."</i></p> <p>Provide the Company Registration number for the JVC.</p>
F.2.24	The Applicant	<p>You have provided a redacted copy of the joint Venture Agreement at Appendix 4 to Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated].</p>

ExQ2	Question to:	Question:
		<p>This states at 2.1.1 that:</p> <p><i>"The business of the JVC ... is applying for and obtaining a Development Consent Order, including powers, rights and authorisations needed to acquire all relevant land and rights reasonably necessary to operate the Airport (or making such acquisition even without such an order)"</i></p> <p>What purpose would be served by the JVC acquiring all relevant land and rights without the benefit of a DCO?</p>
F.2.25	The Applicant	<p>You have provided a redacted copy of the joint Venture Agreement at Appendix 4 to Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated].</p> <p>This includes references to RiverOak Investment Corp. described as a Delaware limited liability corporation.</p> <ul style="list-style-type: none"> i. Provide the UK Company Registration number for RiverOak Investment Corp. ii. Explain the role of RiverOak Investment Corp in the proposed project.
F.2.26	The Applicant	<p>You have provided a redacted copy of the joint Venture Agreement at Appendix 4 to Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated].</p>

ExQ2	Question to:	Question:
		<p>This states at paragraph 9.2 that: <i>"The first Business Plan shall be prepared by the Board as soon as reasonably practicable following the occurrence of the Project Success Event"</i></p> <ul style="list-style-type: none"> i. Explain the status of the business model provided at Appendix F.1.5 of Appendices to Answers to First Written Questions [REP3-187]. ii. Define 'Project Success Event'.
HE.2	Historic environment	
HE.2.1	The Applicant	<p>Policy</p> <p>The Infrastructure Planning (Decisions) Regulations 2010 state that when deciding an application which affects listed building or their setting and conservation areas, the decision maker must have regard to the desirability of preserving the listed building or its setting, and preserving or enhancing the character or appearance of the conservation area. Paragraph 5.200 of the Airports National Policy Statement states that when considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State will give great weight to the asset's conservation. The Heritage Assets and Public Benefit Paper [Appendix HE.1.2, REP3-187] acknowledges that less</p>

ExQ2	Question to:	Question:
		<p>than substantial harm would be caused by the proposal to 3 scheduled monuments, 10 listed buildings and 2 conservation areas.</p> <ul style="list-style-type: none"> <li data-bbox="965 507 2011 576">i. Do you consider that considerable importance and weight should be given to any harm caused to a heritage asset? <li data-bbox="965 596 2024 807">ii. Where less than substantial harm is found in respect of a number of heritage assets, do you consider that more weight can reasonably be attached in the overall planning balance to a number of "less than substantial" harms than would be the case if only one asset were (less than substantially) harmed? <li data-bbox="965 828 1951 896">iii. Do you consider there to be a scale of harm within the metric of 'less than substantial harm'?
HE.2.2	The Applicant	<p>Noise and heritage assets</p> <p>The ES Vol 1, Chapter 9 [APP-033], 9.6.21 states that the assessment considered the effect of noise on heritage assets in line with Historic England's Aviation Noise Metric Study.</p> <ul style="list-style-type: none"> <li data-bbox="965 1107 1877 1142">i. Provide a copy of the Aviation Noise Metric Study. <li data-bbox="965 1163 2056 1232">ii. Provide further information with regards to the 'scoping out' of heritage assets within Ramsgate. <li data-bbox="965 1252 2047 1321">iii. Confirm (or otherwise) that the assessment using the Noise Metric Study was applied using the current situation, ie a

ExQ2	Question to:	Question:
		<p>baseline assessment was done assuming no aviation noise for comparison with the 'with aviation' scenario.</p>
HE.2.3	The Applicant	<p>Noise and heritage assets</p> <p>Paragraphs 12.7.70 to 12.7.72 of Volume 2, Chapter 12 of the ES [APP-034] state that during the daytime significant adverse noise effects have been identified at Ramsgate, Pegwell Bay and Manston. The effect would be characterised as a perceived change in quality of life for occupants of buildings in these communities or a perceived change in the acoustic character of shared open spaces within these communities, and that during the night-time similar effects would occur in Ramsgate, Manston, Wade and West Stourmouth.</p> <ul style="list-style-type: none"> i. Given this statement, do you consider that your conclusions with regards to lack of harm to heritage assets in Ramsgate, including the conservation area, and the conservation area at St Nicholas at Wade remain the same? ii. Would a perceived change in the acoustic character of shared open spaces preserve or enhance the character of the conservation areas at Ramsgate and St Nicholas at Wade? iii. Would a perceived change in the acoustic character of shared open spaces preserve the setting of relevant listed buildings in Ramsgate and St Nicholas at Wade?

ExQ2	Question to:	Question:
HE2.4	The Applicant	<p>Visual effects</p> <p>Flightpaths for arriving and departing aircraft would overfly parts of the Ramsgate Conservation Area and various listed buildings within the town. Arriving aircraft would also overfly the conservation area at St Nicholas at Wade and listed buildings therein.</p> <ul style="list-style-type: none"> i. Do you consider the visual effect of overflying aircraft would have any effect on the character and appearance of such conservation areas? If so, would this preserve or enhance such character and appearance? ii. Do you consider the visual effect of overflying aircraft would have any effect on the setting of listed buildings underneath the flightpath? If so, would such an effect preserve the setting of the relevant listed buildings?
HE.2.5	The Applicant	<p>Non designated heritage assets</p> <p>Historic England [REP3-162, REP3-204] consider that the T2 Hangar, WWII Dispersal Bay, RAF Manston Control Tower and the RAF Manston WWII Battle HQ are potentially nationally important and note that if so should be preserved. HE think that further survey and assessment is needed to properly understand their significance, and the quantum and design of the development should be sufficiently flexible to allow for their preservation and sustainable use within the development scheme, should further assessment confirm that this is warranted. The Heritage Assets and Public Benefit Paper [Appendix HE.1.2, REP3-187] states that the T2</p>

ExQ2	Question to:	Question:
		<p>Hangar and WWII Dispersal Bay would be demolished, and that loss could be appropriately mitigated by recording of the structures meaning residual harm would be less than substantial. The RAF Manston Control Tower and RAF Manston WWII Battle HQ would be located within the safeguarded museums area.</p> <ul style="list-style-type: none"> i. Do you consider that further survey and assessment is necessary to define the significance of the T2 Hangar and WWII Dispersal Bay? ii. If so, outline how the design may be altered to accommodate the preservation and sustainable use of those structures not already protected within the design. <p>In asking this question the ExA note that the dispersal bay is the only one remaining at Manston, and that the T2 Hangar steel frame may be considered of significance in a group setting.</p>
HE.2.6	Historic England, Kent CC	<p>Draft Written Scheme of Investigation</p> <p>As part of their submission to Deadline 4, the applicant submitted an archaeological written scheme of investigation (WSI) [REP4-019].</p> <p>Do you consider the draft WSI to be satisfactory for setting out a programme of intrusive archaeological works to be carried out as mitigation of the loss of archaeological interest through the disturbance of archaeological remains within the limits of the proposal?</p>

ExQ2	Question to:	Question:
HE.2.7	The Applicant	<p>Draft Written Scheme of Investigation</p> <p>The draft WSI [REP4-019] contains limited reference to contamination /pollution. Any works must be carried out in a strictly controlled manner to ensure that contaminants are not exposed and releases allowed to air, land or controlled waters, which could cause pollution or human health effects.</p> <p>Consider whether the provisions of the draft WSI could be strengthened or cross referenced to the land quality section of the CEMP [Appendix 3.2 of APP-044].</p>
HE.2.8	The Applicant	<p>Draft Written Scheme of Investigation</p> <p>The draft WSI [REP4-019] states, in paragraph 5.5.2 “Where the landowner decides to retain artefacts, adequate provision must be made for recording them.”</p> <p>i. Is this a standard provision used in WSIs?</p> <p>ii. If so, provide further examples or if not, justify.</p>
HE.2.9	The Applicant	<p>Listed buildings – sound insulation</p> <p>Answers to various first written questions appear to state that there are no listed buildings falling within the provisions of the proposed Dwelling Noise Insulation Scheme (DNIS).</p>

ExQ2	Question to:	Question:
		For the avoidance of doubt confirm whether or not there are any listed buildings lying within the DNIS.
LV.2	Landscape and visual	
LV.2.1	The Applicant For information	The Applicant is informed that, at the ISH on Landscape and Visual Issues to be held in the week beginning 3 June 2019, a presentation will be requested showing the design approach and principles outlined in the Design Guide [REP4-024] submitted at Deadline 4 on 8 March and any other relevant documents.
LV.2.2	Dover DC The Applicant	<p>Dover DC</p> <p>Dover DC's Local Impact Report [REP3-227] states at paragraph 5.7 that: <i>"The proposed development would result in a visual impact and change in landscape however with regard to the impact from receptors located within the Dover District, further information is required..."</i></p> <p>The Draft Statement of Common Ground between the Applicant and Dover District Council submitted for deadline 4 on 8 March [REP4-003], Dover DC states that: <i>"In response to the consultation on the Preliminary Environmental Information Report DDC requested further engagement with the Applicant in order to assess the landscape and visual impact of the proposals and any alternatives from receptors located within the Dover District.</i></p>

ExQ2	Question to:	Question:
		<p><i>To date, DDC has not received any further correspondence from the Applicant on this matter.”</i></p> <p>The Applicant’s position stated within the Draft Statement of Common Ground between the Applicant and Dover District Council submitted for deadline 4 on 8 March [REP4-003] does not appear to deal with the request for further engagement.</p> <p>Set out the current position and whether further engagement has, or is to, take place.</p>
LV.2.3	Dover DC	<p>Dover DC</p> <p>The Applicant’s Comments on Local Impact Reports submitted for deadline 4 on 8 March [REP4-028] states in relation to the Dover DC LIR that:</p> <p>The LVIA (Chapter 11 of the ES [APP-034]) assessed the landscape effects upon the Landscape Character Areas within the Dover District as well as the visual effects upon the views from four viewpoints (located within or close to the administrative boundary of DCC) and residential and recreational visual receptors. This included the predicted changes to views as a result of the ATC, cargo facilities and aircraft recycling hangars and concluded that there would be no significant landscape or visual effects as a result of the proposed development upon any of the landscape and visual receptors within the Dover District.</p> <p>Do Dover DC agree with the assessment of no significant effects?</p>

