

Application by RiverOak Strategic Partners Ltd to reopen and develop Manston Airport
The Examining Authority's Third Written Questions and requests for information (ExQ3)
Published 10 May 2019

The following table sets out the Examining Authority's (ExA's) Third Written Questions and requests for information – ExQ3. The ExA's First Written Questions (ExQ1) were issued on 18 January 2019 [PD-007] and its Second Written Questions (ExQ2) were issued on 5 April 2019 [PD-010b]. If necessary, the Examination Timetable will be amended to allow for a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ4.

Questions in ExQ3 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@planninginspectorate.gov.uk

Responses are due by **Deadline 7a** (24 May 2019) in the Examination Timetable².

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

² Available here: <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/manston-airport/?ipcsection=exam>

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.

ExQ3	Question to:	Question:
AQ.3	Air Quality and emissions	
AQ.3.1	All parties to NOTE	Issues relating to Air Quality and emissions will be further examined in the Issue Specific Hearings to be held from 3 to 7 June 2019.
CC.3	Climate change	
CC.3.1	The Applicant	<p>Climate change³</p> <p>Given the recently publicised scientific concerns⁴ relating to the increasing pace of anthropogenic climate change effects, does the Applicant wish to update its answers to the ExAs First Written Questions [REP3-187, REP3-195] on:</p> <ul style="list-style-type: none"> • CC.1.1 Climate Change Projections; • CC.1.2 Climate Change Assessment Chapter 16 of Environmental Statement (ES) [APP-034]; and • CC.1.3 Climate Change Adaptation Section 16.5 and paragraph 16.6.7 of ES [APP-034]?

³ This will be an agenda item in the Environmental ISH in June 2019

⁴ Net Zero. The UKs Contribution to Stopping Global Warming. Committee on Climate Change, May 2019

ExQ3	Question to: Question:	
Ec.3	Ecology and biodiversity (including Habitats Regulations Assessment (HRA))	
Ec.3.1	Natural England	<p>Applicant’s response to Second Written Question Ec.2.2 on Ecological Surveys</p> <p>The Applicant has been unable to complete a full suite of ecological surveys. The Applicant notes in their response:</p> <p><i>“It is now expected that access to the site will not be granted to the Applicant until after the Development Consent Order (DCO) has been made.</i></p> <p>The Applicant goes on to state:</p> <p><i>“Requirement 8 of the DCO has been put in place as a pre-commencement condition, to allow confirmation of the worst-case scenario assessed in the ES [APP-033] prior to commencement of construction works.”</i></p> <p>The Applicant argues that the worst-case scenario considered in the ES [APP-033] is highly conservative and that the provision for circa 38ha of mitigation land as defined in the Mitigation and Habitat Creation Plan (Appendix 7.5 [APP-045] of the ES [APP-033]) will be sufficient to mitigate the ecological effects of the Proposed Development.</p> <p>i. In light of the recent additional information and submissions relating to ecology, noise and air quality, is Natural England (NE) proposing to update its Statement of Common Ground (SoCG) with the Applicant.</p>

ExQ3	Question to:	Question:
		<p>ii. Is Requirement 8 and in particular the net gain of 10 biodiversity units, of the dDCO an adequate provision in the absence of the full suite of ecological surveys?</p> <p>iii. In NE’s view, is the provision for circa 38ha of mitigation land as defined in the Mitigation and Habitat Creation Plan (Appendix 7.5 [APP-045] of the ES [APP-033]) sufficient to mitigate the ecological effects of the Proposed Development in the absence of the full suite of ecological surveys?</p>
Ec.3.2	Natural England (NE)	<p>Outfall Works</p> <p>Is NE satisfied with the Applicant’s response to the ExAs Second Written Question Ec.2.10?</p>
Ec.3.3	The Applicant	<p>ES Addendum Chapter 6 [REP6- number to be allocated] Air quality effects on designated sites</p> <p>Annex 3 of NE’s Deadline 6 response states that the Applicant has incorrectly assessed the air quality impacts of future traffic growth because such growth is included in the predicted environmental concentration (PEC) and not in the process contribution (PC).</p> <p>The Applicant is requested to:</p> <p>i. Respond to NE’s comments regarding the approach to in-combination assessment of the Process Contributions from the proposal and other plans or projects.</p>

ExQ3	Question to:	Question:
		<ul style="list-style-type: none"> ii. Respond to NE’s comments regarding the update to the Air Pollution Information System (APIS) background data. iii. Provide contour plots to clearly show where the Process Contribution of NOx is more than 1% (or relevant proxy) where the background is at or over 100% of the Critical Level. This should be overlain with habitat data to clearly illustrate the potential effects on designated sites. iv. Where relevant, provide an updated consideration of the impact of NOx from construction and operation phase effects for years 2, 6 and 20 on designated sites.
Ec.3.4	The Applicant	<p>Noise contour maps</p> <p>Natural England states that the revised noise contour maps identify potentially significant effects for waders, which are features for the north Thanet coast SSSI between Herne Bay and Westgate and for Pegwell Bay SSSI. This coastline is also within the Thanet Coast and Sandwich Bay SPA but was not considered in the Applicant’s Habitats Regulations Assessment.</p> <ul style="list-style-type: none"> i. Respond to NE’s comments regarding effects on waders on SSSI sites, supported by an ES addendum where necessary? ii. Respond to NE’s comments regarding the impact on the SPA and Pegwell Bay and confirm when you intend to submit a revised Report to Inform the Appropriate Assessment (RIAA). It is recommended that the updated text is supported by noise

ExQ3	Question to:	Question:
		contour maps overlain with designated site boundaries and key bird locations; and by WeBS data.
CA.3	Compulsory Acquisition, Temporary Possession and other land or rights considerations	
CA.3.1	All parties to NOTE	<p>The questions below are designed in part to gain further information on progress and on more detailed issues in advance of the CA Hearing to be held on 4 June 2019.</p> <p>That Hearing will start by considering the ExA's understanding of the current position in respect of the Applicant's request for powers to compulsorily acquire land and/or rights over land using the tests in statute and in guidance as a framework for that discussion.</p> <p>It will also address further a range of specific issues which will be set out in the Agenda for the CA Hearing which will be published in advance of that Hearing.</p>
CA.3.2	The Applicant Ministry of Defence (MoD) (Lands)	<p>Crown Land: MoD Lands</p> <p>The Applicant's response to CA.2.1 [REP6-index number to be allocated] states that:</p> <p><i>"The Applicant will continue to liaise with the MoD and hopes that agreement can be reached prior to 9 July 2019."</i></p> <p>Confirm or otherwise whether agreement will be reached in advance of the close of the Examination on 9 July 2019</p>

ExQ3	Question to:	Question:
CA.3.3	MoD (Lands)	<p>Crown Land: MoD Lands</p> <p>The Applicant's response to CA.2.1 [REP6-index number to be allocated] states that:</p> <p><i>"The MoD responded on 18 April 2019 with comments on the HRDF Statement of Common Ground but not on the lands Statement of Common Ground which it has held since 6 March 2019."</i></p> <p>Comment on this statement and, if necessary, explain the lack of response from MoD (Lands) in this respect.</p>
CA.3.4	The Applicant	<p>Crown Land: High Resolution Direction Finder</p> <p>Your response to ExA question CA.2.3 [REP6-index number to be allocated] states that:</p> <p><i>"Following the meeting (at Aquila's request) a non-disclosure agreement has been signed between Aquila, RSP and Osprey and standard Aquila terms and conditions accepted."</i></p> <p>Set out the implications of this in respect of any requests by the ExA for further information.</p>
CA.3.5	The Applicant Defence Infrastructure Organisation	<p>Crown Land: High Resolution Direction Finder</p> <p>The Applicant's response to ExA question CA.2.3 [REP6-index number to be allocated] states that:</p>

ExQ3	Question to:	Question:
		<p><i>"Aquila are seeking to complete Phase 1a, which will seek to confirm the suitability of an alternative location, before 9 July. Subsequent negotiations with the other elements of MOD (such as DIO regarding land-ownership and Defence Equipment and Support regarding capability delivery) may extend beyond that date."</i></p> <p>The Defence Infrastructure Organisation's response to CA.2.2 [REP6-index number to be allocated] states that:</p> <p><i>"Given the complexities of this matter outlined above it is considered that agreement as to the re-location of the HRDF will not be achieved on or before 9 July."</i></p> <p>The ExA consider that the implication of a failure to reach agreement with the MoD before the end of the Examination is that the ExA would not be able to recommend that any order granting development consent should include provisions relating to the Compulsory Acquisition (CA) of an interest in, or other provisions relating to, Crown land [s135 of the Planning Act 2008] for relevant Plots.</p> <p>The guidance contained in Annex B paragraph 2 of 'Planning Act 2008: Guidance related to procedures for the Compulsory Acquisition of land (DCLG, September 2013) states that:</p> <p><i>"The Applicant for a project should ensure that any discussions with the Crown authority are started as soon as it is clear that an interest in Crown land will need to be acquired – i.e. before their application is submitted to the Planning Inspectorate for acceptance. The aim should be to ensure that</i></p>

ExQ3	Question to:	Question:
		<p><i>Crown consent is in place before the application for the development consent order is submitted. If consent is not granted by the time an application is submitted, then the Applicant should give an indication of when they expect consent to be received. At the very latest, this should be by the time the examination phase of the project is completed."</i></p> <p>Comment on this position with reference to the guidance cited above.</p>
CA.3.6	The Applicant	<p>Crown Land: High Resolution Direction Finder</p> <p>Given your response to question CA.2.4, that no alternative site for the High Resolution Direction Finder (HRDF) has been agreed with the Ministry of Defence (HRDF), show why the ExA's should not consider that this position should be classified as being a potential risk or impediments to implementation of the scheme that has not been properly managed.</p>
CA.3.7	The Applicant	<p>Crown Land: The Met Office</p> <p>Your response to CA.2.7 [REP6-index number to be allocated] states that:</p> <p><i>"The Applicant and the Met Office have noted the wording of s135 of the Planning Act 2008 and have agreed that s135(1) consent is not applicable. Section 135(1) consent applies in respect of compulsory acquisition powers in a DCO where the Applicant wishes to acquire interests over Crown land which are not held by the Crown. For example, where the Crown have leased the land to a third party. In the present case, the Met Office is</i></p>

ExQ3	Question to:	Question:
		<p><i>holding its lease on behalf of a government department (HCLG) meaning that there is no third party for the purposes of s135."</i></p> <p>Paragraph 3.1.2. of the SoCG between the Applicant and the Met Office [REP6-index number to be allocated] confirms that the land is held by The Met Office on behalf of the Secretary of State for Housing, Communities and Local Government.</p> <p>Clarify whether you are contending that s135 of PA2008 does not apply in this instance or whether you contend that Crown authority agreement is still required in this instance.</p>
CA.3.8	The Applicant	<p>Crown Land: The Government Legal Department</p> <p>Your response to CA.2.8 [REP6-index number to be allocated] states that:</p> <p><i>"... the two bona vacantia interests relate to a historic licence (plot 19c) and an option to purchase a section of the Northern Grass (plot 50b). Neither of these interests are of a Category 1 nature, i.e. these are not interests owned, occupied or leased by the Crown."</i></p> <p>Clarify whether you are contending that s135 of PA2008 does not apply in this instance or whether you contend that Crown authority agreement is still required in this instance.</p>
CA.3.9	All parties to NOTE	<p>Special Category Land</p> <p>The ExA agrees with the Applicant's suggested clarification to its wording in question CA.2.9 [REP6-index number to be allocated] that that subsections</p>

ExQ3	Question to:	Question:
		4 and 5 of s.132 of the Planning Act 2008 do not apply but that subsection 3 of s132 of the Act does apply.
CA.3.10	The Applicant	<p>Statutory Undertakers</p> <p>The ExA notes from the Applicant’s response to question CA.2.11 [REP6-index number to be allocated] that out of the six Statutory Undertakers which may be affected by the proposed scheme:</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; and • Southern Water Services Limited <p>Only two, Nemo Link Limited and Southern Water Services Limited have agree SoCGs stating that they agree with the protective provisions contained in the dDCO.</p> <p>Set out the steps that you are taking to ensure that the draft Protective Provisions contained in the draft DCO are acceptable to all undertakers potential affected by them and that any affected undertakers indicate their acceptance of them in time for any such</p>

ExQ3	Question to:	Question:
		statements to be examined before the close of the Examination on 9 July 2019.
CA.3.11	BT Group plc	<p>Statutory Undertakers: BT Group plc</p> <p>The ExA notes that the Compulsory Acquisition Status report submitted at Deadline 6 on 3 May 2019 [REP6-index number to be allocated] shows a history of contact but of little progress with the first contact being made on 9 February 2018 and over thirteen months later a note for 28 March 2019 stating the BT is still locating the relevant contact to review the document.</p> <p>The ExA requires BT Group Ltd and the Applicant to provide a draft SoCG by Deadline 7a.</p>
CA.3.12	Network Rail Infrastructure	<p>Statutory Undertakers: Network Rail Infrastructure</p> <p>The ExA notes that the Compulsory Acquisition Status report submitted at Deadline 6 on 3 May 2019 [REP6-index number to be allocated] shows that on 6 March 2019 – nearly two months before the submission of the status update -Network Rail Infrastructure was reviewing the draft framework agreement.</p> <p>The ExA requires Network Rail Infrastructure and the Applicant to provide a draft framework agreement by Deadline 7a.</p>
CA.3.13	South Eastern Power Networks plc	<p>Statutory Undertakers: South Eastern Power Networks plc</p> <p>The ExA notes that the signed SoCG between South Eastern Power Networks plc and the Applicant [REP4-004] states that the parties do not</p>

ExQ3	Question to:	Question:
		<p>currently agree the nature and extent of protective provisions which are necessary and reasonable in respect of the Development.</p> <p>The SoCG is dated 7 March 2019</p> <ul style="list-style-type: none"> i. Show what progress has been made on this lack of agreement; ii. Clarify whether it is intended to issue a further SoCG; iii. If so, provide by Deadline 7a; iv. If not, state how agreed protective provisions are to be arrived at before the close of the Examination on 9 June 2019.
CA.3.14	Southern Gas Networks plc	<p>Statutory Undertakers: Southern Gas Networks plc</p> <p>The ExA notes that the unsigned draft SoCG between Southern Gas Networks plc and the Applicant submitted at Deadline 3 and dated 15 February 2019 [REP3-175] states at paragraph 4.4 that:</p> <p><i>"the parties do not currently agree that the construction and operation of the proposed Development will not affect the undertaking carried on by SGN. The parties do not agree that the compulsory acquisition of the Plots above, including the creation of new rights in relation to specific plots, can be undertaken without serious detriment to SGN's undertaking."</i></p> <p>and at paragraph 4.5 that:</p> <p><i>"SGN does not currently agree that RiverOak should be authorised to acquire SGN's apparatus or extinguish SGN's rights or interests in land".</i></p>

