

**MANSTON AIRPORT DEVELOPMENT CONSENT ORDER EXAMINATION**  
**SUBMISSION FOR DEADLINE 6**  
**COMMENTS ON APPLICANT'S WRITTEN SUMMARY OF CASE PUT ORALLY**  
**NOISE HEARING AND ASSOCIATED APPENDICES ([REP5-010](#))**  
**FROM LOCAL BUSINESS AND INTERESTED PARTY, FIVE10TWELVE LTD**

**NOTES:**

- Our paragraphs in this document are numbered sequentially and do not relate directly to paragraph numbers used by the Applicant in its own submissions.
- Any other page and paragraph numbers referenced in this document, in bold, relate to the Applicant's Written Summary of Case put Orally (Noise) submitted to Deadline 5, ([REP5-010](#)), unless otherwise stated.

**1. Baseline noise conditions (pg. 1-2, paragraphs 2.1 - 2.6)**

The Applicant refers to baseline noise conditions outlined at paras 2.1 - 2.6. We note that previous submissions to the ExA from Interested Parties have repeatedly called into question the Applicant's questionable methods and practices in gathering baseline noise monitoring data, including [REP5-103](#)<sup>1</sup> and [REP4-051](#)<sup>2</sup>

- 1.1. **Paragraph 2.6** states that *"the Applicant explained that an increase of 0-3dB should be considered negligible"*. The integrity of the baseline noise measurements is therefore of paramount importance.
- 1.2. **Paragraph 2.4** states that Applicant *"has provided a list of properties falling within the noise insulation and ventilation scheme"*. As per our submission to Deadline 5, ([REP5-074](#)), on pages 6-8, paragraph 6, we have presented a clear illustration as to why the Applicant's noise contour maps should be considered invalid, including their subsequent use to identify any properties that fall within specified contours.
- 1.3. **Paragraph 2.7** confirms that factors that could affect the noise method include *"aircraft operational parameters, the layout of the airport, direction of take-offs, runway preference, airspace design and terrain"*.

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<sup>1</sup> Mark De Pulford, Written Summary of Oral Representation, Section B, Paragraphs 1-4

<sup>2</sup> Five10Twelve, Comments on Applicant's Response to ExA's First Written Questions (Noise & Vibrations), pages 1-2, paragraphs P-T

- 1.3.1. We note that of these underlying factors, the only confirmed absolute is the terrain since:
- 1.3.1.1. The Applicant is yet to provide details of its business model to inform any operational parameters; and
  - 1.3.1.2. The Applicant is yet to submit its designs for the airport; and
  - 1.3.1.3. The Applicant is unable to confirm its ability to operate its preferred runway use and, in fact, the preferred runway use it has specified runs counter to historical runway use achievable at Manston; and
  - 1.3.1.4. The Applicant's runway preference and airspace design will not be decided until the Airspace Change Process, (ACP), which the Applicant has failed to progress with the CAA in a timely manner and in advance of the DCO process, as has been the process with London Heathrow for its own ACP requests prior to submitting its DCO application.
- 1.3.2. As such, the Applicant's noise modelling - or its implications for the Environmental Statement - cannot be relied upon.

**1.4. Paragraph 2.8** further confirms our concerns outlined above and in our [REP5-074](#) submission that the Applicant's "*environmental consultants used the fleet mix that was included in the Azimuth Report to inform its assessment*".

- 1.4.1.** As the ExA is aware, the Fleet Mix is an essential and fundamental part of the data input required to produce noise contours. If the Fleet Mix is not accurate, the noise contours cannot be relied upon.
- 1.4.2.** During the Issue Specific Hearing of 21/3/19, (Need and Operations), it was confirmed that the forecasting in the Azimuth Report - and specifically its indicative Fleet Mix - cannot in any way be relied upon<sup>3</sup>.
- 1.4.3.** The recordings of this hearing confirm<sup>4</sup> that at the point at which Dr Sally Dixon failed to explain a clear rationale behind the Fleet Mix and underlying forecasts in the Azimuth Report, the Applicant's legal counsel, Ms Tafur, attempted to take over the explanation and salvage the situation. With all due respect to Ms Tafur, it would not be unreasonable to assume that Dr Dixon, having been presented to the ExA as the Applicant's aviation expert and author of the Azimuth

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<sup>3</sup> Issue Specific Hearing of 21/3/19, (Need and Operations Part 2 Recording, [TR020002-003869](#)), Timecode approximately 47:00 - 51:20

<sup>4</sup> *ibid*

Report, might have a better understanding of the matter than the legal counsel, whose expertise surely lies elsewhere.