ExQ2	Question to:	Question:
LV.2.4	Kent CC	<p>The Local Impact Report from Kent CC [REP3-143] states at paragraph 4.16 that:</p> <p><i>"...within the present Masterplan the visual relationship of the museum area and the runway will be severed by the proposals with the construction of the cargo hangers and open aspects to the north and east lost through the construction in the North Grass Area".</i></p> <p>The Applicant's response to LV.1.10 states that:</p> <p><i>"A 45m buffer zone between site boundary and new buildings has been allowed for in the masterplan. This significantly reduces the developable area available but has been committed to in part to ensure the development is sympathetic to the local area."</i></p> <p>Do you consider that this buffer zone would serve in part to maintain the integrity of the airfield as a historic area?.</p>
LV.2.5	The Applicant	<p>The Applicant's Comments on Local Impact Reports submitted for deadline 4 on 8 March [REP4-028] states that:</p> <p><i>"The Museums and Memorial Gardens will be retained within a safeguarded museums area that also includes the former RAF Manston ATC Tower and the former RAF Battle Headquarters. These features will be retained within the context of an active airfield, contributing positively through the continuation of aviation operations."</i></p>

ExQ2	Question to:	Question:
		Show where this is secured in the draft DCO or in the documents that are listed in Schedule 10 of the draft DCO.
LV.2.6	The Applicant	<p>Thanet DC's LIR [REP3-010] states that:</p> <p><i>"As no detailed mitigation has been produced, nor has this been integrated into the Masterplan, we are not in a position to assess whether the impact on visual receptors and the landscape of the district will be acceptable or not."</i></p> <p>Paragraph 1.3 of the Design Guide submitted at deadline 4 on 8 March shows "Sustainable: Environmental Mitigation" as one of five aims for the project.</p> <p>Does the Updated Register of Environmental Actions and Commitments and LVIA provide sufficient details of mitigation in respect of landscape and visual impact or other details provided elsewhere in the Applicant's documentation?</p>
LV.2.7	Thanet DC	<p>Thanet DC's LIR [REP3-010] states that:</p> <p><i>"As no detailed mitigation has been produced, nor has this been integrated into the Masterplan, we are not in a position to assess whether the impact on visual receptors and the landscape of the district will be acceptable or not."</i></p>

ExQ2	Question to:	Question:
		<p>The Applicant's Updated Register of Environmental Actions and Commitments show mitigation measures in respect of Landscape and Visual from page 31 on (tracked change version) [REP4-020]</p> <p>The Applicant's response to LV. 1. states that:</p> <p><i>"[the] landscaping scheme will require planting to be provided along the western and eastern perimeters of the business park and east of Spitfire Way/south of Manston Road. This planting has been relied upon as mitigation in the LVIA."</i></p> <ul style="list-style-type: none"> i. Comment whether the Updated Register of Environmental Actions and Commitments and LVIA provides sufficient details of mitigation ii. Comment whether the Design Guide submitted at deadline 4 on 8 March, in particular Design Principles C: Materiality & Landscape provides sufficient information as to mitigation for the potential impact on visual receptors.
LV.2.8	Thanet DC	<p>The Applicant has provided a methodology for the production of the wireframe analysis in the Applicant's Comments on Local Impact Reports submitted for deadline 4 on 8 March [REP4-028] as requested in the Thanet DC LIR [REP3-010].</p> <ul style="list-style-type: none"> i. Is this methodology acceptable to Thanet DC? ii. If not, why not?

ExQ2	Question to:	Question:
LV.2.9	The Applicant	Your response LV.1.4 [REP3-195] states, in relation to the trees close to the boundary, on the Northern Grass, they are relatively young and not considered likely to perform a critical ecological function although this will be confirmed as the surveys progress. Report on the progress of relevant surveys.
LV.2.10	The Applicant	Your response to LV.1.5. [REP3-195] states that planting east of Spitfire Way/south of Manston Road would be implemented by Year 10. i. Explain why this planting is to be implemented at this late stage in the development of the proposed project ii. At what stage will this planting become mature?
LV.2.11	The Applicant	Your answer to LV.1.20 [REP3-195] states that: <i>"The intermittent and transient nature of the presence of overflying aircraft would not equate to visual changes that are of a long duration and so are not considered to be significant."</i> Show the analysis and methodology used to arrive at this conclusion of non-significance.
LV.2.12	The Applicant	Whilst you have provided night time viewpoints at Table 11.6. of the ES, you have not provided indicative night time wireframes showing the potential effects of airport lighting.

ExQ2	Question to:	Question:
		Provide indicative night time wireframes showing the potential effects of airport lighting
LV.2.13	The Applicant	Your answer to LV.1.41 [REP3-195] states in relation to Work No. 3 that: <i>"There is an error on the Engineering Drawings and Sections – the error relates to the finished ground level rather than the maximum roof level. The correct ground level is 47m, and not 50m as shown."</i> Has this error affected the stated height of any other Works?
LV.2.14	The Applicant	The table provided as part of your response to LV.1.7 [REP3-195] appears to show a significant reliance on planning and bunding to the eastern perimeter and southern side of the proposed scheme. Whilst the Design Guide [REP4-024] submitted at Deadline 4 on 8 March shows types of planting and an indicative drawing of planting and bunding, it does not show views of elements of the proposed scheme 'filtered out' by the planning. Can these be provided?
Nd.2	Need	
ND.2.1	The Applicant	Forecasts While accepting that there may be no standard methodology for forecasting air freight, in the Need and Operations Hearing (21/03/19) it

ExQ2	Question to:	Question:
		<p>was accepted that the Azimuth report [APP-085] did not account for viability and that the forecasts contained within the ES were indicative.</p> <p>Given the above, are the Azimuth forecasts effectively therefore an assessment of potential, or a wish list?</p>
ND.2.2	The Applicant	<p>Forecasts</p> <p>The forecasts in the Azimuth report [APP-085] result partly from discussions with industry figures. Of these 24 interviewees seven could be described as local businesses, with a further two as Kent promotional bodies. At the Need and Operations Hearing (21/03/19) you stated that these were supplemented with interviews and conversations with other experts and industry figures.</p> <p>Provide further evidence over such conversations and discussions, including a list of those interviewed and their conclusions relating to the proposed scheme.</p>
ND.2.3	The Applicant	<p>Forecasts - Exports</p> <p>At the Need and Operations Hearing (21/03/19) it was stated that of the proposed perishable goods, there was a clear demand for importing such goods and also for exporting fish and shellfish. Markets also being targeted include F1 cars and racehorses.</p> <p>i. Confirm the expected business generated from such exports (in terms of tonnages and ATMs.</p>

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> ii. Confirm (or otherwise) that there would be little market for exporting other perishable goods. iii. Which airport(s) do fish and shellfish currently export from? iv. Which airport(s) do a) race horses, b) F1 cars, and c) luxury cars currently import and export from? v. Would the export of such goods from Manston have displacement effects in socio-economic terms?
ND.2.4	The Applicant	<p>Forecasts - Exports</p> <p>Paragraph 3.2 of Volume 3 of the Azimuth Report [APP-085] states that export would be to countries including global for parcels and packages, China for the export of luxury items, the Middle East for export of fish and shellfish, Pakistan for the export of consumer goods, Russia for the export of luxury items and the US for a range of exports.</p> <p>Provide further information on the precise nature of such exports and likely market size, aside from those dealt with under ND. 2.3.</p>
ND.2.5	The Applicant	<p>Forecasts</p> <p>It is stated in the Applicant’s Written Summary of Case put Orally – Need and Operation Hearing [Submitted at DL5, Ref not yet assigned] that Manston would offer <i>“unconstrained, state of the art freight, digitalised freight handling facilities - speciality handling (for race horses); refrigerated storage facilities; flexible warehousing (eg to accommodate</i></p>

ExQ2	Question to:	Question:
		<p><i>outsized freight) and security clearance” and that this would be an offer will provide “something that has not been done in this country before”</i></p> <ul style="list-style-type: none"> i. How would such an offer differ from those already available at existing UK airports? ii. Do other UK airports offer speciality handling for race horses? iii. Do other UK airports offer refrigerated storage facilities and accommodation for outsized freight? iv. “State of the art freight, digitalised freight handling facilities” implies a high level of automation and efficiency. Has the provision of such facilities been taken into account in the socio-economic forecasts?
ND.2.6	The Applicant	<p>Forecasts</p> <p>A question was put at the Need and Operations Hearing (21/03/19) concerning proposed freight tonnages per movement contained within the forecasts, which appear to be lower than was historically the case. Section 8.7 of the Altitude Aviation January 2018 report (included with Appendix 5 of SHP’s Written Representations [REP3-025]) refers, and notes that East Midlands is the only airport in the EU top 20 (by tonnage) with a lower ratio of freight tonnes per freighter flight than the average projections for Manston, which is explained in Altitude Aviation’s view by the extensive integrator operations at East Midlands Airport and that</p>

ExQ2	Question to:	Question:
		<p>airports without integrator operations (or with a mix) tend to achieve significantly higher freight tonnes per freighter flight.</p> <p>Provide further justification for your ratio of freight tonnes per freighter flight.</p>
ND.2.7	The Applicant	<p>Forecasts – Bellyhold and Pure Freight</p> <p>It is stated in the Applicant’s “Written Summary of Case put Orally – Need and Operation Hearing” [submitted at DL5, Ref not yet assigned] document that the applicant believes that the cost difference between flying cargo on freighters as compared to bellyhold transit are not as substantial as stated by other parties. The ExA notes a commitment to undertake further research into this area.</p> <ul style="list-style-type: none"> i. When will the results of such research be available? ii. Should such research not have been completed earlier to help inform the business case?
ND.2.8	The Applicant	<p>Forecasts</p> <p>The Northpoint report [REP4-031] contains statistics concerning air cargo trends in the UK and major EU cities, considering that a change in air freight tonnage since 2000 can be explained as being relatively recent in nature and local to London and the South East, and that this is as a result of capacity constraints.</p>