ExQ3	Question to:	Question:
		<ul style="list-style-type: none"> i. Show what progress has been made on this lack of agreement; ii. Clarify whether it is intended to issue a further SoCG; iii. If so, provide by Deadline 7a; iv. If not, state how agreed protective provisions are to be arrived at before the close of the Examination on 9 July 2019.
CA.3.15	The Applicant	<p>Representations from Affected Persons</p> <p>The Applicant's response to CA.2.12 [REP6-index number to be allocated] list representations from Affected Persons.</p> <p>Has the Applicant made any specific attempts to contact those making representations?</p>
CA.3.16	The Royal Air Force Manston History Museum Association	<p>Royal Air Force Manston History Museum</p> <p>The ExA note that the Applicant's response to CA.2.14 [REP6-index number to be allocated] states that:</p> <p><i>"If and when the museums are relocated (outside the scope of the DCO), the Applicant will grant a freehold of the relocated sites."</i></p> <p>But note that the Applicant's response to CA.2.22 [REP6-index number to be allocated] states that:</p> <p><i>"The DCO would not authorise any works to the museums and memorial gardens."</i></p>

ExQ3	Question to:	Question:
		<p>The ExA note that the signed SoCG between the Royal Air Force Manston History Museum Association and the Applicant submitted at Deadline 3 [REP3-191] states that:</p> <p><i>"RiverOak are committed to the museum being relocated to a new facility, in consultation between the parties."</i></p> <ul style="list-style-type: none"> i. Show where these commitments are secured in the draft DCO or in the documents listed in Schedule 10 of the draft DCO; or ii. State why the ExA should have regard to unsecured commitments.
CA.3.17	Cogent Land LLP	<p>In its response to CA.2.15 [REP6-index number to be allocated], the Applicant states that:</p> <p><i>"The Applicant considers that the assertion by Cogent Land LLP that 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 is incorrect."</i></p> <p>Respond to the Applicant's statement</p> <p>In making a response to this statement, Cogent Land LLP should have regard to, and comment on, Appendix CA.2.15 in the Applicant's Appendices to Answers to Second Written Questions [REP6-index number to be allocated]</p>

ExQ3	Question to:	Question:
CA.3.18	The Applicant	<p>Pipeline plots</p> <p>The Applicant's response to CA.2.17 [REP6-index number to be allocated] states that the Applicant is intending to write to all owners of pipeline plots again in April 2019 with a draft voluntary agreement and with a request that the agreements are concluded before the end of the Examination period.</p> <p>State whether such owners have been written to (the ExA note that your response to CA.2.23 indicates that they have);</p> <p>Either provide a table showing responses, if any, or provide an updated CA Status report at deadline 7a.</p>
CA.3.19	Kent Facilities	<p>The Applicant's response to question CA.2.16 [REP6-index number to be allocated]. states that:</p> <p><i>"the Applicant believes that a voluntary agreement with Kent Facilities Limited would be dependent on an agreement with Stone Hill Park Limited with whom the Applicant has been seeking to reach an agreement with."</i></p> <p>Is this Kent Facilities understanding of the position?</p>
CA.3.20	The Master, Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge	<p>The Applicant's response to question CA.2.16. [REP6-index number to be allocated] states that:</p>

ExQ3	Question to:	Question:
		<p><i>"On 23 February 2018 the Agent for the College advised the Applicant that they did not wish to engage with discussions or negotiations prior to the determination of the DCO."</i></p> <p>The Master, Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge are reminded that the application for a Development Consent Order contains provisions in Article 22 of the draft DCO to compulsorily acquire rights over 11 plots in which the college has an interest.</p> <p>Justify the College's approach to this matter.</p>
CA.3.21	The Master, Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge	<p>The Applicant's response to question CA.2.16. states that:</p> <p><i>"The Applicant has since written to the College on 26 February 2018, 21 September 2018 and 1 March 2019 and have been copied to their agent. No responses have been received by the Applicant."</i></p> <p>The RR from The Master, Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge submitted on 1 October 2018 [RR-0348] states that:</p> <p><i>"At this stage there have been no details provided with regards to what new structures are required and what restrictions there will with regards to farming the land adjacent to these. As such the landowner is not able to take a view on whether or not this will be acceptable and whether they should submit representations to the examination."</i></p>

ExQ3	Question to:	Question:
		<p>i. Given that the Applicant states that letters have been sent to you, are you now in possession of sufficient information to take a view on this issue?</p> <p>ii. If so, set out your representation.</p>
CA.3.22	The Applicant All parties to NOTE	<p>Associated Development</p> <p>One of the arguments put forward by the Applicant in its response to CA.2.20 [REP6-index number to be allocated] is that:</p> <p><i>"If the development does not take place on the Northern Grass then it is likely to arise further afield in a piecemeal and uncontrolled manner with a worse impact on the local area and less efficient interaction with the airport, and so it is in the public interest that as much of it as possible is sited on the Northern Grass."</i></p> <p>Taking into account the existence of a system of development control and management embodied in planning legislation and regulation and of policy making embodied, inter alia, in Local Plans and the National Planning Policy Framework, justify the assertion that this development is likely to arise [...] in a piecemeal and uncontrolled manner with a worse impact on the local area.</p> <p>All parties should note that the issue of associated development in the CA and Issue Specific Hearings to be held from 3 to 7 June 2019</p>
CA.3.23	The Applicant	Land Requirement – Plots 015b, 017, 020, 021, 022, 023, 024, 025

ExQ3	Question to:	Question:
		<p>The ExA note the importance of the Instrument Landing System (ILS) and the protection thereof. The location of the plots is also noted. The Applicant's answer to CA.2.21 states that "<i>CAA technical safeguarding criteria define the required areas around such equipment to ensure its safe operation</i>", and "<i>the plots referred to ...were previously safeguarded by the former Manston Airport operators/owners for this reason</i>"</p> <ul style="list-style-type: none"> i. Provide further information on the precise impact of the required plots on the proposed ILS; their location in relation to this equipment, and their potential effect upon the working of this system. ii. Provide the precise reference in CAA technical safeguarding criteria where the area around an ILS is defined to ensure its safe operation. iii. Were the relevant plots previously in the ownership of Manston Airport operators/owners or safeguarded via other means?
CA.3.24	The Applicant	<p>Acquiring by voluntary agreement: Avman Engineering Limited and Polar Helicopters Limited</p> <p>In its response to question CA.2.24, [REP6-index number to be allocated] the Applicant summarises the agreements reached in the SoCGs between itself and a) Avman Engineering Limited and b) Polar Helicopters Limited as including an agreement to find suitable premises on the site for the</p>

ExQ3	Question to:	Question:
		<p>relocation of their businesses subject to such relocation being compatible with the Applicant's proposed plans and the powers as approved.</p> <p>Show where this is secured in the draft dDCO.</p>
CA.3.25	Avman Engineering Limited	<p>The Applicant's Compulsory Acquisition Status report submitted for Deadline 6 on 3 May 2019 [REP6-index number to be allocated] may be read to indicate that agreement has been reached between the Applicant and Avman Engineering Limited on the request for powers under Article 19 of the draft DCO for the Compulsory Acquisition of the land on which you are a lessee or tenant.</p> <p>State whether this is the position or, if not, set out any further representation that you may wish to make on this.</p>
CA.3.26	Polar Helicopters Limited	<p>The Applicant's Compulsory Acquisition Status report submitted for Deadline 6 on 3 May 2019 [REP6-index number to be allocated] may be read to indicate that agreement has been reached between the Applicant and Polar Helicopters Limited on the request for powers under Article 19 of the draft DCO [REP6-index number to be allocated] for the Compulsory Acquisition of the land on which you are a lessee or tenant.</p> <p>State whether this is the position or, if not, set out any further representation that you may wish to make on this.</p>

ExQ3	Question to:	Question:
CA.3.27	Trustees of the RAF Manston Spitfire and Hurricane Memorial Museum	<p>The Applicant's Compulsory Acquisition Status report submitted for Deadline 6 on 3 May 2019 [REP6-index number to be allocated] may be read to indicate that agreement has been reached between the Applicant and the Trustees of the RAF Manston Spitfire and Hurricane Memorial Museum on the request for powers under Article 19 of the draft DCO [REP6-index number to be allocated] for the Compulsory Acquisition of the land on which you are a lessee or tenant.</p> <p>State whether this is the position or, if not, set out any further representation that you may wish to make on this.</p>
CA.3.28	The RAF Manston History Museum	<p>The Applicant's Compulsory Acquisition Status report submitted for Deadline 6 on 3 May 2019 [REP6-index number to be allocated] may be read to indicate that agreement has been reached between the Applicant and The RAF Manston History Museum on the request for powers under Article 19 of the draft DCO [REP6-index number to be allocated] for the Compulsory Acquisition of the land on which you are a lessee or tenant.</p> <p>State whether this is the position or, if not, set out any further representation that you may wish to make on this.</p>
CA.3.29	Stone Hill Park Limited	<p>Acquiring by voluntary agreement: Stone Hill Park Limited</p> <p>Comment on the statement in the Applicant's response to CA.2.25 [REP6-index number to be allocated] that the Applicant is hopeful that these negotiations [between the Applicant and SHP] can be concluded satisfactorily shortly.</p>

ExQ3	Question to:	Question:
CA.3.30	The Applicant	<p>Acquiring by voluntary agreement: Stone Hill Park Limited</p> <p>Provide evidence for the statement in the Applicant’s response to CA.2.25 [REP6-index number to be allocated] that the Applicant is hopeful that these negotiations [between the Applicant and SHP] can be concluded satisfactorily shortly</p>
CA.3.31	The Applicant	<p>Secretary of State for Transport</p> <p>In the response to CA.2.32 [REP6-index number to be allocated], that Applicant states that:</p> <p><i>“The Applicant can confirm that the Secretary of State for Transport should now be registered as an Affected Person in Part 1 of the Book of Reference. The Applicant is still seeking a view from the Secretary of State as to the nature and extent of the interest in land and wrote to the Department of Transport on 15 April 2019. This will be reflected in the next iteration of the Book of Reference.”</i></p> <p>Provide the next iteration of the Book of Reference for Deadline 7a.</p>
CA.3.32	The Applicant	<p>Compulsory Acquisition Status Report</p> <p>The ExA notes that the version of the Compulsory Acquisition Status Report submitted at DL6 on 3 May 2019 [REP6-index number to be allocated] appears to show no change from the version submitted at DL5 [REP5-004] and only shows change in respect of the Jentex Fuel Farm and Mr David Steed from the version submitted at DL3 [REP3-006].</p>

ExQ3		
Question to:	Question:	
		Comment on this apparent lack of progress.
DCO.3	Draft Development Consent Order (DCO)	
DCO.3.1	All parties to NOTE	<p>The ExA has published its draft DCO alongside these questions. All Interested Parties and Affected Persons are requested to provide comments on the ExA's draft DCO.</p> <p>The specific questions below address particular parts of that draft but should not be taken as precluding further examination of any part of the draft DCO in particular at the DCO ISH to be held on 7 June 2019</p> <p>The questions below also seek clarification on matters related to the dDCO raised in the responses received at DL6.</p>
DCO.3.2	All parties to NOTE	<p>All parties should note that the issue of associated development including, but not limited to, the definition of "airport-related" and of "Associated development" will be examined further in the CA and Issue Specific Hearings to be held from 3 to 7 June 2019.</p>
DCO.3.3	All parties to NOTE	<p>All parties should note that the issue of the proposed application of the 'Crichel Down Rules' in Article 19 and the reduction from five to one year in Article 21 will be examined further in the CA and/or the DCO Issue Specific Hearing to be held on 4 and 7 June 2019.</p>

ExQ3	Question to:	Question:
DCO.3.4	All parties to NOTE	All parties should note that the issue of the limits to deviation (Article 6) related to descriptions set out in Schedule 1 will be examined further in the CA and/or the DCO Issue Specific Hearing to be held on 4 and 7 June 2019.
DCO.3.5	All parties to NOTE	All parties should note that the issue of the Guarantees in respect of payment of compensation, etc (Article 9) will be examined further in the CA and/or the DCO Issue Specific Hearing to be held on 4 and 7 June 2019.
DCO.3.6	The Applicant	Your response to DCO.2.45 [REP6-index number to be allocated] states that The Secretary of State responded on 26 April 2019, to advise that he was not willing to discharge the requirements and that you had requested him to reconsider. Provide an update on any further correspondence on this matter with the Secretary of State.
DCO.3.7	The Applicant	Article 2: Interpretation Definition of commence Justify the inclusion of “advertisements” in the list of in the list of excluded operations from the definition of “commence”.
DCO.3.8	The Applicant	Article 2: Interpretation

ExQ3	Question to:	Question:
		<p>Definition of commence</p> <p>Justify the inclusion of “temporary buildings” in the list of excluded operations from the definition of “commence”.</p>
DCO.3.9	The Applicant	<p>Article 2: Interpretation</p> <p>Definition of commence</p> <p>Justify the removal of the phrase “to the extent that is unlikely to give rise to any materially new or materially different environmental effects from those identified in the environmental statement” from the list of excluded operations from the definition of “commence”</p>
DCO.3.10	Kent County Council (KCC)	<p>Article 11: Construction and maintenance of new, altered or diverted streets</p> <p>Indicate whether you are content with the wording in Article 11(1) and, in particular, whether you are content to accept responsibility for maintaining at your expense from completion of new, altered or diverted streets</p>
DCO.3.11	Environment Agency	<p>Schedule 1</p> <p>Noting the content of question DCO.3.12, below, indicate whether you are content with the wording at point (g) in the list of further associated development at the end of Schedule I and, in particular whether the EA should be consulted before any works are</p>

ExQ3	Question to:	Question:
		undertaken to alter the course of, or otherwise interfere with a watercourse
DCO.3.12	The Applicant	Schedule 1 State whether there are any relevant watercourses within the order limits to which point (g) in the list of further associated development at the end of Schedule I will apply.
DCO.3.13	The Applicant	Schedule 1 Indicate what works may be covered by point (i) in the list of further associated development at the end of Schedule I
DCO.3.14	The Applicant	New Article 37 The ExA note the inclusion of the new Article 37: Removal of human remains. Do you consider that, in addition, the Protection of Military Remains Act 1986 applies in this case and, if so, whether it should be referenced in the dDCO?
DCO.3.15	The Applicant	Requirements 4 and 5 Justify the inclusion of Work 19 in both Requirement 4 and Requirement 5