- 1.4.4. As the ExA will recall, the inability of Dr Dixon to clarify the issue surrounding the appropriateness - or otherwise - of the Fleet Mix impacted the Issue Specific Hearing on Need and Operations as the Applicant suggested that Mr Hilton of Wood - the Applicant's environmental consultant, who was not present at that time - was required to shed more light on the issue.
  - 1.4.5. Mr Hilton later confirmed during ISH3 (Noise) that there was no interrogation of the validity, or otherwise of the Fleet Mix on his part.
  - 1.4.6. Mr Hilton responded to the ExA's questions as to whether the Fleet Mix is a "*worst case scenario*", given the type of operation now being proposed by the Applicant is very different to that proposed when the ES was produced 18 months ago, by saying only that "*there is no reason to think it isn't*" and assumptions were based on forecasts produced by "*experts in their field*".<sup>5</sup>
  - 1.4.7. It is now confirmed by the Applicant at paragraph 2.8 that, in fact, the "*environmental consultants used the fleet mix that was included in the Azimuth Report*", (whose author, Dr Sally Dixon, **was** present), "*to inform its assessment*".
  - 1.4.8. Dr Sally Dixon confirmed during the ISH3 (Noise) that "*I have very limited experience in forecasting freight in the South East of England*".<sup>6</sup> As such, the Applicant's Environmental Consultant, Mr Wood's, assumption that "*there is no reason to think [the Fleet Mix is not a worst case scenario]*" on the basis that it was prepared "*by experts in their field*" is without any foundation.
- 1.5. Paragraph 2.11** confirms that "*noise contours helped to determine category 3 interests for land referencing and compensation purposes*". Given the unreliability of the underlying data used to produce the noise contours - and therefore of the noise contours themselves - it is not unreasonable to assume that the Applicant's estimates for category 3 interests for land referencing and compensation purposes may be equally unreliable.

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<sup>5</sup> Issue Specific Hearing of 21/3/19, (Need and Operations Part 3 Recording, [TR020002-003870](#)), Timecode approximately 00:02:49 - 00:03:05)

<sup>6</sup> Issue Specific Hearing of 21/3/19, (Need and Operations Part 3 Recording, [TR020002-003870](#)), Timecode approximately 01:29:40)

**2. Predicted changes without mitigation (pg. 2-3, section c, paragraph 2.14)**

Para 2.14 is a wholly inadequate response with regards to Noise Mitigation for impacted schools in that:

- 2.1. The Applicant commits only to *“continually review the mitigation needs of schools within the 50dB LAeq (16 hour) contour by first establishing the baseline conditions prior to the operation of the airport”*. As stated at our paragraph 1-1.1, the integrity of the baseline conditions currently recorded cannot be relied upon.
  - 2.1.1. A commitment only to *“continually review”* is not a commitment with any meaning or value. This offers no comfort or assurances, much less mitigation or compensation, to impacted schools or communities.
  - 2.1.2. As stated at our paragraph 1, above, we do not consider accurate baseline measurements have yet been established by the Applicant.
- 2.2. The Applicant states *“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”*.
  - 2.2.1. A *“provision for schools to apply”* for funds offers no commitment, assurances or comfort to affected schools or communities or any guarantees that any funding will ever be made available to them.
  - 2.2.2. As detailed at paragraph 9 of the Applicant’s Revised Noise Mitigation Plan, ([REP5-008](#)), the Applicant confirms that the *“airport operator will contribute £50,000 per annum to the Community Trust Fund”*.
  - 2.2.3. Given that evidence has been provided to the ExA of quotes of between £10,000 - £25,590 for replacement of windows for a single 3 bedroom residential property ([REP2-013](#)), the Airport Operator’s entire annual contribution to the Community Trust Fund is unlikely to cover costs for any one school, even in the event that their funding application is successful.
- 2.3. The Applicant’s statement that *“no schools had (sic) made representations opposing the application”* does not absolve the Applicant of its responsibilities in this regard, nor does it acknowledge the significant reported shortcomings and failings during the Applicant’s public consultation, (e.g. RR-0062, RR-0081, RR-0084, RR-0146 and others).
  - 2.3.1. In point of fact, more than two-hundred Relevant Representations have been submitted to the Planning Inspectorate and ExA raising

objections from potentially affected schoolchildren, educationalists and teachers and the issue of impact on schools, including, for example, RR-0284, RR-0358, RR-0365, RR-0457, RR-0506, RR-0522, RR-0540, RR-0601, RR-0657, RR-0761, RR-0763 etc.