ExQ2	Question to:	Question:
		<p>A further interpretation could be that the rest of the UK outperformed London and the South East, due to availability and the location of East Midlands, in the centre of the country with the South East, Midlands and northern cities within reach.</p> <p>What is your view on this interpretation?</p>
ND.2.9	The Applicant	<p>Forecasts</p> <p>The chart set above paragraph 8 in the Northpoint report [REP4-031] appears to show a levelling out in 2017.</p> <p>Is this more symptomatic of the overall period since 2000 as opposed to a longer trend from 2014 going upwards?</p>
ND.2.10	The Applicant	<p>Forecasts</p> <p>The Northpoint report [REP4-031] contains references to work carried out by Ramboll and Oxford Economics in 2014. York Aviation on behalf of Stone Hill Park Ltd state that the quotations used from this work are selective and uses graphs inconsistently. They consider that this work explains why fewer dedicated freighters are needed at London due to bellyhold capacity. Charts are provided from the work showing actual and forecast London Trend Bellyhold and dedicated freight growth from 1990-2050, with the same charts for the UK.</p> <p>Provide further commentary on this report, addressing the points raised by York Aviation.</p>

ExQ2	Question to:	Question:
ND.2.11	The Applicant	<p>Forecasts</p> <p>At the Need and Operations Hearing (21/03/19) it was stated that the forecasts contained within the Azimuth report [APP-085] were indicative.</p> <ol style="list-style-type: none"> i. Provide more information on such forecasts and their indicative nature. ii. If indicative, what is rationale of using named carriers in developing the forecasts? iii. How certain are you that the indicative volumes and aircraft types would be likely to fulfil such forecasts? iv. Do the forecasts provide a realistic indication in your view; have the forecasts been subject to sensitivity testing/analysis?
ND.2.12	The Applicant	<p>Forecasts - Integrator</p> <p>At the Need and Operations Hearing (21/03/19) it was stated that the integrator indicated in the forecasts would be a new integrator, as opposed to attracting an existing integrator from an existing airport. Mention was made of Amazon Air and Alibaba.</p> <p>The ExA notes the evidence in this regard of York Aviation on behalf of Stone Hill Park Ltd, who state that Amazon has an embryonic operation in the UK with a leased Boeing 737 freighter operating to East Midlands Airport and is opening a 500,000 sq.ft. warehouse and sorting centre</p>

ExQ2	Question to:	Question:
		<p>adjacent to this Airport, and that Alibaba has committed to establishing its main European hub at Liege Airport [Written Summary of Stone Hill Park Ltd’s Oral Submissions put at the Need and Operations Issue Specific Hearing Held on 21 March 2019, submitted at DL5 reference not yet assigned].</p> <ul style="list-style-type: none"> <li data-bbox="981 612 2040 751">i. Outline any discussions you have had with new integrators and quantify the likelihood of such operators coming to the Airport in the second year of operation, with reference to their expansion or growth in similar markets to the UK. <li data-bbox="981 772 2040 874">ii. Would such integrators not be predisposed to a more centrally located airport where the whole of England could be reached more easily?
ND.2.13	The Applicant	<p>Forecasts – Integrator</p> <p>At the Need and Operations Hearing (21/03/19) it was stated that the new integrator would be different to old integrators and would not be reliant on night time flights. In this regard the ExA notes the evidence provided by Altitude Aviation [Written summary of Stone Hill Park Ltd’s oral submissions put at the need and operations Issue Specific Hearing held on 21 March 2019, submitted at DL5, reference not yet assigned] which provides a table which lists all flights for the first three Amazon Air aircraft registrations (as listed alphabetically) for the week 15-21 March 2019 in the USA. This table shows a large number of night flights.</p>

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> i. How would such an integrator dovetail with the proposed night flight ban at Manston? ii. Provide examples of existing flight schedules from new integrators where they exist to demonstrate likely flight times (in terms of times of day).
ND.2.14	The Applicant	<p>Forecasts – Integrators</p> <p>At the Need and Operations Hearing (21/03/19) Rockford International Airport was raised as an example of rapid growth at an airport mainly due to the presence of an e-commerce integrator. The ExA notes the stated proximity of this airport to Chicago.</p> <ul style="list-style-type: none"> i. Amazon Air operate in the US where distances are significant between centres of population. How would such a model relate to possible operations in the UK, where population centres are closer together and trucking times therefore shorter? ii. What are the characteristics of Rockford Airport in terms of local population, access to markets, positioning within the US and night flight controls, and how do these relate to Manston Airport and to the UK market?
ND.2.15	The Applicant	Forecasts

ExQ2	Question to:	Question:
		<p>Various evidence [including but not limited to APP-085, REP3-195] refers to freight forecasts provided by Boeing and Airbus.</p> <ul style="list-style-type: none"> i. What is the purpose of such forecasts – why do Boeing and Airbus produce such forecasts? ii. Have they been historically correct? iii. Boeing predict highest Europe rises in freight between the continent and South America and East/South Asia. Would such markets be best suited by bellyhold from hub airports to by pure freighters? iv. Do the reports state or infer that pure freight is increasing at the same rate or higher than bellyhold?
ND.2.16	The Applicant	<p>Your answer to ND 1.17 [REP3-195] appears to state that food is a high value, low weight freight type.</p> <p>Is this a correct interpretation of your answer?</p>
ND.2.17	The Applicant	<p>Your documents cite various evidence sourced from reports produced by York Aviation for Transport for London and the Freight Transport Association. At the Need and Operations Hearing (21/03/19) the author of these reports disagreed with your interpretation of such reports, considering that the evidence had been sourced out of context and did not take account of the conclusions of the reports.</p> <ul style="list-style-type: none"> i. What is your view on this?

ExQ2	Question to:	Question:
		<p>ii. Do you still maintain that the York Aviation reports support your proposal, contrary to the view of the authors of these reports?</p>
ND.2.18	The Applicant	<p>Forecasts</p> <p>York Aviation [Written summary of Stone Hill Park Ltd’s oral submissions put at the need and operations Issue Specific Hearing held on 21 March 2019, submitted at DL5, reference not yet assigned] on behalf of Stone Hill Park state that the reason that trucking is common place within the general and integrator sectors relates to the price of aviation fuel, noting that since 2000, the price of aviation fuel has risen by 123%. They consider that this increase in the cost of air freight, and dedicated freighter operations in particular, is the primary reason why consideration of air freight trends prior to 2000 is no longer relevant and that the slowdown in growth in air freight tonnage reflects a shift in the balance towards trucking and even towards shipping for some goods that might previously have used aviation.</p> <p>Comment on this viewpoint, providing evidence.</p>
ND.2.19	The Applicant	<p>Show where and how you have factored in possible impacts from Brexit on your proposals, both in terms of economic effects and in terms of possible additional intra-European flight checks and security.</p>
ND.2.20	The Applicant	<p>Stansted Airport</p>

ExQ2	Question to:	Question:
		<p>In answer to question ND1.18 concerning Stansted Airport you provide a graph showing capacity available at the Airport.</p> <p>The graph shows substantial capacity available for flights at Stansted between 00:00 and 05:00, as well as 08:00-10:00 and 20:00-21:00 and lesser 21:00-24:00.</p> <p>Is this correct?</p>
ND.2.21	The Applicant	<p>Stansted Airport</p> <p>At the Need and Operations Hearing (21/03/19) it was stated that the recent planning consent to allow Stansted Airport to expand to 43mppa also removed caps on flight types, thereby allowing more passenger flights at the expense of cargo ATMs.</p> <p>Would an effect of the removal of the CAP at Stansted also allow for more cargo flights than previously allowed?</p>
ND.2.22	The Applicant	<p>Stansted Airport</p> <p>It is stated in answer to question ND1.18 [REP3-195] that there is no dedicated freight facility at Stansted that allows for freight turnaround. York Aviation [REP4-065] on behalf of Stone Hill Park Ltd note the existence of the dedicated freight World Cargo Centre of some 55,000m² warehousing and office, with nine dedicated stands.</p> <p>i. Comment on this facility, with dedicated and separate apron area for cargo flights as opposed to passenger flights.</p>

ExQ2	Question to:	Question:
		<p>ii. Would Fed Ex also provide a freight turnaround service for third parties (for a fee)?</p> <p>iii. What freight other than FedEx integrator freight does Stansted handle?</p>
ND.2.23	The Applicant	<p>Stansted Airport</p> <p>You state that in your view MAG publicly may continue to market Stansted as open for new freight business, privately and commercially, but they may in reality be increasingly resolved to discourage more ad hoc freighter movements (FEDEX are consistent/regular business), with the resulting traffic going to East Midlands or probably cross-channel.</p> <p>If the Airport is as constrained, or becoming as constrained as you consider, would it not make sense for MAG to be promoting East Midlands Airport, being under the same ownership, and where, as you accept in the DL4 Northpoint report "there is significant growth potential"?</p>
ND.2.24	The Applicant	<p>East Midlands Airport</p> <p>How has the significant growth potential at East Midlands Airport been accommodated for in your forecasts/demand capacity modelling?</p>
ND.2.25	The Applicant	<p>East Midlands Airport</p>

ExQ2	Question to:	Question:
		<p>It is stated in the Applicant’s Written Summary of Case put Orally – Need and Operation Hearing document that Figure 4 of the Azimuth report (APP-085), shows businesses served by integrators at East Midlands Airport, and that, as is apparent from the map, this Airport serves a wide catchment area, including the big market of London. It is then noted that Manston Airport is ideally located to serve this South East market. This appears to be stating that Manston would be able to attract some of the freight currently routed through East Midlands Airport.</p> <p>Explain how this displacement of business has been accommodated within the socio-economic forecasts.</p>
ND.2.26	The Applicant	<p>Bournemouth Airport</p> <p>Table 7 of the Azimuth report [App-085] states that Bournemouth Airport is 30 miles from the M3, and that access to this motorway is made through the New Forest National Park.</p> <p>Is the A31 a dual carriageway suitable for HGVs?</p>
ND.2.27	The Applicant	<p>The Northpoint report [REP4-031] points to a ‘window of opportunity’ for freight at Manston prior to the Heathrow Northwest runway opening, where time exists for Manston to gain a foothold in the freight market and then expand thereafter. You also state that recent increases in Gatwick freight volumes would likely return to Heathrow once the third runway opened, and in the Need and Operations Hearing (21/03/19) you stated</p>

ExQ2	Question to:	Question:
		<p>that this was different to the proposal in this case due to the difference between bellyhold and pure freight.</p> <p>Expand on this viewpoint, including on how you consider your scheme to be complementary to the preferred scheme outlined in the Airports NPS.</p> <p>Why would the 'window of opportunity' be important if your role is complementary?</p>
ND.2.28	The Applicant	<p>At the Need and Operations Hearing (21/03/19) you were questioned on why other UK airports, whether in the South East, Midlands or south Yorkshire would not seek to take advantage of the demand which you state exists for pure freight flights, particularly given the availability of permitted development powers.</p> <p>Your answer centred around the ease on which the proposal could allow a brand new, modern, automated and digitalised airport to be built on a 'greenfield' site as opposed to an existing airport.</p> <ul style="list-style-type: none"> i. Expand on your reasoning that it would be simpler to build such facilities at Manston as opposed to existing operational airports with their access to land and permitted development powers. ii. Reference was made to mechanisation. Expand on this with regard to likely job levels at Manston.