ExQ3	Question to:	Question:
DCO.3.16	The Applicant	<p>Operation environmental management plan Requirement 7(2)(c) State what is meant by 'long-term' and justify why this sub-paragraph does not also include short- and medium-term.</p>
DCO.3.17	Thanet District Council (TDC)	<p>Part 2 R21 In its response to DCO.2.3 [REP6-index number to be allocated], TDC states that: <i>"the draft DCO has still not revised the procedure for the discharge of requirements, which includes an automatic approval for non-determined requirements after 8 weeks at Part 2 Article 20, with no right of appeal (assumed to be because the Secretary of State is the discharge authority). Given the apparent lack of consultation with Secretary of State to ensure they can comply with these timescales, Thanet District Council is concerned that the details of the requirements submitted may not be subject to sufficient scrutiny, prior to be automatically approved by virtue of the current wording of the draft DCO."</i> Suggest an acceptable alternative form of wording should TDC be the discharging authority.</p>
DCO.3.18	The Applicant	<p>Part 2 R21</p>

ExQ3	Question to:	Question:
		<p>In its response to DCO.2.3 [REP6-index number to be allocated], TDC states that:</p> <p><i>“the draft DCO has still not revised the procedure for the discharge of requirements, which includes an automatic approval for non-determined requirements after 8 weeks at Part 2 Article 20, with no right of appeal (assumed to be because the Secretary of State is the discharge authority). Given the apparent lack of consultation with Secretary of State to ensure they can comply with these timescales, Thanet District Council is concerned that the details of the requirements submitted may not be subject to sufficient scrutiny, prior to be automatically approved by virtue of the current wording of the draft DCO.”</i></p> <p>Comment</p>
DCO.3.19	The Applicant	<p>Schedule 10</p> <p>Justify the exclusion of the operation environmental management plan from Schedule 10.</p>
DCO.3.20	The Applicant	<p>Historic England (HE)</p> <p>Historic England state in their response to the Examining Authority’s Second Written Questions by the Historic Buildings and Monuments Commission for England [Dated 26 April 2019, reference not yet allocated] that they consider that the Applicant should provide sufficient flexibility in the scheme quantum and design for any nationally important archaeological remains that may be discovered during the course of future surveys to be preserved</p>

ExQ3	Question to:	Question:
		<p>as part of the scheme should their importance warrant it (to comply with paragraph 5.191 of the ANPS). This should include options for building and landscape design such as flexible zones of land-use and modelling of the potential to increase the proportion of land in non-harmful land-uses. Furthermore, they consider that the Applicant should provide sufficient flexibility in the scheme quantum and design for any nationally important historic buildings and historic landscape to be preserved should their importance be confirmed by further surveys to be of a level so as to require this. The following is proposed by HE:</p> <p><i>"No amendments to the DCO have been made to reduce the risk to heritage assets that might arise from the proposed limits of deviation. We suggest that an additional subsection might be added to Article 6, saying "In the light of further heritage assessment, Heritage Constraint Areas in which deviations are restricted will be identified by the Applicant in consultation with Kent County Council, and if appropriate Historic England, before they are submitted to the Secretary of State for consideration."</i></p> <p><i>"No amendments to the DCO have been made to reduce the risk to heritage assets or their settings that might arise from the size of and design of proposed structures. We suggest that an additional subsection might be added to say that the external appearance and dimensions of any element of Works that has the potential to affect a Heritage Constraint Area (see para. 6.3.1) should be subject to consultation with Kent County Council, and if appropriate Historic England, before it is submitted to the Secretary of State for consideration"</i></p>

ExQ3	Question to:	Question:
		<p><i>"No amendments to the DCO have been made in response to our suggestion that sign-off of the Master Plan should be dependent on adequate provision having been made for heritage surveys, options modelling and preservation. We suggest that it should be required that before the Master Plan is approved the Applicant should commission further assessment of the historic character of the airfield and model the options for increasing the proportion of land in non-harmful land-uses in response to the result of heritage surveys"</i></p> <p>Comment.</p>
NE.3	Natural environment	
NE.3.1	All parties to NOTE	Further issues relating to the Natural Environment will be further examined in the Issue Specific Hearings to be held from 3 to 7 June 2019.
F.3	Funding	
F.3.1	All parties to NOTE	The questions below are designed in part to gain further information on more detailed issues, particularly those related to the submission of a revised Funding Statement in advance of the CA Hearing to be held on 4 June 2019.

ExQ3	Question to:	Question:
		<p>That Hearing will start by considering the ExA’s understanding of the current position in respect of the funding of the proposed project.</p> <p>It will also address further a range of specific issues on funding which will be set out in the Agenda for the CA Hearing which will be published in advance of that Hearing.</p>
F.3.2	The Applicant	<p>Revised Funding Statement</p> <p>The ExA notes the submission of a partly revised Funding Statement at DL6 on 3 May [REP6-index number to be allocated].</p> <p>The ExA notes that one of the changes between this version and that submitted with the application documents [APP-013] is that the company structure has been amended to reflect that RiverOak Investments (UK) Ltd (RIU) is now the 90% owner of the Applicant rather than M.I.O. Investments Ltd.</p> <p>The Revised Funding Statement [REP6-index number to be allocated] states at paragraph 12 that RIU has the same directors as M.I.O Investments Ltd, a Belize registered company, who are the funders of the project.</p> <p>Information in the public domain held at Companies House shows that RIU has two Directors, Nicholas Rothwell and Rico Seitz.</p> <p>i. Clarify whether M.I.O Investments Ltd or Nicholas Rothwell and Rico Seitz are the funders of the project.</p>

ExQ3	Question to:	Question:
		<p>The Structure Chart for M.I.O Investments Ltd in Appendix F.2.4 in the Applicant's Appendices to Answers to Second Written Questions [REP6-index number to be allocated] shows Gerhard Huesler as holding a share in RIU.</p> <p>ii. Is he a Director?</p> <p>iii. Why is the Structure Chart for M.I.O Investments Ltd in Appendix F.2.4 in the Applicant's Appendices to Answers to Second Written Questions [REP6-index number to be allocated] and not for RiverOak Investments (UK) Ltd?</p>
F.3.3	The Applicant	<p>Revised Funding Statement</p> <p>The Revised Funding Statement [REP6-index number to be allocated] states at paragraph 12 that RIU is managed and administered by Helix Fiduciary AG ("Helix"), a Swiss registered and regulated fiduciary company on behalf of the beneficial owners.</p> <p>Information in the public domain held at Companies House shows that 60 per cent of the shares in RIU are held by HLX Nominees Ltd a company with an address in the Virgin Islands.</p> <p>i. Show the relationship between Helix Fiduciary AG and HLX Nominees Ltd.</p> <p>ii. Explain how transparency of funding is achieved by having a majority shareholder registered in the Virgin Islands</p>

ExQ3	Question to:	Question:
		<p>Information in the public domain held at Companies House shows that the Company Secretary is Wellco Secretaries Ltd.</p> <p>Information in the public domain held at Companies House describes Wellco Secretaries Ltd. as a non-trading company with the most recent set of filed accounts showing the company to be dormant.</p> <p>iii. Set out the role of Wellco Secretaries in managing and administering RIU</p> <p>iv. Explain the benefit of having a dormant company to fulfil this role.</p>
F.3.4	The Applicant	<p>Revised Funding Statement</p> <p>The Revised Funding Statement at paragraph 12 shows a sum of £11,3500,000.</p> <p>Clarify this figure.</p>
F.3.5	The Applicant	<p>Revised Funding Statement</p> <p>The Revised Funding Statement [REP6-index number to be allocated] states at paragraph 15 that Helix has provided an explanatory letter about its role in the funding of the project, together with a confirmatory letter from PwC that the investors have unencumbered funds substantially in excess of the funds required for the completion of the DCO (namely blight claims, land acquisition and the cost of noise mitigation measures). These are attached to this statement.</p>

ExQ3	Question to:	Question:
		The ExA notes that there is no letter from Helix attached to the revised Funding Statement. Set out the status of this letter.
F.3.6	The Applicant	<p>Revised Funding Statement</p> <p>The ExA notes that the confirmatory letter from PwC appended to the revised Funding Statement remains the same as that appended to the application version of the Funding Statement [APP-013].</p> <p>This letter shows that a sum exceeding £15m is held at on behalf of unnamed clients at two branches of an unnamed bank in an unnamed jurisdiction some ten months before the submission of the revised Funding Statement.</p> <ul style="list-style-type: none"> i. Show how such partial information serves to address the test in Government guidance quoted in the revised Funding Statement to indicate how shortfalls in land acquisition and the costs of the project would be met. ii. Explain why the holdings at the two separate banks were examined on different days and iii. Show how any double counting of holdings resulting from, for example, transfers between banks in between the examination of the accounts was explicitly ruled out.
F.3.7	The Applicant	Revised Funding Statement

ExQ3	Question to:	Question:
		<p>The Revised Funding Statement [REP6-index number to be allocated] states at paragraph 15 that:</p> <p><i>"So far, £15.2 million has been expended on the DCO process. Funds are drawn down by RiverOak on demand under the provisions of the joint venture agreement between the parties."</i></p> <ul style="list-style-type: none"> i. From where are these funds drawn down? ii. Indicate where this expenditure is shown on any audited or unaudited accounts submitted to the ExA thus far; or iii. Provide such accounts; iv. If they are drawn down from the accounts covered in the PwC confirmation letter, then what is the current balance of those accounts?
F.3.8	The Applicant	<p>Revised Funding Statement</p> <p>The Revised Funding Statement [REP6-index number to be allocated] states at paragraph 13 that:</p> <p><i>"...the full cost of the project will be met by private sector investors once the DCO is granted – such details cannot yet be finalised."</i></p> <p>If details cannot yet be finalised, state how the ExA is to provide an evidenced recommendation to the Secretary of State that funding for the proposed scheme is available and that the issue of funding is</p>

ExQ3	Question to:	Question:
		not a potential risk or impediment to implementation of the scheme that has not been properly managed?
F.3.9	The Applicant	<p>Revised Funding Statement</p> <p>The Revised Funding Statement [REP6-index number to be allocated] states at paragraph 13 that:</p> <p><i>"To meet the capital costs of construction, RiverOak will select one or more funders from amongst those who have already expressed interest and others that are likely to come forward, to secure the best deal for constructing and operating the project."</i></p> <p>With this apparent reliance on investors who are likely to come forward, state how the ExA is to provide an evidenced recommendation to the Secretary of State that funding for the proposed scheme is available and that the issue of funding is not a potential risk or impediment to implementation of the scheme that has not been properly managed?</p>
F.3.10	The Applicant	<p>Revised Funding Statement</p> <p>The application version of the Funding Statement [APP-013] stated at paragraph 14 that:</p> <p><i>"If further evidence of funds is required for the satisfaction of the Examining Authority as to their availability then RiverOak would be happy to supply it."</i></p>

ExQ3	Question to:	Question:
		<p>The ExA notes that no such statement is contained in the revised Funding Statement [REP6-index number to be allocated].</p> <p>Does this indicate that the Applicant is unwilling to provide any further information on funding in addition to that already provided at, or before, Deadline 6?</p>
F.3.11	The Applicant	<p>Revised Funding Statement</p> <p>Paragraph 16 of the revised Funding Statement [REP6-index number to be allocated] lists the information provided since the start of the Examination.</p> <ul style="list-style-type: none"> i. Show where in these nine pieces of information the ExA can find independent proof that the sum of £13.1m contained in Article 9 of the draft DCO is held by one or more named firms, bodies or individuals whose financial and other details are open to public scrutiny in the UK. ii. Show where in these nine pieces of information the ExA can find independent proof that one or more named firms, bodies or individuals whose financial and other details are open to public scrutiny in the UK are committed to funding the construction and set-up costs of the proposed project.
F.3.12	The Applicant	<p>Revised Funding Statement</p> <p>Paragraph 16 of the revised Funding Statement [REP6-index number to be allocated] lists the information provided since the start of the Examination.</p>

ExQ3	Question to:	Question:
		<p>Paragraph 16c states that one item of information is: <i>"Information about the project's investors, their assets, expenditure on the project to date and their use of Business Investment Relief to invest in UK infrastructure (appended to REP5-011)"</i></p> <p>Show where in Appendices to REP5-011 information is set out showing the assets of named investors.</p>
F.3.13	The Applicant	<p>Revised Funding Statement</p> <p>Paragraph 16 of the revised Funding Statement [REP6-index number to be allocated] lists the information provided since the start of the Examination.</p> <p>Paragraph 16d states that one item of information is: <i>"Evidence that the Applicant has spent £12.8 million on pursuing the DCO application so far plus a further £2.4 million acquiring the 'Jentex' fuel farm."</i> And refers to Appendices F.2.21 and F.2.7 in the Applicant's Appendices to Answers to Second Written Questions [REP6-index number to be allocated]</p> <p>Appendix F.2.7, a letter from Calder & Co, states that: <i>"On 16th October 2018, Riveroak Fuels Limited acquired land and buildings on the North side of Canterbury Road West, Manston, Ramsgate for £2.3m. This asset will be shown in the company's first accounts which will be prepared for the period from incorporation to 31st August 2019".</i></p>

ExQ3	Question to:	Question:
		In the absence of any accounts comment on the strength of this evidence.
F.3.14	The Applicant	<p>Revised Funding Statement</p> <p>Paragraph 17 of the revised Funding Statement [REP6-index number to be allocated] states that:</p> <p><i>"The initial phase of the project, which will bring the airport back into use, is estimated to cost about £186 million. This cost estimate includes the cost of ... the funding of the acquisition of the necessary rights over land, including any interference with rights."</i></p> <p>Clarify whether the figure of £186 million includes the £13.1 million contained in Article 9 of the draft DCO.</p>
F.3.15	The Applicant	<p>Revised Funding Statement</p> <p>Paragraph 20 of the revised Funding Statement [REP6-index number to be allocated] shows estimates of costs including:</p> <p><i>"Implementation of insulation policy and Part I claims: £2.25m (up to 225 properties at £10,000 each);"</i></p> <p>The application version of the Funding Statement [APP-013] showed this to be:</p> <p><i>"Implementation of insulation policy and Part I claims: £4m (up to 1000 properties at £4000 each);"</i></p>