2.3.2. Regardless, the onus must surely be on the Applicant to communicate with potentially affected parties rather than the other way around.

**3. Proposed mitigation (page 3, section d, paragraph 2.17)**

Since the Applicant's noise contours cannot be relied upon, the overall cost estimate for the Revised Noise Mitigation Plan (REP4-023) described at **paragraph 2.17** may also be unreliable.

**4. Paragraph 2.21** Since the Applicant's Fleet Mix may not be relied upon, as detailed in our paragraphs 1.4 - 1.48, above, the Applicant's list of QC2 and QC4 aircraft used in the assessment may also not be relied upon. We note, for example, that this list does not include any DC10 aircraft, which is more typical of air freight operations and appears in the current Fleet Mix for East Midlands Airport, as a relevant example.

**5. Paragraph 2.23** Since the Applicant's noise contours cannot be relied upon, as detailed in our paragraphs 1.3 - 1.5, above, the Applicant's map of locally or nationally listed buildings in the vicinity that fall within the proposed noise insulation and ventilation scheme can also not be relied upon.

**6. Noise monitoring in construction and operation (page 4, section g, paragraph 2.29)**

We note that material changes to the Applicant's plans that have arisen during the Applicant's Answers to Written Questions ([REP3-195](#)) and during the Issue Specific Hearings do not appear to have been reflected in the CEMP with regards to:

6.1. The Applicant has confirmed in its answer to Question F.1.6 that phase one capital expenditure has increased by 186% since Application. Where has this significant increase in activity during phase one construction been reflected in the CEMP?

6.2. The Applicant's original proposal stated Year One of operation would be 2020. During the Issue Specific Hearings, it emerged that due to a combination of factors, (Special DCO for Operation Stack, lack of progress with CAA etc.), Year One of operation is unlikely to be possible until 2022 at the very earliest and - more likely - sometime between 2024-26.

6.2.1. Where has this delay in start of construction and operations been reflected in the CEMP, given the probable impact on - and impact by -

external factors, including phasing with any third party local or supporting infrastructure projects, (e.g. KCC, Highways England)?

**6.3. Agenda Item 7: Matters Arising from Deadline 4 Submissions (pages 4-5, Paragraph 3.2)**

The Applicant states it has “*satisfied all the PHE requirements and PHE do not object on health grounds*”, offering a Letter from Public Health England (“PHE”), submitted to Deadline 5 as evidence ([REP5-017](#)).

- 6.3.1. We note that the Letter from PHE is based, in part, on the assumption stated on page 2, paragraph 2, of that letter, which states:

***“HIA and engagement with local public health and healthcare system***

*Through recent liaison and information submitted by the applicant for Deadline 3, we understand that the Directors of Public Health and Clinical Commissioning Group [“CCG”] have been engaged throughout the HIA process.”*

- 6.3.2. Evidence has been submitted at Deadline 3, obtained through a Freedom of Information request, that in fact:

*“As far as [NHS England] are aware, no NHS Thanet CCG’s governing body has had any correspondence with RiverOak Strategic Partners or any of their associated companies and/or professional advisors and/or any third party”.<sup>7</sup>*

- 6.3.3. Further, the Applicant’s Health Impact Assessment, (HIA), is also dependent on identification of affected properties, people and communities that fall within certain noise contours. As stated at our paragraphs 1.3 - 1.48, above, these noise contours and any data of findings derived from them cannot be relied upon.

- 6.3.4. As such, any agreements reached with PHE appear to be based on inaccurate and/or misleading information presented by the Applicant to PHE. We respectfully request that PHE might be asked to comment and review its responses made in the Letter to the Applicant dated 28th March 2019.

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<sup>7</sup> [REP3-060](#) Appendix, page 130-132, Letter from NHS, 11th February 2019, Re Freedom of Information Request