ExQ2	Question to:	Question:
ND.2.29	The Applicant	<p>European airports</p> <p>Various evidence [including but not limited to APP-085, REP3-195] relates to European Airports, with Frankfurt, Paris, Amsterdam, Leige and Leipzig variously being cited as examples of airports where dedicated freighters thrive. York Aviation [REP4-065] on behalf of Stone Hill Park consider that the greater number of dedicated freight aircraft at these continental airports is partly explained by the well-developed freight forwarding infrastructure based around them given the global connectivity offered by hubs and the airlines based there, with the freight infrastructure and consolidation centres from their bellyhold operations also making them first choice for dedicated freighters. Leige and Leipzig appear to be integrator hubs, like East Midlands Airport.</p> <p>Comment on these assertions and viewpoints.</p>
ND.2.30	The Applicant	<p>Locational factors</p> <p>The ExA note that, although your Transport Assessment has not assumed that the Lower Thames Crossing would be implemented, you consider that the Lower Thames Crossing would allow easier access to the M11/A14 corridor, and consequently allow for quicker and more reliable times to the biomedical industry and technology companies in Cambridge, the M11 Growth Corridor and prospectively to the planned Varsity Corridor.</p>

ExQ2	Question to:	Question:
		<p>The ExA notes that the M11 provides access to Stansted and that access to East Midlands can be achieved via the dual A14 and M1.</p> <ul style="list-style-type: none"> i. Would Stansted Airport not be more accessible to industries in the Cambridge area? ii. Conversely, wouldn't the Lower Thames Crossing allow easier access for businesses and customers in Kent to access Stansted?
ND.2.31	The Applicant	<p>UK airport capacity</p> <p>Your answer to ND1.10 [REP3-195] states that little additional terminal or runway capacity has been added to the UK national infrastructure in many decades. However, the ExA is aware of the construction of the 2nd runway at Manchester at the turn of the century and of other terminal enhancements or constructions around the UK in recent times, including Heathrow Terminal 5.</p> <ul style="list-style-type: none"> i. Provide evidence for your assertion that little additional terminal or runway capacity has been added to the UK national infrastructure in many decades ii. Are there other ways and means of providing new runway capacity aside from building new runways?
ND.2.32	The Applicant	Mail

ExQ2	Question to:	Question:
		<p>Your answer to ND1.40 [REP3-195] states that mail services have not been included in the forecasts contained within the Azimuth report [APP-085] as they tend to require night operations, yet such services are included in the ES forecasts, with 770 postal services forecast by year 20.</p> <p>Which is the correct forecast?</p>
ND.2.33	The Applicant	<p>Freighter movements</p> <p>Your answer to ND1.41 [REP3-195] notes that 2018 CAA data shows a total of 53,628 cargo ATM's for 2018 and states that almost all ATM's are non-domestic since freight is rarely used to move cargo within the UK. Stone Hill Park [REP04-067] note that this figure includes more than 21,000 domestic cargo ATMs and that in total there were 33,727 non-domestic cargo ATMs in 2018 for the whole of the UK. This evidence also states that for England and Wales 58% of the non-domestic cargo ATMs related to East Midlands Airport, with 17% Stansted, and that around 57% for East Midlands and 37% for Stansted of these flights were estimated to be night flights.</p> <p>This leads to an estimation that there were nearly 19,000 daytime non-domestic cargo ATMs in England and Wales in 2018.</p> <p>i. Provide more evidence on your assertion above that almost all Cargo ATM's are non-domestic since freight is rarely used to move cargo within the UK</p>

ExQ2	Question to:	Question:
		<p>ii. Comment on the evidence provided by Stone Hill Park and any impact/effect this may have on your forecasts and the likelihood of them coming to fruition.</p>
ND.2.34	The Applicant	<p>Business model</p> <p>The Applicant’s “Written Summary of Case put Orally – Need and Operation Hearing” [submitted at DL5, ref not yet assigned] document provides a commentary note on the summary business model. It states that a cargo operation at Manston will be accessing demand that is either diverted elsewhere or not functioning due to the severe capacity constraints in the South East of England. This, it is stated, “exists at a general non-specific level and an idiosyncratic level pertinent to Manston itself” and that consequently Manston as a cargo operation will be, “within reason, a price-setter rather than a taker”</p> <p>i. In an aviation and geographical context, what characteristics are peculiar to Manston over other UK airports?</p> <p>ii. Define ‘idiosyncratic’ in this context</p> <p>iii. In the event of such ‘severe capacity constraints’, why would demand not overspill to other UK airports outside of the South East, such as East Midlands, Birmingham or Doncaster Finningley?</p>

ExQ2	Question to:	Question:
ND.2.35	The Applicant	<p>iv. Given this, and the availability of road freight, how much of a 'price setter' could Manston be?</p> <p>Passenger forecasts</p> <p>York Aviation [REP3-025 – Updated Critique of Assessment of the Need and Justification for the development of Manston Airport as an Air Freight Hub – Chapter 5] consider the passenger potential of the proposed development in detail, concluding that the proposed development might achieve around half of the number of passengers (750,000) forecast within the Azimuth report [APP-085], but to do so there would need to be an allowance for passenger aircraft movements in the night period. They also consider that the build up to such levels of passenger throughput would be significantly slower than projected.</p> <p>i. Provide further justification for your passenger forecasts and evidenced counter arguments to this viewpoint.</p> <p>ii. Would such forecasts be achievable bearing in mind the commitment in the Noise Mitigation Plan [REP4-023] that an aircraft could not take-off or be scheduled to land at night between 2300 and 0600, and further noting potential freight traffic which may wish to use the periods immediately before and after the night time restriction?</p>
Ns.2	Noise and vibration	

ExQ2	Question to:	Question:
Ns.2.1	The Applicant	<p>SPA/SAC</p> <p>Paragraph 4.3.10 of Thanet DCs LIR [REP3-010] states: <i>"The airport site itself is approximately 1km from the Thanet Coast & Sandwich Bay Ramsar site and SPA, Thanet Coast SAC, the Sandwich Bay to Hacklinge Marshes SSSI and the Sandwich and Pegwell Bay National Nature Reserve, although the outfall corridor goes through/under all these designations. These designations are likely to be sensitive to noise and vibration and whilst they are within the 2km study area they have not been assessed in the noise assessment."</i></p> <p>Point to where the noise impacts on the SPA/SAC have been explicitly assessed in the ES [APP-033] and RIAA [APP-044]?</p>
Ns.2.2	The Applicant	<p>Effects of noise on birds</p> <p>The Applicant argues the assessment of effects of aircraft noise on birds presented in the Environmental Statement [APP-033] and Report to Inform Appropriate Assessment [APP-044] considered that a 70dB noise threshold was appropriate and sufficiently precautionary.</p> <ul style="list-style-type: none"> i. How was this 70dB noise threshold arrived at? ii. What is the current ambient noise environment in the European Sites?
Ns.2.3	The Applicant	Air Traffic Movements

ExQ2	Question to:	Question:
		<p>The revision of the Noise Mitigation Plan submitted at D5 [REP5-index number to be allocated] states:</p> <p><i>"1.7 The airport will be subject to an annual quota during between the Night Time Period hours of 2300 and 0700 of 3028². Each landing and take-off at the airport during the Night Time Period that time period is to count towards this annual quota. An aircraft is deemed to have taken off or landed during the time period if the time recorded by the appropriate ATC control unit as 'airborne' or 'landed' respectively falls within it;</i></p> <p><i>1.8 Emergency flights and flights operated by relief organisations for humanitarian reasons will not count towards the quota set in paragraph 1.7, or the cap set in paragraph 1.9, and will not be subject to the restrictions in paragraph 1.4.</i></p> <p><i>1.9 The airport will be subject to a total annual air transport movement limit of 26,468.</i></p> <p><i>1.10 The airport will be subject to a total annual General Aviation movement limit of 38,000."</i></p> <p>ES Chapter 12 states [APP-034]:</p> <p><i>"Aircraft Noise (aircraft air and airside ground noise including mobile and static sources of noise)</i></p> <p><i>12.7.38 The assessment of aircraft noise is presented for both Year 2 and Year 20 using the forecast aircraft movements as shown in Appendix 3.3.</i></p>

² ExA emphasis

ExQ2	Question to:	Question:
		<p><i>Year 2 is considered the 'opening year' and Year 20 is considered the 'worst-case' year in terms of noise.</i></p> <p><i>12.7.39 The forecast assumes that total aircraft traffic will grow from approximately 33 Air Transport Movements⁸ (ATMs) for a typical busy day in Year 2 to 79 ATMs per typical busy 24-hour day³ in Year 20. There will also be an average of approximately 16 non-ATMs per 24-hour day in all years including general aviation and training flights.</i></p> <p><i>12.7.40 During the daytime period (between 07:00 to 23:00) the Proposed Development is forecast to handle approximately 72 aircraft movements during a typical busy day and during the night-time period (between 23:00 and 07:00) it is forecast to handle an average of seven aircraft movements on a typical busy night.</i></p> <p><i>12.7.41 At its forecast capacity, the Proposed Development will have a total of 19 freight stands and four passenger stands. The freight stands will be constructed at the north of the site and at the existing terminal building and therefore passenger stands will be constructed on the north-east of the site around a new passenger terminal.</i></p> <p><i>12.7.45 The assessment of aircraft noise presents the combined noise effects of airside ground noise and aircraft air noise for the Proposed Development, including:</i></p>