ExQ3	Question to:	Question:
F.3.16	The Applicant	<p>Explain the differences in these figures.</p> <p>Revised Funding Statement</p> <p>Paragraph 20 of the revised Funding Statement [REP6-index number to be allocated] provides a summary of various categories of funding.</p> <p>The Funding Statement submitted as part of the application [APP-013] stated that £500,000 for blight claims was in RiverOak’s accounts.</p> <p>The Revised Funding Statement [REP6-index number to be allocated] states that £500,000 for blight claims is in RiverOak’s accountant’s accounts.</p> <ul style="list-style-type: none"> i. Provide evidence of the transfer of this amount between the two accounts; ii. Explain why the dormant company accounts for the Applicant approved by the Board in April 2019 show no changes of assets from 31 July 2017 to 31 July 2018. iii. State who is RiverOak’s current accountant and provide evidence that this sum is in its accounts.
F.3.17	The Applicant	<p>An e-mail dated 6 April 2019 submitted by BDB Pitmans LLP [AS-072] cites one reason for not identifying the potential investors in the proposed scheme as being the level of unwanted contact some of them received when they were previously identified in connection with a CPO with TDC.</p>

ExQ3	Question to:	Question:
		<p>Evidence from Cllr. Chris Wells, former Leader of TDC, [REP4-081] states that:</p> <p><i>"I asked for a credit note, or bank guarantee, of the availability of £19m for that first two years. They left my office promising just that with a letter of credit from a recognised bank. Within days it was being referred to as a letter of comfort; then a letter of assurance. When it finally arrived it was an expression of interest from a well known name in aviation financing, caveated that no financial reliability could be taken from this expression of interest. To overcome this, it was accompanied by several letters of support, pledging funds, but with all the details of identity of the investors redacted so no checks on their wealth could be run."</i></p> <p>If all the details of the investors were redacted, show how and where their identities were identified.</p>
F.3.18	The Applicant	<p>Guarantees in respect of payment of compensation, etc.</p> <p>Article 9 of the draft DCO states that:</p> <p><i>"9.-(1) The authorised development must not be commenced, and the undertaker must not exercise the powers in articles 19 to 33, until—</i></p> <p><i>(a) subject to paragraph (3), security of £13.1 million has been provided in respect of the liabilities of the undertaker to pay compensation, noise insulation costs and relocation costs under this Order;"</i></p> <p>State whether this Article should specifically list the cost of Compulsory Acquisition as well as that of compensation in 9(1)(a)?</p>

ExQ3	Question to:	Question:
F.3.19	The Applicant	<p>Question F.2.22 quoted the Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices which 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> <p>The Applicant's response to F.2.22 [REP6-index number to be allocated] cites the £15 million committed in the joint venture agreement and states that there are further funds available when required albeit not specifically committed to the project.</p> <p>Does the figure of £30 million quoted above include funds that are not specifically committed to the project?</p>
F.3.20	The Applicant	<p>The Applicant's response to F.2.26 [REP6-index number to be allocated] confirms the existence of a Business Plan for the proposed scheme but states that this is a commercially sensitive internal document.</p> <p>Show how, in the absence of a submitted business plan, the ExA may submit an evidenced recommendation to the Secretary of State as to whether the proposed scheme is intended to be independently financially viable?</p>
HE.3	Historic environment	

ExQ3	Question to:	Question:
HE.3.1	The Applicant	<p>Visual effects</p> <p>The Applicant responded to question HE.2.4 that visibility of aircraft movements would not have any effect on the character of conservation areas or the setting of assets and therefore the significance of effect of the proposed development on listed buildings would be infrequent and transient. In answer to question ND.2.13 the Applicant acknowledges that proposed new integrators at the airport would be expected to have a cluster of air movements in the evening and late in the evening, as well as soon after the airport opens the following morning.</p> <p>Given the above and the potential clustering of incoming and outgoing flights before and after the proposed night flight restriction, do you still consider that visibility of aircraft movements would have no adverse effect on the character or appearance of relevant conservation areas or the setting of relevant listed buildings?</p>
HE.3.2	Historic England	<p>Non-designated heritage assets</p> <p>In answer to question HE.2.5, and in relation to the T2 Hangar and WWII Dispersal Bay, the Applicant states that the Historic England Listing Selection Guide for Military Structures (the Guide) notes that outside key sites identified in the Historic Military Aviation Sites Guidance, it is only groups (of buildings, fighter pens and defences) and individual examples of strong intrinsic or associational importance, which would be considered to be of national significance. Manston airport is not listed as a key site in the</p>

ExQ3	Question to:	Question:
		<p>Guide. The Applicant considers that their potential loss could be mitigated by recording of the structures.</p> <p>Do you agree with the above opinion and interpretation of your Guide?</p>
HE.3.3	The Applicant	<p>Draft Written Scheme of Investigation</p> <p>The Applicant's answer to question HE.2.7 states that reference will be made in a revised draft WSI to the need to consider issues of contamination and pollution in the design of investigative works and working procedures.</p> <p>Provide the revised WSI by Deadline 7a securing this.</p>
HE.3.4	The Applicant	<p>Draft Written Scheme of Investigation</p> <p>Historic England note in their response to the ExA's Second Written Questions [Reference number not yet allocated,] that the draft WSI does not make provision for preservation in situ of important remains and does not make it clear what process would ensure that such remains are preserved. They consider it likely that achieving preservation might entail alterations to the quantum and design of the development, which is beyond the scope of the WSI.</p> <p>They also state that the WSI does not provide for the preservation of important heritage assets should they be discovered. They are of the view that sufficient flexibility in the scheme quantum and design should be provided for any nationally important archaeological remains that may be</p>

ExQ3	Question to:	Question:
		<p>discovered during the course of future surveys to be preserved as part of the Proposed Development, should their importance warrant it.</p> <ul style="list-style-type: none"> i. Provide your comments on those of Historic England, justifying any views which differ. ii. If such comments require alterations to the draft WSI, provide such alterations by deadline 7a.
LV.3	Landscape and visual	
LV.3.1	All parties to NOTE	Further issues relating to Landscape and Visual be examined in the Issue Specific Hearings to be held from 3 to 7 June 2019.
ND.3	Need	
ND.3.1	The Applicant	<p>Forecasts</p> <p>The answer to question ND.2.1 states that the Azimuth report [APP-085] did not consider viability as this was a matter for the Applicant, considering that this reinforced the independence of the report.</p> <p>However, costs of flying goods to or from a particular airport or using alternative transportation must be a consideration in the choice of those looking to use such services, and if costs are set too high then this would presumably impact the forecasts negatively. The Applicant's answer to ND.2.5 also states that handling facilities could be provided at other UK</p>

ExQ3	Question to:	Question:
		<p>airports but that as the market is always seeking a choice in terms of price, geography, schedules and operational capacity then price factors into the market's decision.</p> <ul style="list-style-type: none"> i. Without consideration of viability in the forecasts how can the Azimuth report be any more than an assessment of potential? ii. State whether you stand by your assertion that viability does not play a role in your forecasts, justifying your response.
ND.3.2	The Applicant	<p>Forecasts – Exports</p> <p>Question ND.2.3 concerned exports. The Applicant’s answer to this question notes that fish and shellfish are a market targeted by the proposed Airport. An appendix [Appendix ND.2.3 Part A, ref not yet allocated] contains a Seafood Industry Factsheet. The ExA notes that this document states that Humberside and the Grampian region of Scotland dominate the fish processing industry, that the highest ranking UK ports in terms of fish volume and value are dominated by Scottish ports (particularly Peterhead and Lerwick) and that the dominant country for export to is France.</p> <p>Given the above do you maintain that fish and shellfish exports are likely to achieve the amount of business predicted?</p>
ND.3.3	The Applicant	Forecasts

ExQ3	Question to:	Question:
		<p>In the Applicant's answer to question ND.2.4, information is provided regarding pharmaceuticals, noting the issues with logistics and the breakdown of the 'cold chain' leading to damaged or unusable products.</p> <p>Is there a particular issue in this regard with the aviation leg of the cold chain?</p>
ND.3.4	The Applicant	<p>Forecasts</p> <p>The answer to ND.2.5 includes details surrounding digitalisation and automation in relation to estimates for direct employment.</p> <p>While noting that some types of freight are ideally suited to automation and some are not, would a new integrator be highly automated?</p>
ND.3.5	The Applicant	<p>Forecasts</p> <p>The Applicant's answer to question ND.2.2 notes that numerous conversations have taken place with industry members, including UK airports and airlines, and that such conversations are commercially sensitive and confidential. It is difficult for the ExA to take such unsubstantiated evidence into account.</p> <p>Can any further information be provided on this matter?</p>
ND.3.6	The Applicant	<p>The Applicant's answer to question ND.2.8 states that stands at East Midlands Airport are fully utilised at night.</p>

ExQ3	Question to:	Question:
ND.3.7	The Applicant	<p>Provide evidence for this assertion.</p> <p>The answer to question ND.2.7 states that the Applicant maintains their position that the cost difference between pure freight and bellyhold is not as significant as claimed by other parties in the examination, particularly when taking into account other factors. Furthermore it is noted that bellyhold price was not a key determinant in your business plan.</p> <p>In this respect, the ExA also note the submission of an Interested Party of "The Sustainability of UK Aviation: Trends in the mitigation of noise and emissions" (Independent Transport Commission)[reference not yet assigned], which states in paragraph 4.23 that bellyhold freight is a highly efficient means of transporting freight, as it is on board flights that are already carrying revenue passengers and therefore the marginal cost of transporting the freight is extremely low.</p> <p>Given your aim of attracting freight from trucks, would an assessment of this price not be fundamental to your business plan and your forecasts, particularly given the large increase in bellyhold capacity that would potentially be provided by the Heathrow 3rd runway?</p>
ND.3.8	The Applicant	<p>The answer to ND.2.13 states that new integrators would fly during the day with clusters in the evening before the proposed night curfew, as they would not be offering next day delivery. This implies that time constraints are less critical to new integrators, with delivery of 2-3 days as opposed to next day. Logically, does this mean that Manston airport's proximity in</p>

ExQ3	Question to:	Question:
		<p>terms of travel time to the south east and London would be less important? Furthermore, that the location of more distant airports or the costs of slower forms of transportation (such as road and boat) may be more relevant and may influence the plans of new integrators.</p> <p>What are your views on this analysis?</p>
ND.3.9	The Applicant	<p>Stone Hill Park state in their DL6 response [Answers to ExA's Second Written Questions, ND.2.12, reference not yet allocated] that there is a material error in the Azimuth report which contains tonnage on integrator flights as 100% outbound with return of 20%, contrary to that stated in the Issue Specific Hearing on Need and Operation (21/03/19) that the new integrators would fly in freight to stock fulfilment centres (and confirmed indirectly in answer to question ND.2.13).</p> <p>Comment on this view, providing further information specifically in relation to the effect on the forecasts and any effect on the assessment of effects in the ES.</p>
ND.3.10	The Applicant	<p>Various references are made in the evidence to the Steer report (Assessment of the value of air freight services to the UK economy, October 2018) [Appendix 1.13, REP3-187]. This report, produced for Airlines UK, identifies four major sub-markets within air freight; General Cargo, Express, Specialist and niche products, and Mail. The report notes that one notable feature of the UK air freight market is the huge importance of Heathrow and its surrounding freight facilities. Furthermore, it states that very significant volumes of air freight are trucked to such facilities near Heathrow,</p>

ExQ3	Question to:	Question:
		<p>processed, and then trucked to another airport, either in the UK or in continental Europe without ever flying in or out of Heathrow itself (Executive Summary).</p> <p>Paragraphs 2.24-2.25 of the Steer Report expands on this, and states that a significant amount of air freight is transported in customs-bonded trucks between the UK and continental Europe, with freight often flown to continental Europe, particularly from Asia, as there is often more available air freight capacity than to UK airports, partly due to the lack of available slots to Heathrow, representing an inefficiency from the perspective of the UK economy as a whole. In contrast, it is stated that goods for North America are often trucked to the UK, particularly Heathrow, from continental Europe to take advantage of cheaper rates from the UK on North American routes, with this route being chosen due to the significant level of bellyhold capacity available from Heathrow, it being the primary European hub for North American passenger connections.</p> <p>The Airports NPS states that expansion at Heathrow delivers the biggest boost in long haul flights and the greatest benefit therefore to air freight, facilitated by the existing and proposed development of freight facilities as part of the Northwest runway scheme (para 3.24).</p> <p>In relation to European airports, the Steer report notes (para 3.21) that many of the largest freight airports in the EU are concentrated in North-West Europe, which is relatively well off, densely populated and the home to a lot of European industry (thereby generating demand for imports and a large amount of goods for export). The report states this close proximity of</p>

ExQ3	Question to:	Question:
		<p>many large airports may to some extent explain why so much air freight is flown to continental Europe and trucked to the UK, as there is greater capacity available to continental North West Europe than to the UK.</p> <p>York Aviation [Appendix 4 to REP3-025] state that these structural factors (concentration of markets) which mean that freight loads are consolidated at the main freight hubs in continental Europe and then trucked to and from the UK would still result in such freight being trucked and by-passing Manston if the Airport was re-opened. They further note that trucking is an inherent part of the system due to cost, as it is cheaper to truck to an alternative airport offering bellyhold for general air cargo than it is to seek out dedicated freighter capacity, and that where a dedicated freighter was the most cost effective option to seek to operate that aircraft then it would be routed to the main centres of economic activity in Central Europe or the UK's main distribution focus around East Midlands Airport.</p> <ul style="list-style-type: none"> <li data-bbox="981 954 2051 1091">i. Would the proposed Northwest runway at Heathrow be likely to offer more routes to Asia than are currently available, thereby adding to the bellyhold capacity available from this airport? <li data-bbox="981 1114 2051 1212">ii. How would Manston airport compete with the structural and geographical advantages of the large freight airports in north west Europe?