³ ExA emphasis

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> • Aircraft air noise - the noise as aircraft depart from and arrive at the Proposed Development; and • Airside ground noise - the noise from aircraft and associate airport activities, including aircraft taxiing and manoeuvring on the ground, static and moving airfield plant. <p>12.7.46 Generally, aircraft air noise is the dominant source of noise, except in areas in close proximity to the airfield but away from the runway (i.e. Spitfire Way).</p> <p>An Air Transport Movement (ATM) includes all landings and take-offs of commercial flights related to the transport of passengers and freight. All non-commercial aircraft movements which land or take-off from the airport are considered 'non-ATMs'."</p> <p>Has the Applicant modelled the worst case scenario in its ES [APP-034] as contained in the NMP submitted at D5 ie:</p> <ul style="list-style-type: none"> • Quota Count night flights/year; • 26,486 daytime ATMS/year; and • 38,000 General Aviation movements/year?
Ns.2.4	The Applicant	Noise insulation and its effectiveness at mitigating the adverse psychological and physiological health outcomes associated with aviation noise

ExQ2	Question to:	Question:
		<p>The Applicant states in its response to ExA FWQ Ns.1.5. [REP3-195] on noise insulation and countering health effects of noise:</p> <p><i>"Only limited direct evidence is available of the effect of noise insulation on reducing adverse health outcomes associated with aviation noise, as this has been little studied."</i></p> <p>Given the above statement would the applicant agree that a balanced and proportionate approach would be to reduce the SOAEL for:</p> <ul style="list-style-type: none"> • Day (0700 – 2300) LAeq,16hr (free-field); • Night (2300-0700) LAeq,8hr (free-field); and • Night (2300 – 0700) LASmax (outside) for more than 18 nightly events?
Ns.2.5	The Applicant	<p>Tranquil Open Spaces</p> <p>Can the Applicant provide a map identifying tranquil open spaces under the flightpath swathes?</p>
Ns.2.6	The Applicant	<p>Airspace Change Process</p> <p>Provide a copy of the Statement of Need (SoN) for the Airspace Change Process (ACP), which it submitted to the CAA which identifies the requirement for appropriate airspace and approach and departure Instrument Flight Procedures (IFPs) which will be</p>

ExQ2	Question to:	Question:
		designed within the swathes and assessed as part of air space change.
Ns.2.7	The Applicant	<p>Noise Mitigation Plan submitted at Deadline 5</p> <p>The NMP states at paragraphs 1.4-1.6:</p> <p><i>"1.4 An aircraft cannot take-off or be scheduled to land at night between 2300 and 0600</i></p> <p><i>1.5 An aircraft cannot take-off or land between the hours of 2300 and 0700 where: 1.5.1 the operator of that aircraft has not provided (prior to its take-off or prior to its landing time as appropriate) sufficient information to enable the airport operator to verify its noise classification and thereby its quota count; or 1.5.2 the operator claims that the aircraft is an exempt aircraft within paragraph 1.2, but the aircraft is not indicated as such an aircraft in Part 2 of Appendix 1 to this plan.</i></p> <p><i>1.6 Any aircraft which has a quota count of 8 or 16 cannot take-off or land at the airport during the hours of 2300 and 0700."</i></p> <p>List all the circumstances under which an aircraft could take off or land between 2300-0600.</p>
Ns.2.8	The Applicant	<p>Noise Mitigation Plan submitted at Deadline 5</p> <p>The NMP states at paragraph 10.1:</p> <p><i>"Training flights</i></p>

ExQ2	Question to:	Question:
		<p><i>10.1 Other than General Aviation training that is based at Manston Airport, there will be no routine training flights."</i></p> <ul style="list-style-type: none"> i. How many "non routine" training flights does the Applicant envisage per year? ii. Show how were "non routine" training flights included in the noise assessment?
Ns.2.9	The Applicant Thanet DC	<p>Noise Mitigation Requirement 9 in DCO submitted at Deadline 5</p> <p>Requirement 9 currently reads as follows: <i>"Noise mitigation 9. The authorised development must be operated in accordance with the noise mitigation plan."</i></p> <ul style="list-style-type: none"> i. Is Thanet DC satisfied with this wording? ii. If not, would it like to propose alternative wording?
Ns.2.10	The Applicant Kent CC	<p>Noise insulation and ventilation in schools</p> <p>The Applicant states at paragraph C 2.14 of the Noise Summary submitted at Deadline 5: <i>"The revised Noise Mitigation Plan included an express provision for schools to apply to the Community Consultative Committee for funds from the Community Trust Fund. In addition a schools liaison programme is now included in the Noise Mitigation Plan."</i></p>

ExQ2	Question to:	Question:
		<p>i. Can the Applicant explain why are schools not part of the Applicants' direct insulation and ventilation scheme?</p> <p>ii. Can Kent CC provide an estimate of the potential costs associated with insulating and ventilating a primary school in Kent?</p>
Ns.2.11	The Applicant	<p>Traffic Assessment for Deadline 5</p> <p>The TA addendum states:</p> <p><i>"5.1.1 An assessment of the revised traffic model has identified a number of road links which could be subject to a greater than 1dB change in noise level as a result of the Proposed Development. This was the screening criterion used for triggering a need to undertake a more detailed noise assessment as set out in our assessment methodology contained in the ES [APP-033,034,035].</i></p> <p><i>5.1.2 It is therefore concluded that furthermore detailed road traffic noise assessment is required to supplement the ES chapter on noise because of the revised traffic data.</i></p> <p>5.1.3 It is expected that revised modelling to confirm the findings of the ES will be submitted at Deadline 6⁴."</p>

⁴ At paragraph 2.13 of its Noise Summary submitted at Deadline 5 that: "The Applicant stated that traffic noise was not included in the model as its contribution to the noise environment at receptors affected by aircraft noise was expected to have a negligible effect."

ExQ2	Question to:	Question:
		<p>Can the Applicant produce the following cumulative noise contour maps for the assessment of significant effects for operational noise from road traffic (night and day) and air traffic following the new TA modelling at Deadline 6?</p> <ul style="list-style-type: none">• Aircraft/traffic noise – daytime LAeq,16hr contours - opening year;• Aircraft/Traffic noise – night-time LAeq, 8hr contours - opening year;• Aircraft/Traffic noise – daytime LAeq,16hr contours - year of maximum forecast capacity;• Aircraft/Traffic noise – night-time LAeq,8hr contours - year of maximum forecast capacity;• Aircraft/Traffic noise – night-time LASmax contours – opening year;• Aircraft/Traffic noise – night-time LASmax contours - year of maximum forecast capacity;• Aircraft/Traffic noise – night-time N80 contours – opening year;• Aircraft/Traffic noise – night-time N80 contours - year of maximum forecast capacity;• Aircraft/Traffic noise – day-time N60 contours – opening year; and• Aircraft/Traffic noise – night-time N60 contours - year of maximum forecast capacity.

ExQ2	Question to:	Question:
Ns.2.12	The Applicant	<p>Manston Green Housing Development</p> <p>The noise sensitive receptors closest to the airport are identified in Chapter 12 of the ES [APP-034], however, no reference is made to the Manston Green Development. The only reference to Manston Green is within Chapter 18 which refers to cumulative effects which concludes that Manston Green (Site ID143) [APP-035] would be subject to a significant adverse effect from the proposed commercial airport in Year 20.</p> <p>i. Provide an estimate of the number of properties in Manston Green that would be potentially significantly affected?</p> <p>It is specified in para. 18.5.114 of the ES [APP-035] that the consent for Manston Green was consented under the provisions of Local Plan 2006 and therefore assumed existence and operation of the Airport.</p> <p>ii. Point to where in Chapter 12 [APP-034] or Chapter 18 [APP-035] it refers to the site constraints and whether the proposed commercial airport would affect the future development of Manston Green?</p>
Ns.2.13	The Applicant	<p>SOAEL daytime</p> <p>The Applicant at paragraph 12.6.64 of the ES [APP-034] states:</p> <p><i>"12.6.64 For the daytime period, a significant adverse effect is determined to occur when average absolute free-field operational noise exposures are greater than 63 dB LAeq,16hr. This has been defined as the SOAEL for daytime aircraft operational noise and is based upon the</i></p>

ExQ2	Question to:	Question:
		<p><i>Aviation Policy Framework (Paragraphs 3.37-3.39), which indicates that above 63 dB LAeq,16hr, airports should provide assistance towards noise insulation at noise-sensitive buildings and residential dwellings."</i></p> <p>The Aviation Policy Framework is dated 2013. Paragraph 3.17 states:</p> <p><i>"We will continue to treat the 57dB LAeq 16 hour contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance. However, this does not mean that all people within this contour will experience significant adverse effects from aircraft noise. Nor does it mean that no-one outside of this contour will consider themselves annoyed by aircraft noise."</i></p> <p>The CAA's recent findings on Aircraft Noise and Annoyance (February 2018) makes reference to UK policy in relation to an 'annoyance threshold' and highlights 57dB LAeq (16 hour) as marking the approximate onset of significant community annoyance. 3rd paragraph page 6 states:</p> <p><i>"The government published their Response to their Airspace Consultation in 2017 and acknowledged the evidence from the SoNA study, which showed that sensitivity to aircraft noise has increased, with the same percentage of people reporting to be highly annoyed at a level of 54 dB LAeq,16hr as occurred at 57 dB LAeq,16hr in the past."</i></p> <p>In the light of these recent studies can the Applicant explain why it is still using daytime SOAEL of 63dB LAeq 16hr?</p>

ExQ2	Question to:	Question:
Ns.2.14	The Applicant	<p>Uncertainty in noise modelling</p> <p>The Applicant states in it Noise Summary submitted at Deadline 5 paragraph b 2.9:</p> <p><i>"2.9 The Applicant stated that there was a level of uncertainty associated with any model, as its accuracy is dependent on its parameters. The Applicant confirmed that the Integrated Noise Model (INM) used was a validated noise model."</i></p> <p>How is the level of uncertainty quantified i.e.+ or - % or dB,- and expressed in the assessment?</p>
Ns.2.15	The Applicant	<p>Sensitivity testing</p> <p>For the purposes of this proposed development, the Significant Adverse Effect Level (SOAEL) has been set at 63 dB LAeq,16h (Applicants response to FWQs Ns 1.1). Paragraph 12.6.64 of the ES [APP-034] states:</p> <p><i>"For the daytime period, a significant adverse effect is determined to occur when average absolute free-field operational noise exposures are greater than 63 dB LAeq,16hr. This has been defined as the SOAEL for daytime aircraft operational noise and is based upon the Aviation Policy Framework 2013 (Paragraphs 3.37-3.39), which indicates that above 63 dB LAeq,16hr, airports should provide assistance towards noise insulation at noise-sensitive buildings and residential dwellings."</i></p>

ExQ2	Question to:	Question:
		<p>The Applicant states at paragraph 2.6 of the Noise Summary submitted at Deadline 5:</p> <p><i>"2.6 Following a question from the ExA the Applicant explained that an increase of 0-3dB should be considered negligible in the long term."</i></p> <p>Carry out sensitivity testing to be submitted at Deadline 6, to see how many additional properties would be above a:</p> <ul style="list-style-type: none"> • Significant Adverse Effect Level (SOAEL) set at 62, 61, 60 dB LAeq,16h; • UAEL of 68, 67, 66 dB LAeq,16hr; and • night time SOAEL of 54, 53,52 dB LAeq,8hr.
Ns.2.16	The Applicant	<p>Noise Indicator for Schools - a 30-minute period/individual indicator noise events in assessing impacts on sensitive schools and community facilities</p> <p>UK design guidelines for the upper limit for internal levels in schools (Acoustic design of schools: performance standards - Building bulletin 93) are defined as 30-minute period noise levels whilst, the ES [APP-034] presents screening criteria for schools as LAeq,16hr. Significant effects on the schools are predicted when the screening criteria is exceeded by 3dB or more. If the airport operates an evenly distributed timetable, the LAeq,16hr at a given receptor would be equivalent to the LAeq,16hr. A distorted timetable could result in 30-minute periods throughout the day which are higher or lower than the LAeq,16hr.</p>

ExQ2	Question to:	Question:
		<p>Model the effects of a distorted timetable using 30 minute period noise levels for the following schools to be presented at Deadline 6:</p> <ul style="list-style-type: none"> • Manston School House Nursery; • Chatham & Clarendon Grammar School; • The Elms Nursery School; • Priory County Infant School; • Masque Theatre School; • Fledglings Nursery School; and • Ellington Infant School.
Ns.2.17	The Applicant	<p>Additional awakenings</p> <p>The Applicant acknowledges that the Basner 2006 study (Aircraft noise effects on sleep: Application of the results of a large polysomnographic field study. <i>The Journal of the Acoustical Society of America</i> 119, 2772 (2006) was based on residents already exposed to aircraft noise (Noise Summary submission at Deadline 5).</p> <p><i>"The study investigated 61 residents in the vicinity of Cologne / Bonn airport over 9 nights. It is the most comprehensive study on aircraft noise awakenings to date. As acknowledged by Public Health England [paragraphs 4.1.15 of the Draft Statement of Common Ground between</i></p>

ExQ2	Question to:	Question:
		<p><i>the Applicant and Public Health England REP4-008] the data still underpins the most recent WHO guidelines on sleep disturbance (Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Effects on Sleep). Similar studies have not been undertaken for new airports.</i></p> <p><i>Our study of additional awakenings was undertaken in Year 2 and Year 20. In Year 20, the surrounding population will have become habituated to aircraft noise."</i></p> <p><i>Point to any published evidence which supports their assertion that the "surrounding population will have become habituated to aircraft noise."?</i></p> <p><i>The Applicant goes on to say:</i></p> <p><i>"In Year 20 the number of events was significantly below the threshold for triggering additional awakenings. In Year 2, the forecast aircraft movements are much lower. In Year 2 paragraph 12.7.56 of the ES [APP-033,034,035] stated that "N-above contours demonstrate that residential properties in the vicinity of the Proposed Development will be exposed to up to one aircraft noise event in excess of 80 dB LASmax on an average night ". This is a very low number of noise events. Because of this, and whilst the Basner research is based on people already exposed to aircraft noise, it is considered unlikely that an equivalent study for a new airport would alter the conclusions of the ES for the opening, even if such a study was available."</i></p>

ExQ2	Question to:	Question:
		<p>Point to any published evidence which supports their assertion that “it is considered unlikely that an equivalent study for a new airport would alter the conclusions of the ES for the opening”?</p>
Ns.2.18	The Applicant	<p>Aircraft fleet mix</p> <p>The applicant at the Need Hearing on the 21 March 2019 made clear that conventional integrator operations are no longer expected at Manston and that such movements would be made instead by ‘New’ e-commerce integrators operating a different pattern of flights not requiring night operations.</p> <p>Given that 48% of the movements in Year 20 are shown in the ES (Appendix 3.3 [APP-044]) to be by a conventional integrator, of which half were expected to be using quiet ATR-72 turbo-prop aircraft, the substitution of these movements by a ‘New’ integrator would be expected to use more Boeing B737 types rather than turbo-props.</p> <p>The Applicant stated at the Need Hearing ISH2 that the noise assessments were made on the basis of the specific fleet mix set out in Appendix 3.3. of the ES [APP-044], including by reference to the individual aircraft and their engine types operated by the named airlines in that Appendix.</p> <p>Given the likely change in the nature of the operators and the fact that several of the airlines do not operate freighter aircraft of the types specified (see York Aviation 2019 Report para. 3.10), would the Applicant agree (and if not why not) that the fleet mix</p>

ExQ2	Question to:	Question:
		assessed is almost certain to understate noise exposure relative to what is now proposed?
Ns.2.19	The Applicant	<p>Flightpaths</p> <p>The assessment appears to be based on assumptions about flight paths that rely on broader airspace changes to be delivered as part of the Future Airspace Strategy Implementation South (FASI S) Airspace change programme (Government/CAA Airspace Modernisation Strategy), which will require coordination with NATS and other airports.</p> <p>There can be no certainty that the proposed flightpaths which the noise assessment is based on will be deliverable.</p> <p>Would the Applicant agree that a worst case assessment would need to be based on flightpaths as previously operated when the airport was open?</p>
Ns.2.20	The Applicant	<p>Noise Impact Assessment</p> <ul style="list-style-type: none"> <li data-bbox="981 1050 2040 1193">i. In the light of the change to the night flights noise policy and the changes to the types of airline expected to operate, does the Applicant agree that there will need to be changes made to assessment of noise effects? <li data-bbox="981 1209 2007 1276">ii. Does the Applicant agree that the potential effects of this will almost certainly increase the financial liability for

ExQ2	Question to:	Question:
		<p>compensation and mitigation. Set out the changes and the potential effects?</p>
Ns.2.21	The Applicant	<p>Aircraft which would need to operate on a delayed basis during the night period.</p> <p>The Applicant asserted at the Noise ISH on Friday 22 March 2019 that there would be a limited number of delayed passenger flights only but that these would be few in number as low fares airlines schedule their arrivals before 22.00.</p> <p>Stonehill Park/York Aviation in their Note of Oral Evidence given by York Aviation for Stone Hill Park at the Noise Hearing 22nd March 2019 submitted at Deadline 5 state:</p> <p><i>"This is incorrect including for the example airport cited by Mr Freudmann, Luton. At Luton, for Summer 2019, 15% of all passenger aircraft arrivals are scheduled to arrive between 23.00 and 06.00. For Ryanair, the carrier shown by RSP as operating to Manston, has 17% of its arrivals in the night period (Source: Official Airline Guide database). This means that, on the basis that each aircraft operates c.2.5 round trips a day, up to 40% of low cost airline aircraft are arriving back to the base in the night period. The pattern at other airports with low cost airline bases is similar. With the restrictions proposed on scheduling operations in the night period, it is now highly unlikely that a low cost airline would contemplate setting up a base at Manston as it would fundamentally restrict the ability to flex."</i></p>

ExQ2	Question to:	Question:
		Would the Applicant agree that the reduction in passenger flights would have a material implication for the asserted revenues in the Business Model?
Ns.2.22	The Applicant	<p>Smugglers Leap Residential Caravan Park</p> <p>The Applicant in his Noise ISH summary submitted at Deadline 5 states: <i>"The Applicant has provided a breakdown of the components of the overall cost estimate for the Revised Noise Mitigation Plan [REP4-023] including properties/caravans located at the Smugglers Leap residential caravan park, this can be found at Action 8 on page 8 of Appendix 1."</i></p> <p>Will all the properties in Smugglers Leap be eligible for insulation/ventilation grants?</p>
Ns.2.23	The Applicant	<p>Noise contours</p> <p>The ExA notes the Applicants response in relation to the criteria for community trust fund monies in FWQ NS1.31[REP3-195]. The Applicant states that the extent of L_{ASmax} contours is not part of the assessment of adverse effects.</p> <p>Noting this, explain ES Tables 12.12 and 12.13 [APP-034] which uses L_{ASmax} contours as a measure of impact.</p>

ExQ2	Question to:	Question:
Ns.2.24	The Applicant	<p>Provide a reasoned argument as to whether the Applicant considers that, given that ES Vol 2, Chapter 12 [APP-034], 12.7.70 states that in specified locations:</p> <p><i>“The effect would be characterised as a perceived change in quality of life for occupants of buildings in these communities”</i></p> <p>Article 8 of Schedule I to the Human Rights Act 1998 and Article 1 of the First Protocol to that Act are engaged in such locations.</p>
Op.1	Operational issues	
OP.2.1	The Applicant	<p>Aerodrome Certificate</p> <p>At the Need and Operations Hearing (21/03/19) it was confirmed to the Examining Authority’s understanding that the Aerodrome Certificate and the Airspace Change Process would both take around two years to complete after any Development Consent Order was made.</p> <ul style="list-style-type: none"> i. Is the ExA’s understanding correct? ii. Would the period for the Aerodrome Certificate commence from the DCO being made (if made) or from the acquisition of the airport land?
OP.2.2	The Applicant	Airspace Change