ExQ3	Question to:	Question:
		<p>iii. How would Manston airport compete in cost terms with the large freight airports in North West Europe, trucking from such airports, or bellyhold capacity available from Heathrow?</p>
ND.3.11	The Applicant	<p>The Applicant's answer to question ND.2.32 states that the ES forecast correct in relation to mail flights, rather than the Azimuth forecast.</p> <p>i. What other errors/discrepancies are there between the two forecasts?</p> <p>ii. If the B737-300 flights are not carrying mail, what goods would they be flying?</p>
ND.3.12	The Applicant	<p>Evidence supplied in answer to question ND.2.15 details access to various geographical locations from Heathrow, noting specific areas/regions which are less well served.</p> <p>i. Would such areas/regions be more likely to be reached if a third runway at Heathrow was operational?</p> <p>ii. What goods and markets do you consider Manston airport could serve in such locations?</p>
ND.3.13	The Applicant	<p>The answer to question ND.2.18 provides evidence of the price of jet fuel since 2012; showing that the price has dropped and considering that as this has not led to a decrease in trucking freight then this provides evidence that trucking is prevalent due to capacity issues. However, question ND.2.18 referred to the price of jet fuel since 2000.</p>

ExQ3	Question to:	Question:
		<ul style="list-style-type: none"> i. Do you have any evidence on this time frame (from 2000)? ii. How flexible is freight in terms of being able to switch from one mode of transport to another (e.g truck to air)? iii. Considering the above, could it be concluded that despite a reduction in jet fuel price since 2012 that trucking remains cheaper overall than air in particular situations?
ND.3.14	The Applicant	<p>The answer to question ND2.20 notes the night flight restrictions at Stansted airport in relation to the spare capacity available at these times.</p> <p>Is the proposed night flight ban at Manston airport more onerous than that in place at Stansted? Provide details and evidence to support the answer.</p>
ND.3.15	The Applicant	<p>The ExA note the comments concerning the road network around Bournemouth Airport.</p> <ul style="list-style-type: none"> i. How does the road access from Bournemouth Airport to the M25 compare with that from Manston Airport? ii. Compare likely truck driving times from Bournemouth and Manston Airports to Heathrow Airport at representative times of the day and year, noting limiting factors.
ND.3.16	The Applicant	<p>Question ND.2.28 referred to permitted development rights (PDRs) for airports. The Applicant's answer refers to 15% increments. However, PDRs could potentially allow for operational buildings to be provided with little</p>

ExQ3	Question to:	Question:
		<p>planning delay or risk and would not be subject to the 15% exceedance limit, which solely relates to passenger terminals. Such buildings could be required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of livestock or goods.</p> <p>Given this, do you wish to add to or amend your response on this matter?</p>
ND.3.17	The Applicant	<p>The answer to question ND.2.28 refers to the cost of building at existing airports as more expensive than at Manston airport due to airfield safety and security requirements.</p> <p>Would all of the Proposed Development's freight handling facilities be built in advance of the operation of the airport? Is this secured in the dDCO?</p>
ND.3.18	The Applicant	<p>Question ND.2.27 concerned a 'window of opportunity' for Manston airport.</p> <p>How, if at all, will the window of opportunity cited be affected by any potential delays caused by land acquisition and operational factors, such as the need for airspace and aerodrome certification approval,?</p>
ND.3.19	The Applicant	<p>The Applicant's answer to question ND.2.34 notes that air freight is focussed on speed and time certainty and that Manston airport could capture traffic currently routed via the channel tunnel. The written summary</p>

ExQ3	Question to:	Question:
		<p>of case [Appendix 6, REP5-024] stated that Manston Airport would be, within reason, a price setter rather than a taker.</p> <p>However, for such a proposal to be attractive, presumably the price would need to be cheaper, or at least comparable, to the trucking price to a market that is used to trucking to the continent.</p> <p>Comment further on this, providing evidence.</p>
ND.3.20	The Applicant	<p>Question ND.2.14 concerns Chicago Rockford Airport. The answer to this question and the relevant appendix to that response appears to have no reference to any night flight controls. In addition, Stone Hill Park (SHP) [Comments on the Applicant’s submissions put at the Need and Operations Issue Specific Hearing held on 21 March 2019, reference not yet assigned], provides details on the finances of Rockford airport, noting that the airport is publicly owned, employed 41 members of staff and lost \$13,727m in 2017-2018, despite a throughput of some 238,710 tonnes of freight. SHP present a table comparing the finance and throughput of Rockford airport compared to Manston Airport’s forecasts.</p> <ul style="list-style-type: none"> i. Are there any night flight controls at Chicago Rockford International Airport? ii. Comment on the financial information for Chicago-Rockford International Airport and its relevance for Manston airport.
ND.3.21	The Applicant	Question ND.2.17 concerns reports produced previously by York Aviation.

ExQ3	Question to:	Question:
		<p>The Applicant's answer selects sections of these reports, which note that in the event of no airport expansion, volumes of high value cargo could have to be trucked elsewhere, with such volumes up to 2.1 million tonnes of freight or around half of total freight demand in 2050.</p> <p>Appendix ND.1.17 contains a letter dated 13 October 2016 from York Aviation to RiverOak Investment Corp which states that York Aviation confirm that they continue to stand by the content of their report to the Freight Transport Association and Transport for London and believe it to be a robust and sensible analysis of the potential future development of the air cargo market in London. However, this is caveated by the phrase "This includes our analysis of the growth in the demand for air freight moving forward and the potential constraints facing the market if additional runway capacity is not provided within the London system".</p> <p>Since this date, the Airports National Policy Statement (ANPS) has confirmed that the Government's preferred scheme for addressing the need for new airport capacity in the South East of England is a new Northwest Runway at Heathrow Airport.</p> <p>i. Do you agree that the Aviation NPS confirms that a new Northwest runway at Heathrow is the Government's preferred scheme for addressing the need for new airport capacity in the South East of England?</p>

ExQ3	Question to:	Question:
		<p>ii. Do you agree that the Heathrow 3rd runway would constitute airport expansion and additional runway capacity within the London system?</p>
ND.3.22	The Applicant	<p>Qantas/Australia</p> <p>As part of the submission of the 'Applicant's Written Summary of Case put Orally – Need and Operation Hearing and associated appendices' [REP5-024] an academic study into the Qantas freight has been submitted. Stone Hill Park (SHP) [Stone Hill Park Ltd's Comments on the Applicant's Written Summary of Oral Submissions put at the Need and Operations Issue Specific Hearing held on 21 March 2019, reference not yet assigned] note that this report states that Qantas only operated 3 dedicated freighters on international routes and that there were only 20 Qantas international cargo ATMs per week at Australian airports. SHP provide an Air Freight paper from the Australian Government which states that further northern air freight capacity [in Australia] appears unlikely due to various factors including competitive trucking rates from North to South Australia and use of airports in the south of the country to Southeast Asia. SHP note that there is 'plenty of runway capacity in Northern Australia' that could facilitate direct air freighter routes to markets.</p> <p>i. What do you consider that the submitted Qantas study demonstrates?</p> <p>ii. Comment on the Australian Air freight paper and any relevance it may have to your case.</p>

ExQ3		
Question to:		Question:
Ns.3	Noise and vibration	
Ns.3.1	The Applicant	<p>Response to Ns.2.7</p> <p>The Applicant in its response to Ns.2.7 states:</p> <p><i>"There are no circumstances when an aircraft could take off between 2300-0600 other than humanitarian flights. An aircraft could land between 2300-0600 if it was scheduled, programmed or otherwise notified to the airport that it was originally to arrive before 2300 but is delayed or if it is a humanitarian or emergency flight."</i></p> <ul style="list-style-type: none"> i. What does the Applicant mean by "scheduled, programmed or otherwise notified"? ii. In response to DCO.2.47 the Applicant uses "timetabled". Can you provide a definition of "timetabled"? iii. Provide an estimate of the possible number of late running passenger and freight flights that could land between 2300-0600 in a year?
Ns.3.2	The Applicant	<p>Noise contours for schools</p> <p>Building Bulletin BB93 Acoustic design for Schools recommends that at least one area suitable for outdoor teaching activities is below 50 dB LAeq,30mins.</p>

ExQ3	Question to:	Question:
		Can the Applicant provide single mode (westerly and easterly) LAeq,30mins and LA01,30mins contours in order to allow the potential impact on schools and outdoor teaching to be assessed?
Ns.3.3	The Applicant	<p>Cumulative Effects Assessment (CEA) of aircraft and road traffic noise</p> <p>TDC in their D6 submission [REP6-number to be allocated] state:</p> <p><i>"ProPG (Professional Practice Guidance on Planning & Noise) provides guidance on the assessment of cumulative noise from transport sources on new residential development. ProPG uses the combined free-field noise level from all transport sources and also commercial noise where the character of the commercial noise is not dominant to provide an initial risk of noise at proposed development sites. The area within the 50 dB LAeq,8hr contour, which can be found in the Ecology Chapter of the ES (shown in Figure 2.1 included below) and above would be classified as "Medium Risk" and an Acoustic Design Statement would be required to demonstrate how the adverse impacts of noise would be mitigated and minimised and also be required to clearly demonstrate that a significant adverse noise impact is avoided. The IEMA Guidelines for Environmental Noise Impact Assessment recommend that the change in noise levels as well as the absolute noise levels are considered. At present the noise assessments do not consider the total noise level or the total change in noise levels and so the 'with development' and the 'without development' scenarios are difficult to fully consider. It is noted that without the consideration of the cumulative sources noise of air noise, ground noise, traffic noise and plant noise the</i></p>

ExQ3	Question to:	Question:
		<p><i>predicted significance of the effect may be understated. It is understood the noise assessments of the for the Heathrow expansion DCO are using combined noise impact contours"</i></p> <p>Provide a cumulative effects assessment of combined development absolute noise levels and the change in noise levels at noise sensitive receptors through combined predictions?</p>
Ns.3.4	TDC	<p>Manston Green Development Ns.2.12</p> <p>The Applicant states in its response to Ns.2.12:</p> <p><i>"With specific regard to noise, Paragraphs 18.5.111 to 18.5.114 note the potential significant effects on the development and also note the allocation of Manston Airport in the then extant local plan. At the time of writing, as reported in the sections of the ES [APP-035] noted above, the expectation was that the extant local plan would be taken into account in any consent granted and this is borne out in Condition 35 of the consent granted on 13 July 2016 which states "The construction of phases 1a, 1b, 2, 3a and 3b on the approved phasing plan shall not commence until a scheme protecting the development that falls within these phases from aircraft noise has been submitted to and approved in writing by the local planning authority".</i></p> <p>i. What is the position of TDC on the above response from the Applicant?</p>

ExQ3	Question to:	Question:
		<p>ii. In securing this condition did TDC anticipate the Manston Airport developer mitigating noise impact from the Proposed Development (Manston Airport)?</p>
Ns.3.5	The Application	<p>Onset of annoyance in communities not habituated to aircraft noise. Applicants response to Ns.2.13</p> <p>The Applicant has provided a note on the annoyance indicator summarising current research and policy [REP5-010]. It is noted that the Civil Aviation Authority's (CAA's) 2014 Survey of Noise Attitudes (SoNA) is based on populations living near airports. These studies are made on populations habituated to aircraft noise and, with Manston Airport not having operated in the past five years, the ExA is considering whether the population around Manston should not be considered as habituated to aircraft noise. If this is the case, then the annoyance for the population around Manston airport is likely to be greater than indicated by the SoNA study.</p> <p>i. Produce a note on the onset of annoyance in populations not habituated to aircraft noise?</p> <p>ii. Provide an estimate how many awakenings there would be across the population overflown at night, rather than the potential for awakenings in an individual?</p>
Ns.3.6	The Applicant	<p>Noise insulation and ventilation in caravan parks</p> <p>i. Can the Applicant comment on how effective noise insulation and ventilation will be on caravan park homes?</p>

ExQ3	Question to:	Question:
		<p>ii. If noise mitigation and ventilation cannot be suitably applied, will consideration for relocation be made?</p>
Ns.3.7	The Applicant	<p>Noise insulation and ventilation grants</p> <p>The list of residential properties eligible for noise insulation and ventilation is presented in both list and plot form to allow identification of the properties [REP5-010]. The list of properties eligible appears to include commercial and industrial properties that would not be eligible for the scheme. The list also includes the Smugglers Leap Park Home estate. These caravan park homes may not be suitable for the application of noise insulation given their construction (see Ns. 3.6 above).</p> <p>It is further noted that the eligibility shown is for contours averaged for both easterly and westerly operations, rather than an actual day of westerly or easterly operation. Using the average mode could have the effect of reducing the contours as the noise is spread across the routes in a way that would not necessarily happen in a day of operation at the airport.</p> <p>Provide the eligibility contours separately for both easterly and westerly operations to derive noise insulation and ventilation eligibility?</p>
Ns.3.8	The Applicant	<p>No night time construction</p> <p>The Applicant agreed there would be no night time construction working [REP5-010].</p>

ExQ3	Question to:	Question:
		<ul style="list-style-type: none"> i. Provide a definition of 'night time' including a statement as to whether this includes start up and close down times and construction traffic movements? ii. Where is this commitment secured in the DCO?
Ns.3.9	The Applicant	<p>Penalty charges</p> <p>Penalty charges will be sought and enforced by the airport operator to comply with requirement 9 of the draft DCO.</p> <p>TDC have raised concerns about the penalty amounts and noise limits in paragraphs 16.2 and 16.3 and suggest that these are increased to reflect penalty charges at other airports to achieve the aims of the NMP. For example, London Luton Airport set the fine amount at £1000 above 82 dB(A) for the day time period, with £2000 above 80 dB(A) in the night-time period.</p> <ul style="list-style-type: none"> i. Does the Applicant propose to amend the NMP in line with London Luton Airport penalty charges, and if not why not? ii. Will the Applicant make provision in the NMP to increase these fines in line with inflation or a similar index?
Ns.3.10	The Applicant	<p>Airport Community Consultative Committee</p> <p>The "Guidelines for Airport Consultative Committees" (GACC) document from April 2014 guides the operation of ACCCs. In line with these guidelines:</p>

ExQ3	Question to:	Question:
		<ul style="list-style-type: none"> i. Does the Applicant propose to have representatives from users of the Airport? ii. Does the Applicant propose to make provision of information on the role of the Committee on a dedicated website (or a dedicated section of the Airport’s website), including scheduling and minutes of meetings? iii. Will the Applicant make provision for consideration of how selected and/or all meetings can be open to the public? iv. Will the Applicant include the initial broad terms of reference for the Committee within the NMP, with provision for annual review by the independent chair? v. Provide a definition of “duties” within paragraph 8.2 of the NMP?
Ns.3.11	The Applicant	<p>Quota counts</p> <p>Paragraph 1.7 of the NMP [REP6-number to be allocated] states:</p> <p><i>“The airport will be subject to an annual quota between the hours of 2300 and 0700 of 3028. Each landing and take-off at the airport during 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>

ExQ3	Question to:	Question:
		<p>i. The annual quota of 3028 should only apply between the hours of 0600 and 0700. Is that correct?</p> <p>ii. Why is the 'ban' on night flights only for a 7 hour period as opposed to Airports NPS recommendation for LHR of a ban on scheduled night flights for a period of six and a half hours, between the hours of 11pm and 7am, to be implemented (para 5.62)?</p>
Ns.3.12	The Applicant TDC Dover District Council (DDC) Canterbury City Council (CCC) KCC Independent Commission on Civil Aviation Noise (ICCAN) Public Health England	<p>Significant Observed Adverse Effect Level (SOAEL) daytime</p> <p>The ExA is considering whether it should be a requirement in the draft DCO that the authorised development should have an SOAEL⁵ daytime of 60 dB LAeq,16hr (free field). The Noise Mitigation Plan would be amended appropriately throughout to reflect this revised SOAEL daytime.</p> <p>What are the views of all IPs on this revised SOAEL daytime?</p>
Ns.3.13	The Applicant	<p>Addendum to the Environmental Statement [APP-033] Chapter 6 Air Quality</p>