ExQ2	Question to:	Question:
		<p>At the Need and Operations Hearing (21/03/19) Stone Hill Park raised the prospect of the Future Airspace Strategy Implementation South (FASI South) proposal for air traffic route structures in the southern part of the UK to change. Written evidence from Stone Hill Park [written summary of Stone Hill Park Ltd's oral submissions put at the need and operations Issue Specific Hearing held on 21 March 2019, submitted at DL5, reference not yet assigned] states that should all airports consult simultaneously in 2022 that this could be expected to be complete by 2024-2026, and that this represents a significant impediment that requires to be fully considered.</p> <ul style="list-style-type: none"> i. Comment on any effect FASI South may have on your proposed ACP. ii. Would your application be delayed to 2022 as Stonehill Park suggest?
OP.2.3	The Applicant	<p>Scale and capacity</p> <p>The Applicant's Written Summary of Case put Orally Need and Operation Hearing [submitted at DL5, reference not yet assigned] provides a justification for stand use and need for the proposal. This states that each based aircraft will have its own dedicated stand and assumes that non-based aircraft will have an average ground time of 3 hours. There is then a calculation to allow for 'bunching'.</p> <p>York Aviation for Stone Hill Park [REP3-025] note that based on the aircraft mix not all projected aircraft require Code E stands, with 40% of</p>

ExQ2	Question to:	Question:
		<p>movements projected to be by smaller Code 'C' aircraft. They state that it is normal practice to accommodate 2 Code C aircraft side by side in a Code E stand, and that as Code C aircraft are shorted that the length of a number of stands could be shortened, reducing the amount of apron/hardstanding needed. Based on this, and the forecasts within the ES and operations at East Midlands they consider that a maximum of 9 stands would be required, with potentially one stand added for resilience purposes, resulting in 10 stands being needed.</p> <ul style="list-style-type: none"> i. Why does each based aircraft require a dedicated stand? ii. Provide further justification for the bunching calculation. iii. Comment on the York Aviation calculations.
OP.2.4	The Applicant	<p>Scale and capacity</p> <p>The Applicant's Written Summary of Case put Orally Need and Operation Hearing [submitted at DL5, reference not yet assigned] provides a justification for cargo terminal size for the proposal. This uses a ratio based on Prestwick initially, and then East Midlands latterly to derive the size required, resulting in around 65,000m². York Aviation [REP3-025] for Stone Hill Park use an IATA ratio based on processing capability (automation levels) and consider that the proposed cargo terminals are substantially oversized by an order of 3 times at least.</p>

ExQ2	Question to:	Question:
		<p>York Aviation also note that cargo handling facilities at East Midlands have recently been expanded and so are unlikely to be at capacity and also that the airport operates as a hub for domestic road freight.</p> <ul style="list-style-type: none"> i. Provide further justification for the proposed quantum of cargo terminals deemed to be required, with reference to the York Aviation calculations. ii. How 'mechanised' would the terminals be, given the modern nature of the e-commerce integrators the proposal is seeking to attract? iii. Is East Midlands a suitable comparator given levels of possible road based freight at that airport?
OP.2.5	The Applicant	<p>Scale and capacity</p> <p>The Applicant's The Applicant's Written Summary of Case put Orally Need and Operation Hearing [submitted at DL5, reference not yet assigned] contains a note on airport 'associated uses' for the Northern Grass site.</p> <p>It concludes that it is difficult to find a close equivalent for the Manston/Northern Grass relationship in the UK and that attention is being turned to airports elsewhere for antecedents for an airport such as is being proposed at Manston. If this is of interest to the ExA, it is stated, then this will be reported on in time for Deadline 6.</p> <p>Provide such evidence by Deadline 6.</p>

ExQ2	Question to:	Question:
OP.2.6	The Applicant	<p>At the Need and Operations Hearing (21/03/19) it was confirmed by the applicant that they have programmed to start the construction of the Airport in 2021, with operations beginning from quarter 1 of 2022, and that circa £180million would be spend on construction in this calendar year. At the Noise hearing (22/03/19) it was confirmed that no construction works would take place at night.</p> <ul style="list-style-type: none"> i. Is the ExA’s understanding of this programme correct? ii. Comment on how the revised start date of operations affects the provided forecasts contained within the Azimuth Report [APP-085]. iii. Define the night time period for the proposed construction works restriction. iv. Does the period of the night-time restriction include such operations as machinery start up and construction deliveries? v. Provide a likely construction programme for 2021, bearing in mind the proposed lack of night works and allowing for operations in 2022.
OP.2.7	The Applicant	<p>Public Safety Zones</p> <p>At the need and operations Issue Specific Hearing (21 March 2019) it was confirmed that general aviation movements would be counted in the</p>

ExQ2	Question to:	Question:
		<p>number of flights required before public safety zones are designated. An indicative drawing has been produced.</p> <ul style="list-style-type: none"> i. Bearing in mind this answer, at what year of operation would you expect PSZ's to be required at Manston? ii. Has this been taken account of in the Environmental Statement? iii. Has the PSZ drawing taken account of the forecasts, or is it mainly based on the PSZs at other airports?
OP.2.8	The Applicant	<p>Various Interested Parties [including but not limited to RR-0261, RR-0709] raise the issues of historical accidents/incidents which occurred at the Airport previously.</p> <p>How would the design and operation of the proposed scheme prevent such incidents occurring again?</p>
OP.2.9	The Applicant	<p>Safeguarding</p> <p>At the need and operations Issue Specific Hearing (21 March 2019) it was stated by the Applicant that whilst impact of wind turbines on aviation was historically an issue, technology has now advanced enough to safeguard against this [Written Summary of Case put Orally Need and Operation Hearing, submitted at DL5, ref not yet assigned].</p>

ExQ2	Question to:	Question:
		Provide further evidence to show how the scheme would accommodate existing and consented wind turbines on the airport radar system safely.
OP.2.10	Vattenfall Wind Power Ltd	<p>Safeguarding</p> <p>The Statement of Common Ground (SoCG) between RiverOak Strategic Partners and Vattenfall Wind Power Ltd [REP3-177] states that RiverOak recognises that there are existing offshore wind farms at Thanet, Kentish Flats and Kentish Flats Extension and that there is a new proposal, Thanet Extension. The SoCG states that RiverOak confirms that any radar that is operational on the proposed development will take account of the existing wind farms and Thanet Extension.</p> <p>RiverOak have stated to the ExA that whilst impact of wind turbines on aviation was historically an issue, technology has now advanced enough to safeguard against this.</p> <p>Are you of the view that technology exists which would mitigate any effect of existing and consented wind turbines on a new airport radar?</p>
OP.2.11	The Applicant	<p>Safeguarding</p> <p>Appendix 7.2 section 4.5.14 of the ES [APP-044] provides data from the airport on bird strikes between 2009 and 2013. Your answer to OP.1.16 [REP3-195] states that the ES has not considered bird activity from an operational perspective.</p>

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> i. What effect would bird strikes have on the airport from an operational perspective? ii. To the best of your knowledge have any developments been constructed since the airport was last operational which may have an effect on obstacle limitation surfaces or birdstrike issues?
OP.2.12	The Applicant MoD/Defence Infrastructure Organisation	<p>It was confirmed at the Compulsory Acquisition Hearing held on 21 March 2019 that an assessment by Aquila to consider the Applicant’s preferred site for the High Resolution Direction Finder was to be carried out.</p> <ul style="list-style-type: none"> i. Update on the progress of this assessment. ii. Confirm the scope of the assessment and any likely results.
SE.1	Socio-economic Effects	
SE.2.1	The Applicant	<p>Construction</p> <p>At the need and operations Issue Specific Hearing (21 March 2019) it was stated that you would aim to re-open the Airport from quarter 1 of 2022. It was acknowledged that this would necessitate construction during 2021, and that additionally no construction works would take place during the night time.</p> <ul style="list-style-type: none"> i. Would such a programme have any effect on projected construction jobs?

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> ii. What percentage of these jobs would be able to be filled by people from the local area, given the timescale and local skill levels? iii. Has this construction timetable been factored into the transport assessment?
SE.2.2	The Applicant	<p>Employment – Comparators</p> <p>Volume 4 of the Azimuth Report [APP-085] uses East Midlands Airport (EMA) as a comparator for direct job levels, with a 2% adjustment used from yr 11.</p> <ul style="list-style-type: none"> i. Do the figures used from EMA include jobs across that airport site, including those based at the Pegasus Business Park? ii. If so, given evidence that much of the business park constitutes non-airport related development and employment, how useful are such employment figures for comparison purposes? iii. Of the employment figures for EMA, what percentage are within the aviation industry? iv. Provide justification for the 2% adjustment from year 11. Would the opposite not be true, given economies of scale once operations became established?

ExQ2	Question to:	Question:
SE.2.3	The Applicant	<p>Employment – Comparators</p> <p>No Night Flights [REP4-056] state that in 2016 EMA had 540 employees, with 55,000 ATMs, but note that the proposal includes 1,024 jobs for 26,468 ATMS in year 20 almost twice the number of jobs for half the number of ATMs.</p> <ul style="list-style-type: none"> i. Are these figures correct? ii. If so, justify give the apparent disparity between the figures shown.
SE.2.4	The Applicant	<p>Employment – Comparators</p> <p>Evidence submitted by Stone Hill Park [including REP4-067] states that Glasgow Prestwick would be a more appropriate comparator airport for direct jobs numbers, given the use, size and employment sectors of that airport.</p> <ul style="list-style-type: none"> i. Do you agree with this viewpoint? If not, justify given the usage and mix of freight and passenger traffic at East Midlands and Glasgow Prestwick. ii. If so, how would this affect your predicted job numbers?
SE.2.5	The Applicant	<p>Employment – Comparators</p>

ExQ2	Question to:	Question:
		<p>Your jobs forecast uses Stansted Airport (STN) as a comparator for indirect job levels, cross checked with Luton Airport (LTN). Catalytic figures use an ICAO formula.</p> <p>Provide further justification for the use of Stansted as a comparator for indirect job levels.</p>
SE.2.6	The Applicant	<p>Employment</p> <p>Thanet DC [REP3-010] consider that there remains significant uncertainty about whether the socio-economic benefits from the proposal, in terms of job creation, attract significant weight in support of the proposal and consider that such benefits may have been potentially overstated in the ES. It notes that the figures predicted for year 20 would represent 8.3% of all jobs in Thanet and consider that the magnitude of change for the number of jobs created needs to be reassessed against the total number of jobs in the District to reflect the actual impact on employment, with such an effect potentially not falling within the category of 'major beneficial - significance'</p> <p>Provide any evidenced counter arguments to this viewpoint.</p>
SE.2.7	The Applicant	<p>Employment – Detailed figures</p> <p>Appendix SE1.5 of [REP3-187] gives detailed job figures for year 20 of operation. This includes 507 posts for employees for freight for the airport operator, with a further 1,250 employed in the cargo sheds (not by the airport operator), 600 jobs in the MRO facility, 50 staff in General</p>

ExQ2	Question to:	Question:
		<p>Aviation and 40 in Fixed base operations and helipads, as well as 50 surface access staff.</p> <p>York Aviation on behalf of Stone Hill Park [REP4-065] note that 600 employees in MRO/aircraft dismantling appears excessive and cite the demise of the Monarch Engineering heavy maintenance operation which employed 250 staff at Luton and Birmingham</p> <ul style="list-style-type: none"> i. Provide an indication or further breakdown of where or what positions the 507 and 1,250 cargo/freight staff would do. ii. Provide justification for the 600 MRO staff. iii. What positions would you expect the 50 GA staff to fill? iv. What roles would 50 surface access staff fill at the airport?
SE.2.8	The Applicant	<p>Catalytic jobs</p> <p>The calculation of catalytic job figures use an ICAO formula, which appears to be a national figure, but is applied at a local level.</p> <ul style="list-style-type: none"> i. Do you consider that the nationally based multipliers used for induced and catalytic job totals are appropriate within the local context of Manston, and if so, why? ii. If so, how would this affect your predicted job numbers?
SE.2.9	The Applicant	Displacement

ExQ2	Question to:	Question:
		<p>Your answer to SE1.6 [REP3-195] considered that, as the proposal will currently meet unmet demand rather than displacing existing business from other airports that no account of job transfers or losses from other areas has been incorporated into the assessment.</p> <p>However, the Azimuth report [APP-085] states that consideration of costs of switching airlines/forwarders has been taken into account, which implies that some demand would have been displaced from elsewhere. Furthermore, the answer to SE1.1 states that significant effects on outbound tourism are not anticipated as existing connections, including Gatwick, Heathrow, and London City Airports, Ebbsfleet International for trains to the continent and cross channel ferry via Dover already exist. This also implies that outbound tourism business may be displaced from other existing areas, both within the South East, and within Kent itself.</p> <p>Do you maintain the view that the proposal would solely meet unmet demand, and if so, do you have further justification for this viewpoint?</p>
SE.2.10	The Applicant	<p>Displacement</p> <p>The case for need is based to a certain extent upon the extent of trucking between the south east and the continent</p> <p>Would the proposal result in the loss of existing trucking/logistics employment, either in transit or at the port of Dover?</p>
SE.2.11	The Applicant	<p>Heritage Action Zone</p>

ExQ2	Question to:	Question:
		<p>Historic England [REP4-058] consider that operational aircraft noise could have socio-economic impacts upon the Heritage Action Zone (HAZ), and if the heritage significance of heritage assets, or the potential for this to be appreciated by people is harmed then this might make HAZ projects more difficult to deliver.</p> <ul style="list-style-type: none"> i. What effect do you consider the proposed scheme would have on the HAZ? ii. Would the acknowledged increase in noise levels and the visibility of planes overflying the HAZ have an effect on the ability of the town's heritage assets to drive economic growth in the town?
SE.2.12	The Applicant	<p>Tourism</p> <p>Paragraph 13.8.77 of Chapter 13, Volume 2 of the ES [APP-034] states that Thanet has approximately 3.1 million visitors annually, of which 75% are day visitors, meaning the remaining 775,000 individuals are overnight stay visitors. The ES further notes that anticipated passenger numbers associated with the proposal are around 1.4million in Year 20 and considers that this additional flux of people, if assumed to all be overnight stays results in a net increase of 81.6% compared to current annual tourist visitors, with 25% of visitors as overnight stays providing a potential for net increase of approximately 45.4% (paragraph 13.8.78).</p> <ul style="list-style-type: none"> i. 1.4 million passengers per annum equates roughly to around 700,000 passengers each way (if assuming

ExQ2	Question to:	Question:
		<p>passengers will generally use the same airport for inbound and outbound flights). Do you consider passengers are likely to stay overnight in Thanet before and after their outbound and return flight?</p> <p>ii. Would it be fair to assume that many outbound passengers would be resident within the local area and so would have no need to stay overnight?</p> <p>iii. Do you consider therefore the figures within the ES are likely to be accurate?</p>
SE.2.13	The Applicant	<p>Tourism</p> <p>What effect would the acknowledged increase in the absolute noise level and the visibility of planes overflying Ramsgate have on the existing and potential tourism for the town?</p>
SE.2.14	Thanet DC	<p>Tourism</p> <p>You note in your LIR [REP3-010] that the proposal may adversely affect tourism in Ramsgate.</p> <p>Do you consider the proposal would have other effects, positive or negative, on the tourism industry in the wider Thanet area?</p>
SE.2.15	The Applicant	<p>Tourism</p>

ExQ2	Question to:	Question:
		<p>What percentage of inbound passengers do you consider would be likely to constitute tourists, and which areas/cities would they come from?</p>
SE.2.16	The Applicant	<p>Automation</p> <p>Your answer to SE1.3 considers that the target market for freight will principally be freighters but with express freight and in house e-commerce operators also likely to be targeted, with the scope for mechanisation of the handling process less likely than might be the case at East Midlands or Heathrow, meaning any reduction of employment potential from mechanisation would be nominal. It was confirmed at the need and operations Issue Specific Hearing (21 March 2019) that a modern e-commerce business is targeted for the integrator role at Manston, as opposed to any existing express freight integrator.</p> <p>Would such a modern dynamic business model not be more likely to embrace mechanisation than 'older' business forms and types of freight?</p>
SE.2.17	The Applicant	<p>Education, training and skills</p> <p>It is stated that commitments around education, training and local recruitment will be captured in a Section 106 agreement.</p> <ul style="list-style-type: none"> i. What is the current status and progress of this agreement? ii. Provide a draft of any such agreement.

ExQ2	Question to:	Question:
Tr.1	Transportation and traffic	
-	All Parties should Note that the ExA has issued a Procedural Decision dated 3 April 2019 delaying the issuing of questions on Transportation and Traffic until a complete copy of documents relating to the updated Transport Assessment have been received and assessed.	

ANNEX A

ACP	Airspace Change Proposal	ISH	Issue Specific Hearing
ADMS	Atmospheric Dispersion Modelling System	kHz	Kilohertz
AGL	Above ground level	KCC	Kent County Council
AQMA	Air Quality Management Area	KWT	Kent Wildlife Trust
ASCP	Aviation System Capacity Plan	LimA	Proprietary noise mapping software package
ATM	Air Traffic Movement	LIR	Local Impact Report
BOA	Biodiversity Opportunity Area	LOAEL	Lowest observed adverse effect level
BoR	Book of Reference	LVIA	Landscape and visual Impact Assessment
CA	Compulsory Acquisition	MIO	M.I.O Investments Limited
CAA	Civil Aviation Authority	MOD	Ministry of Defence

CCC	Canterbury City Council	NATS	National Air Traffic Services
CCG	Care Commissioning Group	NE	Natural England
CEMP	Construction Environmental Management Plan	NO2	Nitrogen Dioxide
CTMP	Construction Traffic Management Plan	NOx	Nitrogen Oxide
CURED	Calculator Using Realistic Emissions for Diesels	NPS	National Policy Statement
dB	Decibel	NPPF	National Planning Policy Framework
dDCO	Draft DCO	NSIP	Nationally Significant Infrastructure Project
DCLG	Department for Communities and Local Government	PA2008	The Planning Act 2008
DCO	Development Consent Order	PCTMP	Preliminary Construction Traffic Management Plan
DDC	Dover District Council	PHE	Public Health England

DEMP	Decommissioning Environmental Management Plan	PPA	Planning Performance Agreement
DfT	Department for Transport	PRoW	Public Right of Way
DIOS	Defence Industry Organisation Safeguarding	PSDH	Project for the Sustainable Development of Heathrow
DNIS	Dwelling Noise Insulation Scheme	PSZ	Public Safety Zones
DPH	Director of Public Health	RADT	Rejection of Aviation Environmental Design Tool
DS	Drainage Strategy	RFC	Ratio of Flow to Capacity
EA	Environment Agency	RIAA	Report to Inform the Appropriate Assessment
EASA	European Aviation Safety Agency	RR	Relevant Representation
ECJ	European Court of Justice	SAC	Special Area of Conservation
EIA	Environmental Impact Assessment	SoCG	Statement of Common Ground

EM	Explanatory Memorandum	SOAEL	Significant Observed Adverse Effect Level
ES	Environmental Statement	SoS	Secretary of State
EU	European Union	SoST	Secretary of State for Transport
ExA	Examining Authority	SPA	Special Protection Area
FAA	Federal Aviation Administration	SSSI	Site of Special Scientific Interest
HE	Heritage England	SoR	Statement of Reasons
HGV	Heavy goods vehicle	TA	Transport Assessment
HIA	Health Impact Assessment	TDC	Thanet District Council
HRA	Habitat Regulations Assessment	UAEL	Unacceptable Adverse Effect Level
HRDF	High Resolution Direction Finder	UK BAP	UK Biodiversity Action Plan
ICAO	International Civil Aviation Organization	UKCP18	UK climate projections 2018

ICCAN Independent Commission on Civil Noise

WebTAG Web based Transport Appraisal Guidance

INH Integrated Noise Model

ZTV Zone of Theoretical Visibility