⁵ The level above which significant adverse effects on health and quality of life occur

ExQ3	Question to:	Question:
		<p>The ES road traffic noise assessment used $L_{A10,18hr}$ to define likely significant effects in line with the Design Manual for Roads and Bridges (DMRB) and cited changes of 1dB short term and 3dB long term as threshold criteria for significance. The ES addendum has used $L_{Aeq,16hour}$ and $L_{Aeq,8hour}$ metrics instead and only makes reference to the 1dB criteria. The basis for using a different noise metric is not explained within the text.</p> <p>Please explain why the L_{Aeq} has been used rather than the $L_{A10,18hour}$ and how many additional receptors would experience significant effects if the $L_{A10,18hour}$ metric was applied?</p>
OP.3	Operational issues	
OP.3.1	The Applicant	<p>Aerodrome Certificate and Airspace Change Process</p> <p>The answer to question OP.2.1 states that preparations for both the Aerodrome Certificate and the Airspace Change Process will begin during the consideration of the DCO examination.</p> <p>Have such preparations commenced?</p>
OP.3.2	The Applicant	<p>Aerodrome Certificate and Airspace Change Process</p> <p>Stone Hill Park (SHP) [Responses to the ExA's Second Questions, reference yet to be assigned, Appendix OP.2.1] include evidence from the CAA which states that the aerodrome certificate could only be applied for once the land in question was owned by the Undertaker. They (SHP) consider that this</p>

ExQ3	Question to:	Question:
		<p>would not be possible before mid-2021 and hence the airport, in their view, could not be operational before Q3 of 2023.</p> <p>Comment on this viewpoint.</p>
OP.3.3	Stone Hill Park Limited	<p>Aerodrome Certificate</p> <p>The Applicant agrees that the aerodrome certificate could only be applied for once the land required was in their ownership but consider that once applied for it would take 6-12 months for the CAA to consider such an application.</p> <p>Comment on this viewpoint.</p>
OP.3.4	The Applicant	<p>Airspace Change Process</p> <p>The Applicant's answer to question OP.2.2 states that the application for the airspace change process will be made in Spring 2021 allowing for implementation by end March 2022.</p> <p>However, the answer to question OP.2.1 states that airspace change will normally take some 108 weeks to complete.</p> <ul style="list-style-type: none"> i. How do these two statements provide a consistent answer? ii. Provide an updated timetable detailing the likely airspace change timescales.
OP.3.5	The Applicant	<p>Programme</p>

ExQ3	Question to:	Question:
		<p>Appendix OP.2.6 of the Applicant's answers to the ExA's Second Written Questions contains a construction programme assuming that access to site for surveys would commence 7 January 2020. This feeds into other activities, such as detailed design and airspace change and licence applications.</p> <ul style="list-style-type: none"> i. Do you consider such a date and construction programme to be realistic? ii. Does the programme take into account timing to acquire ownership/access to the land required, including potential judicial reviews if necessary? iii. Does the ES still assess the correct construction period?
OP.3.6	The Applicant	<p>Programme</p> <p>Your answer to question OP.2.6 confirms that construction of Manston airport would commence in 2021, with operations beginning from Q1 of 2022. Stone Hill Park (SHP) [REP5-029, Appendix NOPS1.11] provide a timetable considering that the best case for the Airport would be for it to open in late 2024.</p> <p>Provide any comments on the SHP timetable, outlining differences where appropriate.</p>
OP.3.7	The Applicant	<p>Scale and capacity</p>

ExQ3	Question to:	Question:
		<p>The answer to question OP.2.3 concerns stand usage and states that each based aircraft will require exclusive use of a stand to allow specific ground handling equipment to be located there and for access for maintenance</p> <ul style="list-style-type: none"> i. Would ground handling and maintenance equipment be mobile? ii. Would maintenance of planes take place on stands? iii. Is such an arrangement common at similar airports? iv. Why would stands not be used by other aircraft when the 'based' aircraft were elsewhere?
OP.3.8	The Applicant	<p>Scale and capacity</p> <p>The Applicant's answer to question OP.2.4 refers to East Midlands Airport and states that the CAA refer to EMA handling 334,536 tonnes of freight in 2018. The answer also notes the assertion of York Aviation that the cargo foot print at EMA is some 80,000m².</p> <ul style="list-style-type: none"> i. Does the stated 334,536 tonnes handled at EMA in 2018 include mail? ii. Does the 80,000m² total footprint include mail facilities?
OP.3.9	The Applicant	<p>Scale and capacity</p> <p>The answer to question OP.2.5 and supporting evidence provides a list of potential airport associated uses for the northern grass area.</p>

ExQ3	Question to:	Question:
		<ul style="list-style-type: none"> <li data-bbox="943 421 2002 485">i. Would an integrator centre be more likely to be sited in an airside location? <li data-bbox="943 507 2033 611">ii. Given the scale of the passenger operations proposed, how large are catering operations likely to be, and would they be more likely to be located airside? <li data-bbox="943 633 1973 737">iii. Would airside equipment maintenance/repair, freight forwarder and the aviation academy be more likely to be located in an airside location? <li data-bbox="943 759 1966 823">iv. Why would the airport require a public transport vehicle depot? <li data-bbox="943 845 2063 949">v. Why would the airport require a travel and information centre? If necessary, would such a purpose not be small scale and sited in the passenger terminal? <li data-bbox="943 971 2040 1035">vi. Would airline offices usually be housed within the passenger terminal? <li data-bbox="943 1058 2063 1121">vii. Two MRO operator office suites and parts reception are listed. Is this intentional? <li data-bbox="943 1144 2056 1208">viii. Would a computer service supplier and servers be required to be located on site? <li data-bbox="943 1230 1984 1294">ix. How do the list of uses set out in your response to OP.2.5 relate to the different list of potential uses set out in the

ExQ3	Question to:	Question:
		<p>definition of “airport-related” in the draft DCO submitted by you at Deadline 6?</p> <ul style="list-style-type: none"> x. Show where the illustrative uses listed in your response to OP.2.5, including the Renewable Energy (wood chip) Plant, have been assessed in the ES. xi. Justify your classification of uses such as the Renewable Energy (wood chip) Plant, the Airport Public Transport Vehicle Depot and the Car Hire depot as being class B1/B8 uses. xii. Justify these responses.
OP.3.10	The Applicant	<p>Public Safety Zones (PSZs)</p> <p>Stone Hill Park [Answers to ExA’s Second Written Questions, reference not yet assigned, and REP4-067] state that PSZs would be expected by year 4 of the forecasts, when 1,500 ATMs are expected per month and when 2,500 ATMs are expected within 15 years. Appendix OP.2.7 is an Environmental Statement addendum concerning PSZs and states that PSZs would be required 15 years after opening at the earliest.</p> <ul style="list-style-type: none"> i. Respond to the view that PSZs would need to be produced by year 4 of operation. ii. If PSZs are calculated based on airport specific forecasts 15 years ahead, would detailed work on such areas be required in advance of 15 years after opening?

ExQ3	Question to:	Question:
OP.3.11	TDC	<p>Public Safety Zones</p> <p>Appendix OP.2.7 is an Environmental Statement addendum concerning PSZs and states that PSZs would be required 15 years after opening at the earliest. This document provides a worst case scenario 1 in 100,000 PSZ for Manston Airport which covers a significant area of Ramsgate to the east of the Airport. The addendum notes that the principal feature of the 1 in 100,000 individual risk contour is that there will be no increase in the number of people living, working or congregating in the area</p> <p>Provide any viewpoints on the implications of this document and its contents to planning policy in Thanet.</p>
OP.3.12	<p>The Applicant</p> <p>MoD (Defence Infrastructure Organisation)</p>	<p>High Resolution Direction Finder (HRDF)</p> <p>The Ministry of Defence, through the Defence Infrastructure Organisation (DIO) have previously stated that it is prepared to consider the relocation of the HRDF but that it is yet to be completely satisfied that there would be no degradation of the capability of the equipment. The Applicant's answer to OP.2.12 confirms that Aquila are carrying out work to ascertain this, and that such work will be carried out in two phases comprising three stages. The answer states that Aquila are seeking to carry out Phase 1a, to confirm the suitability of an alternative location, by 9 July. The DIO have stated [letter dated 3 May 2019, reference not yet assigned] that the technical capability of the proposed new site has yet to be provided to Aquila and that the MoD will need be satisfied over both this matter and that the proposed site is adequately safeguarded, which will need a new Technical Site</p>

ExQ3	Question to:	Question:
		<p>Direction. They consider that agreement on the re-location of the HRDF will not be achieved on or before 9 July.</p> <ul style="list-style-type: none"> i. Will phase 1b (and 2) be carried out after 9 July? ii. Will phase 1a of the works include all permissions and agreements necessary by the end of the examination, and be in place by 9 July? <p>The Applicant is reminded that the ExA cannot accept new evidence following the closure of the examination.</p>
SE.3	Socio-economic effects	
SE.3.1	The Applicant	<p>Construction</p> <p>The Applicant's answer to question SE.2.1 states, in response to point (ii), that the percentage of construction jobs to be filled by people from the local area can be determined, but the answer does not do this.</p> <p>Do you intend to provide such a figure? If so, do so for Deadline 7a, or if not, justify.</p>
SE.3.2	The Applicant	<p>Employment – Comparators</p> <p>The answer to question SE.2.2 states that the jobs at East Midlands Airport's (EMA) Pegasus Business Park were included in the jobs total, and notes that EMA state that the total included a range of professions and</p>

ExQ3	Question to:	Question:
		<p>occupations in companies that are based at Pegasus Business Park, with the largest on-site employer being DHL with 1,575 staff in 2013.</p> <p>The answer notes that the East Midlands comparator (of 887 jobs per 100,000 tonnes of freight) is lower than the other estimates cited. However, the ExA also note that the EMA comparator would also include jobs in the passenger sector; percentages in the answer provided include those associated with reasonably substantial passenger operations.</p> <p>Given the passenger operations at EMA and the number of jobs associated with such operations, do you still consider the airport to be a suitable comparator for job numbers at Manston airport, a freight focused airport?</p>
SE.3.3	The Applicant	<p>Employment – Comparators</p> <p>The Applicant’s answer to question SE.2.3 reports that Manchester Airport Group (MAG) website states that the group employs some 5,000 people across its three airports, and gives a rough estimate of 1,650 for each airport.</p> <p>An interested party have submitted a copy of the MAG Annual Report and Accounts (2018) [submitted for Deadline 6, reference not yet assigned]. This states that MAG employed 629 staff at East Midlands Airport, which is significantly below the 1,650 figure that the Applicant has estimated. The IP notes that this equates crudely to 90.5 ATMs per employee. This compares to the figure provided in your answer to SE.2.3 of 26 ATMs per employee, a substantial difference.</p>

ExQ3	Question to:	Question:
		Comment on this disparity, providing reasons for this.
SE.3.4	TDC	Employment Provide comments on the Applicant's answer to question SE.2.6
SE.3.5	The Applicant	<p>Employment - Detailed figures</p> <p>The Applicant's answer to question SE.2.7 provides justification for the forecast of 600 MRO staff, and refers to a supplied commentary on Global Fleet and MRO Market Forecast 2019-2029 [Appendix SE.2.7 of Appendices to Answers to Second Written Questions, reference not yet assigned].</p> <p>While the ExA notes that this report predicts a substantial increase in aircraft in service, we also note that the report states that by the end of the decade China will become the biggest global market for air travel and Asia will be the new centre of global aviation activity. MRO growth rates are predicted at far higher levels in China (9.7%) and India (7.1%) than in Western Europe (2.5%).</p> <p>Given this do you still consider your forecast figure to be robust?</p>
SE.3.6	The Applicant	<p>Employment – Detailed Figures</p> <p>Point (iv) of your answer to question SE.2.7 states that the Applicant intends to run a shuttle service to and from the airport and Ramsgate station using electric vehicles, and a bus service for local employees to avoid unnecessary use of private vehicles.</p>

ExQ3	Question to:	Question:
		<ul style="list-style-type: none"> i. Would such services be run for a profit? If so, do you consider such services would be viable? ii. Show where the provision of such services are secured in the draft DCO iii. Are such services assessed in the ES?
SE.3.7	The Applicant	<p>Tourism</p> <p>The Applicant's answer to question SE.2.12 provides justification for overnight stay figures related to the airport, and states that smaller airports with easy access and short walking distances between surface transport drop off and aircraft boarding tend to attract older or less mobile passengers, and that this market segment may travel to the airport from greater distances to take advantage of the benefits of them to flying to and from Manston airport. The answer also states that such passengers may tend to stay overnight.</p> <ul style="list-style-type: none"> i. Provide evidence that smaller airports with short walking distances attract older or less mobile passengers. ii. Provide evidence that older or less mobile passengers may travel greater distances than the average specifically to use smaller airports.
SE.3.8	The Applicant	Tourism

ExQ3	Question to:	Question:
		<p>The answer to SE.2.12 acknowledges that clearly not all passengers using Manston Airport can be expected to stay overnight in Thanet, and that it would be fair to assume the both inbound and outbound passengers will derive from a 'local' catchment area.</p> <p>Given this do you still consider the figures contained within the ES [APP-034] to be robust?</p>
SE.3.9	The Applicant	<p>Tourism</p> <p>The Applicant's answer to SE.2.13 states that the Azimuth report conducted a comparison with other coastal towns with an operational airport, including Southend, Bournemouth and Southampton, noting that the presence of an airport did not appear to have a negative impact on tourism, but assisted growth of the sector in each case.</p> <p>How does the proximity of Southend, Bournemouth and Southampton airports to their settlements and the orientation of their runways and location of flightpaths to the coastal tourism areas of the respective settlements compare to Manston Airport and Ramsgate?</p>
SE.3.10	The Applicant	<p>Tourism</p> <p>The answer to question SE.2.15 contains details of inbound tourists, and states, using CAA passenger survey data, that passengers at small airports suggest approximately 90% leisure passengers, with 70% UK residents and 20% non-UK.</p>

ExQ3	Question to:	Question:
		<ul style="list-style-type: none"> i. Is it reasonable to assume therefore that 20% of proposed passengers arriving at the Airport will be tourists? Or would this figure also likely contain Non-UK residents who work in the UK? ii. Figures for inbound tourism levels would depend to a certain extent on passenger flight destinations. Provide further details of likely destinations, evidence for this, and an assessment of likely levels of inbound tourists from such destinations.
Tr.1	Transportation and traffic	
Tr.3.1	The Applicant	<p>Alternative Manston-Haine Link Road</p> <p>The Applicant's response to second written question Tr.2.1 [REP6-index number to be allocated] sets out that:</p> <p><i>"Delivery of the link road will be undertaken by KCC and land requirements for its delivery will be negotiated between KCC and the Applicant separate to the DCO."</i></p> <ul style="list-style-type: none"> i. The modelling in the RTA [REP5-021] incorporates the implementation of the link road as proposed by the Applicant. Do you agree that it therefore follows that it should be secured in the draft DCO and fully assessed in the ES? Fully, justify your response.

ExQ3	Question to:	Question:
		<ul style="list-style-type: none"> <li data-bbox="958 421 2011 485">ii. If the Applicant agrees, how would this be achieved at this stage of the Examination? <li data-bbox="958 507 2056 609">iii. If it is not secured in the draft DCO, how can it be relied upon and how can the modelling and subsequent mitigation measures be considered robust? <li data-bbox="958 632 2078 804">iv. If the link road is not secured in the draft DCO, is it therefore necessary to provide a robust transport assessment (along with subsequent changes to the ES, including noise and air quality assessments) that does not rely on the implementation of the link road? <li data-bbox="958 826 2056 963">v. Show where the impacts of implementing the alternative link road have been considered in the ES, for example, but not limited to, the historic environment, ecology and landscape and visual effects? <li data-bbox="958 986 2078 1050">vi. Has consultation on the Manston-Haine Link Road been carried out? <li data-bbox="958 1072 2056 1209">vii. The Applicant has suggested off-site mitigation will be delivered through Section 278 highways agreements. Would this be an appropriate way of delivering the alternative link road? <li data-bbox="958 1232 2078 1334">viii. Is there any certainty that the alternative link road as modelled in the RTA [REP5-021] can be delivered as proposed by the Applicant?

ExQ3	Question to:	Question:
		<p>ix. Where have the costs associated with the link road been considered in the application documents and what are the implications for the stated costs of the project contained in the revised Funding Statement [REP6-index number to be allocated]?</p> <p>x. Is a revised masterplan required to show the alternative link road?</p> <p>xi. If land requirements for the delivery of the Manston-Haine Link Road will be negotiated between KCC and the Applicant separate to the DCO, why does the request for the Compulsory Acquisition of land and/or rights over land contained in, for example, the Book of Reference and the Land Plan reference plots that are potentially impacted by the Link Road?</p> <p>xii. If land requirements for the delivery of the Manston-Haine Link Road will be negotiated between KCC and the Applicant separate to the DCO, how do you justify the request for Compulsory Acquisition relating to plots that are potentially impacted by the Link Road?</p> <p>xiii. State whether or not you consider that a revised Book of Reference and Land Plans are required to accommodate this change, justifying this conclusion.</p>
Tr.3.2	The Applicant	Alternative Manston-Haine Link Road

ExQ3	Question to:	Question:
		<p>KCC's response to second written question Tr.2.2 [REP6-index number to be allocated] states:</p> <p><i>"It is essential that the proposed DCO does not prejudice the delivery of the Manston to Haine highway link. The indicative layout of the alternative link encroaches on an area of land earmarked for built development, as outlined within the indicative masterplan and the indicated radar protection zone. It is essential that the provision of necessary land parcels to facilitate an appropriate form of link road (within the limits of the red line boundary) are secured as part of this development as part of the DCO process to avoid the need for KCC to either seek to compulsorily acquire the land or acquire rights over the land from the Applicants after the DCO has been granted."</i></p> <p>What is the Applicant's response?</p>
Tr.3.3	The Applicant	<p>Alternative Manston-Haine Link Road</p> <p>KCC's response to second written question Tr.2.8 [REP6-index number to be allocated] sets out that:</p> <p><i>"It is anticipated that the proposed alternative route (if considered in a scenario where aviation uses were recommenced on the Manston Airport site) could deliver very similar traffic routing benefits when compared to the extant proposals (subject to an appropriate form of junction being delivered at Manston Road/Spitfire Way). However, at this stage, it is not known if the alternative route will have a material impact on overall scheme cost.</i></p> <p><i>KCC's initial review of the proposed alternative alignment is that it will lead to a far greater land take requirement in relation to existing farmland to the</i></p>

ExQ3	Question to:	Question:
		<p><i>north of the application site (which appears to be previously undeveloped agricultural land). This may have bearing on the promptness and/or economical delivery (i.e. in relation to CPO, scheme cost and delivery timescales) of this important infrastructure scheme and the potential unnecessary loss of agricultural land.</i></p> <p><i>It is important to point out that the alternative route would be lengthier, contain departures from design standard and require the further acquisition of third party land, potentially by way of a Compulsory Purchase Order. Whilst the highway capacity benefits of the route may therefore at first glance appear to be of a similar order of magnitude as that proposed by the TTS, the costs could be consequently be significantly greater."</i></p> <p>Respond to all matters raised.</p>
Tr.3.4	The Applicant	<p>Alternative Manston-Haine Link Road</p> <p>KCC's response to second written question Tr.2.8 [REP6-index number to be allocated] also states:</p> <p><i>"KCC considers that the most appropriate/economical way of delivering this link infrastructure (taking into account the results of archaeological evaluation) is to route it through the Northern Grass and integrate its delivery as part internal access road infrastructure. This would avoid the unnecessary use of additional previously undeveloped agricultural land to the north and reduce the amount of off-site highway works required (which is an aim of the Transport Strategy as and when site constraints allow). It would also reduce potential environmental/amenity impacts on residential</i></p>

ExQ3	Question to:	Question:
		<p><i>properties located on Manston Road. In addition, the cost of delivering the link could be reduced. More clear and compelling justification should be provided in relation to why the link cannot be provided along its original alignment. If acceptable justification is provided and, subject to some more detailed changes (including agreeing the form/geometry of the junction at Spitfire Way/ Manston Road) and clarification over scheme delivery costs and funding/delivery mechanisms, the alternative route may be acceptable in principle.</i></p> <p><i>It is also essential that the land required to deliver this link within the red line of the application site is secured as part of the DCO process. The indicative masterplan for the site currently suggests that built development and a radar protection zone is likely to be located within the required land parcels, which could compromise the deliverability of the alternative link. The Applicant should outline how they intend to address this issue"</i></p> <p>Respond to all matters raised.</p>
Tr.3.5	The Applicant MoD/ Defence Infrastructure Organisation NATS	<p>Radar Safeguarding Area</p> <p>The Applicant's response to second written question Tr.2.5 [REP6-index number to be allocated] sets out that:</p> <p><i>"The location of the Manston-Haine link does not have adverse effects with respect to aviation safety. The proposed link is intended to follow the alignment of the existing Manston road, where possible. Where the proposed link diverts from this and into the radar safeguarding area, the</i></p>

ExQ3	Question to:	Question:
		<p><i>dish will be approximately 27m above ground level and above the proposed link; hence all road traffic will be well below the ceiling of the dish."</i></p> <ul style="list-style-type: none"> i. Provide further technical evidence to support this statement. ii. What is the purpose of the safeguarding area if it is not considered necessary? iii. What is the view of the MoD and NATS on this matter?
Tr.3.6	The Applicant	<p>Off-Site Junction Mitigation</p> <p>The Applicant's response to second written question Tr.2.1 [REP6-index number to be allocated] sets out that:</p> <p><i>"The off-site junction improvements are not part of the DCO application and will be dealt with through Section 278 Highways agreements."</i></p> <ul style="list-style-type: none"> i. Given that the off-site junction improvements are required to mitigate the impacts of the proposed development are they 'associated development' that must be secured in the draft DCO and fully assessed in the ES? ii. If so, how would this be achieved at this stage of the examination? iii. If it would be appropriate to deliver the necessary junction improvements through Section 278 highways agreements, where does the DCO secure these mitigation measures?

ExQ3	Question to:	Question:
		<p>iv. Where have the impacts of implementing the proposed junction improvements been considered in the ES, for example, but not limited to, the historic environment, ecology and landscape and visual effects?</p> <p>v. What certainty is there at this time that the necessary junction improvements can be delivered as proposed by the Applicant?</p> <p>vi. Where have the costs associated with securing and implementing the off-site junction mitigation schemes been considered in the application documents and what are the implications for the stated costs of the project contained in the revised Funding Statement [REP6-index number to be allocated]?</p>
Tr.3.7	The Applicant	<p>Timing of Mitigation Works</p> <p>KCC's response to second written question Tr.2.46 [REP6-index number to be allocated] states:</p> <p><i>"The TA Addendum provides no further information or clarification on this matter, although KCC remains willing to engage with the Applicant to progress these negotiations.</i></p> <p><i>...The Highway Authority would look to seek all mitigation at the earliest possible juncture, unless the Applicant can demonstrate an evidence-based approach to infrastructure triggers. In the absence of a clear evidence base,</i></p>

ExQ3	Question to:	Question:
		<p><i>any agreed improvement schemes should be pre commencement/ occupation triggers."</i></p> <ul style="list-style-type: none"> i. What is the Applicant's response? ii. Given the phased nature of the proposed development, will all junction improvements be required before operations at the site begin? If not, when will they be required and where is this considered in the RTA [REP5-021] and secured in the draft DCO? iii. If it cannot be demonstrated when each mitigation scheme is required, must they all (including the link road) be implemented before the operation of the airport commences and should this be secured in the draft DCO?
Tr.3.8	The Applicant KCC	<p>Off-Site Junction Mitigation</p> <p>The Applicant's response to second written question Tr.2.4 [REP6-index number to be allocated] states:</p> <p><i>"All other junction improvements can be delivered within the existing highway boundary."</i></p> <ul style="list-style-type: none"> i. What is meant by 'existing highway boundary'? ii. Provide further justification in the form of landownership plans, to support this statement for each off-site junction

ExQ3	Question to:	Question:
		<p>improvement, including those required for highways safety by deadline 7a.</p> <p>iii. Do KCC agree with this statement?</p>
Tr.3.9	The Applicant	<p>Off-Site Junction Mitigation</p> <p>KCC's response to second written question Tr.2.2 [REP6-index number to be allocated] states:</p> <p><i>"The changes in highway mitigation scope could lead to works either being newly proposed or no longer being proposed on parts of the highway network, in respect of which local stakeholders will have had no prior knowledge at the point of implementation by KCC and without any opportunity to make relevant comments/ representations. It therefore raises clear issues of natural justice, if local residents have not had an opportunity to comment through the DCO process.</i></p> <p><i>It is unclear, what publicity, if any, has been carried out by the Applicant to ensure that people who are not interested parties have an opportunity to make representations on the changes to the mitigation associated with the proposed development.</i></p> <p><i>Consultation with local stakeholders in relation to proposed off site highway alterations is usually undertaken during the process of obtaining planning consent. There is no legal requirement to consult at the point a Highway Agreement is entered into under Section 278 of the Highways Act 1980, as</i></p>

ExQ3	Question to:	Question:
		<p><i>relevant planning consent would have already been obtained. A similar process should be followed for the DCO process.</i></p> <p><i>Several options are available to the Examining Authority to ensure that the principles of fairness and reasonableness are adhered to, including using the power to extend the examination pursuant to section 98(4) of the Planning Act 2008, make changes to the examination timetable pursuant to section 87(1) of the Planning Act 2008, to allow for representations to be made regarding the proposed changes to the mitigation associated with the development or exercise its discretion under rules 10(3) and 14(10) of the Infrastructure Planning (Examination Procedure) Rules 2010 to permit representations made by people who are not interested parties, should it consider it appropriate to do so."</i></p> <p>What is the Applicant's response?</p>
Tr.3.10	The Applicant	<p>Off-Site Junction Mitigation</p> <p>TDC in their response to Second Written Questions [REP6-index number to be allocated] state:</p> <p><i>"Thanet District Council raises concerns that the junction improvements stated as necessary through the revised transport assessment outside of the order limits are not currently the same as those currently proposed by the Applicant in the most recent version of the Register of Environmental Action and Commitments (submitted at Deadline 4)..."</i></p>

ExQ3	Question to:	Question:
		What is the Applicant's response and are any changes needed to the Register of Environmental Actions and Commitments?
Tr.3.11	The Applicant	<p>Financial Contributions</p> <p>KCC's response to second written question Tr.2.2 [REP6-index number to be allocated] states:</p> <p><i>"It is further noted from the TA Addendum that the measures contained within the Thanet Transport Strategy mitigate the impact of the proposed development at several junctions that previously required standalone mitigation. As such, an appropriate financial contribution under section 106 of the Town and Country Planning Act 1990 is sought from the Applicant towards this strategy; on or before the decision in respect of this DCO is issued. Only contributions that are necessary to make the proposed development acceptable in planning terms, that are directly related to the development and are fairly and reasonably related in scale and kind are sought i.e. in compliance with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010. In order to quantify the contributions necessary, the Applicant must fund the completion of a revised apportionment exercise by KCC's specialist consultants, as the proposed development falls outside of the Local Plan and no specific data is readily available for this reason."</i></p> <ul style="list-style-type: none"> i. What is the Applicant's response? ii. Should the draft DCO secure such financial contributions and how they will be calculated?

ExQ3	Question to:	Question:
		<p>iii. Have such contributions been taken into account in estimations of the cost of the proposed scheme? If so, show where.</p>
Tr.3.12	The Applicant KCC	<p>Peak Movements</p> <p>The Applicant's response to second written question Tr.2.10 [REP6-index number to be allocated] states:</p> <p><i>"In light of the slight delay to the start of construction, the peak in traffic movements will be in 2041. Assuming the same approach to growth of traffic based on TEMPro, this would result in an additional 1.1% of background traffic growth in the two-year period between 2039 and 2041 which is a small amount of growth. Essentially, the contribution from the Proposed Development will not change even though background traffic increases by a marginal amount and as such the impacts reported are unlikely to change."</i></p> <p>i. Do KCC agree with this view?</p> <p>ii. Does this matter materially affect other assessments in the ES?</p>
Tr.3.13	The Applicant	<p>Works Plans</p> <p>TDC in their response to Second Written Questions [REP6-index number to be allocated] state:</p>

ExQ3	Question to:	Question:
		<p><i>"Works no. 26-31 are also seemingly not required to be carried out by virtue of the drafting of the DCO at a particular trigger point in the development."</i></p> <p>What is the Applicant's response and should an implementation timescale for these works be added to the draft DCO?</p>
Tr.3.14	The Applicant	<p>Infrastructure Works</p> <p>TDC in their response to Second Written Questions [REP6-index number to be allocated] state:</p> <p><i>"In regard to links 18 and 20, the assessment states that the significance of environmental effects is negligible due to a mixture of road widening, pedestrian footways and junction improvements. These particular works would appear to be approved through Work no.26-31 within the DCO, but some of these works are not required to be carried out in the Register of Environmental Actions and Commitments (as they have been removed at the deadline 4 submission) with no detail on when the works would occur."</i></p> <p>What is the Applicant's response and are any changes needed to the Register of Environmental Actions and Commitments?</p>
Tr.3.15	The Applicant KCC	<p>Study Area</p> <p>KCC's response to second written question Tr.2.11 [REP6-index number to be allocated] states:</p>

ExQ3	Question to:	Question:
		<p><i>"j. For clarification, the traffic routing from the proposed development has now been derived from a select link analysis exercise, which was extracted from the KCC Strategic Highway Model (referred to in the TA addendum as the KCC TSTM).</i></p> <p><i>The detail of this flow distribution does not appear to have been appended to the TA addendum document. It is recommended that this data is extrapolated into a network flow diagram (including a comparison of the tested scenarios) in order to provide more visual clarity over the level of additional impact on the surrounding highway network. This would also assist in efficiently identifying areas of significant traffic increase (both inside and or links that fall outside of the detailed area of model coverage). At present, the Applicant appears to have made the decision to restrict their assessment to the extent of KCC TSTM coverage.</i></p> <p><i>Without the above information clearly presented within the TA, it is not possible to easily identify exactly where traffic from the development will be increasing on the surrounding highway network and if the proposed scope of assessment is appropriate. It is agreed that areas of the network that are subject to minimal or no traffic impact will not generate a requirement for additional assessment (and can be removed from scope), however there appear to be several junctions that have been omitted simply due to them not being included in the KCC TSTM network, which at this stage is not accepted.</i></p> <p><i>Whilst it is recognised that most of the local road network which is covered by the KCC TSTM will assist in the assessment of potential traffic routing,</i></p>

ExQ3	Question to:	Question:
		<p><i>appraisal of impact should not necessarily be solely constrained by the model coverage area.</i></p> <p><i>At this stage junctions 1,9, 25 & 28 are notable omissions. If these junctions (or all of the associated turning movements) are not included within the KCC TSTM, it does not automatically render impact assessment as being unnecessary. The Applicant should outline a strategy for dealing with this issue for further consideration through the examination process.</i></p> <p><i>ii. At this stage, KCC refutes the assertion within the TA addendum that the removal of junctions listed in this section has been formally agreed. As stated in response to Question TR.2.2 (above), the area covered by the TSTM does not align with the TA study area and therefore the omission of junctions that fall outside of the TSTM area cannot be agreed by KCC until such time that the absolute impact of the proposed development traffic on those junctions is confirmed. The Local Highway Authority can then make a professional judgement as to whether full junction capacity assessments and/or mitigation is required in these cases."</i></p> <p>i. What is the Applicant's response?</p> <p>The Applicant at Appendix TR.2.11 of the supporting appendices [REP6-index number to be allocated] to the response to Second Written Questions includes diagrams of the select link analysis at am and pm peaks.</p> <p>ii. Does this address this particular matter for KCC?</p>
Tr.3.16	The Applicant	Additional Junction Assessments

ExQ3	Question to:	Question:
		<p>The Applicant's response to second written question Tr.2.10 [REP6-index number to be allocated] states:</p> <p><i>"At the request of KCC, the Applicant is undertaking capacity assessment of Junctions 1, 25 and 28. The assessments will use a combination of TSTM traffic data and the original Transport Assessment traffic flows."</i></p> <p>These must be provided at deadline 7a, along with any necessary Stage 1 Road Safety Audits and Design Responses.</p>
Tr.3.17	The Applicant	<p>Validation of Junctions</p> <p>KCC's response to second written question Tr.2.12 [REP6-index number to be allocated] states:</p> <p><i>"It is not entirely clear what this statement encompasses, however it would appear that this is intended to refer to the geometrical inputs used to inform the individual junction models. If this is the case, then this is agreed, however further clarification is required to provide definitive confirmation."</i></p> <p>Provide clarification.</p>
Tr.3.18	The Applicant	<p>HGV Distribution over a 24 Period</p> <p>The Applicant's response to second written question Tr.2.14 [REP6-index number to be allocated] states:</p> <p><i>"iii) It remains reasonable to assume even distribution over a 24-hour period as the precise timetable for flights has not yet been established. As outlined below there is no reason to assume clustering at this stage and as</i></p>

ExQ3	Question to:	Question:
		<p><i>such even distribution provides a reasonable assumption for use within the TA [REP5-021]. HGV drivers are likely to seek to avoid peak periods by travelling at night and in the early hours. It is also likely that departing and arriving freight will need to be processed prior to onward departure.</i></p> <p><i>iv) It is not necessarily the case that trips would be clustered around arrival and departure times of aircraft. HGV movements will have to allow for handling time for both inbound and outbound cargo. Whilst some products may enter and leave the site relatively quickly, others may be subject to a longer period of processing and/or storage. This will be equally true for the new e-commerce integrators."</i></p> <p>However, the Applicant's response to second written question ND.2.13 [REP6-index number to be allocated] also states:</p> <p><i>"We anticipate that the 'new' integrators using Manston would dovetail with Manston's proposed night flight ban by (a) flying during the day depending on origins and where that suits routes serving less time critical markets; but equally, we do expect there to be [a clustering] of movements in (b) the evening where the aircraft is scheduled to discharge and collect cargoes and leave before the night curfew or (c) late in the evening, when the aircraft will stay and be unloaded and loaded overnight at Manston before departing soon after the airport opens the following morning. Because the new integrators are not offering the same fixed early morning delivery times as the traditional express integrators, they do not require the night-time arrivals or departures that are essential to achieving such vertically integrated door to door overnight delivery commitments."</i></p>

ExQ3	Question to:	Question:
		<p>i. Does the Applicant’s response to second written question ND.2.13 accept that there will be some clustering?</p> <p>ii. The RTA [REP5-021] assumes an even distribution of HGV movements over a 24 hr period and mitigation measures have been produced on this basis. If this pattern does not occur in practice, how can it be ensured that there will be no unacceptable impacts on the highway network?</p> <p>iii. If it cannot, should the timing of HGV movements be secured in the DCO, as test in the RTA [REP5-021], for example through a HGV management strategy?</p> <p>In addition, KCC’s response to second written question TR.2.14 [REP6-index number to be allocated] states:</p> <p><i>“KCC would expect the Applicant’s consultants to revise the HGV movement profile to accord with the removal of scheduled night flights from the proposals. Should no revisions be proposed, robust justification will be required.”</i></p> <p>iv. What is the Applicant’s response?</p>
Tr.3.19	The Applicant	<p>HGV Movements & Freight Tonnage Cap</p> <p>The Applicant’s response to Second Written Questions Tr.2.14 & Tr.2.20 [REP6-index number to be allocated] state:</p> <p><i>“In transport terms, the movement and timing of HGV’s has been shown to have little impact on the transport network. Any impacts predicted have</i></p>

ExQ3	Question to:	Question:
		<p><i>been adequately mitigated and as such it is not necessary to implement limits on movements and timings. Furthermore, HGV movements are already inherently limited by the aviation movement cap and the noise contour control included in the noise mitigation plan. It is not considered practicable or enforceable to implement a further limit on HGV movement timings."</i></p> <p><i>"it is neither necessary nor practicable to include such a cap".</i></p> <ol style="list-style-type: none"> i. Is it correct that mitigation measures are based on the assumption that 340,758 tonnes of freight per annum will be reached in Year 20 (worst case)? ii. If tonnage was to increase above this amount, how can it be ensured that there would be no unacceptable impacts on the highway network? iii. If this cannot be ensured, should this limit be secured in the draft DCO? iv. Justify the statement that in transport terms, the movement and timing of HGV's has been shown to have little impact on the transport network. v. Justify the statement that HGV movements are already inherently limited by the aviation movement cap and the noise contour control included in the noise mitigation plan. For example, would this limit HGV movements from the northern grass area?

ExQ3	Question to:	Question:
		<p>vi. Justify the statement that it is not practicable to secure HGV movements and their timings for example through a HGV management strategy.</p>
Tr.3.20	The Applicant KCC	<p>Passenger Departure Flights</p> <p>The Applicant's response to second written question Tr.2.15 (i) [REP6-index number to be allocated] states:</p> <p><i>"The Applicant concedes that it is unlikely that there will be no passenger flights between 09.00 and 13.00. The pm peak is accepted to be the worst case scenario and that which is tested in the TA. By adopting a scenario where there are no flights between 09.00 and 13.00 more traffic is introduced into the pm peak therefore ensuring a robust case is presented in the TA."</i></p> <p>i. Does the Applicant therefore accept that transport movements associated with passenger flight departures have been underestimated in the am peak?</p> <p>ii. How many passenger related transport movements would a passenger departure flight (as a worst case) generate?</p> <p>iii. Who has 'accepted' that the pm peak is the worst case scenario?</p> <p>iv. Section 6 of the RTA [REP5-021] identifies that for some junctions there is likely to be greater effects during the am peak than the pm peak (Junction 2 and 4 are just two of</p>

ExQ3	Question to:	Question:
		<p>numerous examples). On this basis, how can it be asserted that the pm peak is the worst-case scenario for every junction?</p> <ul style="list-style-type: none"> v. It is clear that some of the mitigation schemes are based on (or partly on) impacts at the am peak period. Can it be ruled out that the addition of more transport movements associated with a passenger flight(s) departure between 09.00 and 13.00 would not materially affect impacts at such junctions during the am peak or would not significantly affect the outcomes of the transport assessment? vi. If not, how can this be addressed at this stage of the examination? vii. Would the only reasonable way to achieve this be to secure a restriction on passenger flight departures between 09.00 and 13.00 in the draft DCO? viii. How would this affect the feasibility and viability of the proposal? ix. What is the view of KCC on this matter?
Tr.3.21	The Applicant	<p>Thanet Parkway Railway Station</p> <p>KCC's response to second written question Tr.2.27 [REP6-index number to be allocated] states:</p>

ExQ3	Question to:	Question:
		<p><i>"The provision of a shuttle bus service between the proposed airport and the Thanet Parkway Station should be funded by the Applicant/airport operator as a direct measure to encourage sustainable travel modes in accordance with national planning policy. It will also underpin any assumptions made in relation to modal split in favour of sustainable transport.</i></p> <p><i>It may be possible for the Applicant to negotiate with existing bus operators (and in discussion with the KCC Public Transport Team) to identify a longer term commercially viable solution, however, to date, KCC is unaware of any discussions taking place."</i></p> <ul style="list-style-type: none"> i. What is the Applicant's response? ii. If this is considered necessary, where have such costs been taken into account? iii. Is there a need to secure this in the draft DCO?
Tr.3.22	KCC	<p>Junction Capacity Assessments</p> <p>The Applicant's response to second written question Tr.2.15 (i) [REP6-index number to be allocated] states:</p> <p><i>"The TSTM is dynamic and redistributes traffic as a result of changes to demand on the network. For example, if there is increased traffic at a junction or on a link which results in delay, traffic is reassigned on the network to reduce the extent of delay. This can cause reductions in overall</i></p>

ExQ3	Question to:	Question:
		<p><i>traffic on an arm at a junction irrespective of the additional development traffic."</i></p> <p>Is this accepted by KCC?</p>
Tr.3.23	The Applicant	<p>Site Access Arrangements</p> <p>KCC's response to second written question Tr.2.36 [REP6-index number to be allocated] states:</p> <p><i>"KCC accepts the results of the junction capacity assessments presented and is generally content with the associated swept path drawings, albeit some of the turning movements are shown to pass within close proximity of the channel lines, which should be amended accordingly.</i></p> <p><i>It is acknowledged that Stage 1 Road Safety Audits of the proposed site access junctions have now been completed, which is welcomed. However, Designer's Responses have not been included with the submission and a number of issues raised by the Local Highway Authority previously are yet to be resolved.</i></p> <p><i>Confirmation that the requisite visibility splays can be achieved from each of these accesses is awaited, as is clarification of the extent of the proposed 50mph speed limit on Spitfire Way in the vicinity of the cargo facility access and evidence that the requisite forward and inter-visibility splays can be achieved at this junction.</i></p> <p><i>As previously advised, the proposal to implement a linked signalised junction arrangement for the NGA southern access and the passenger</i></p>

ExQ3	Question to:	Question:
		<p><i>terminal access should be reconsidered. The introduction of signalised junctions is not considered appropriate in this location and it is requested that uncontrolled junction layouts be tested in the first instance."</i></p> <p>i. Respond to each point.</p> <p>KCC's response to second written question Tr.2.56 [REP6-index number to be allocated] states:</p> <p><i>"No speed data was provided in relation to the Terminal and Northern Grass access junction - as such, the audit team was unable to make fully informed recommendations in relation to scheme safety."</i></p> <p>ii. Why was speed data not provided in relation to the Terminal and Northern Grass access junction and can a robust safety audit be undertaken without this information? If not, new Stage 1 Road Safety Audits and design responses must be provided at deadline 7a.</p>
Tr.3.24	The Applicant KCC	<p>Junction 2</p> <p>KCC's response to second written question Tr.2.37 [REP6-index number to be allocated] states:</p> <p><i>"Whilst the Applicant's response to KCC's LIR is accepted in respect to lane markings, it is noted that the Applicant proposes a right pointing arrow on the eastbound approach to the proposed cargo facility access roundabout, which should be removed on this basis."</i></p>

ExQ3	Question to:	Question:
		<p>i. Does the Applicant agree? The appendices supporting the Applicant’s response to Second Written Questions at Appendix Tr.2.57 [REP6-index number to be allocated] includes a Stage 1 Safety Audit of the junction.</p> <p>ii. Is KCC content with its findings and the design response?</p> <p>iii. Can the recommendations be suitably addressed and delivered during the detailed design stage?</p>
Tr.3.25	The Applicant KCC	<p>Junction 4 The appendices supporting the Applicant’s response to Second Written Questions at Appendix Tr.2.57 [REP6-index number to be allocated] includes a Stage 1 Safety Audit of the junction.</p> <p>i. Is KCC content with its findings and the design response?</p> <p>ii. Can the recommendations be suitably addressed and delivered during the detailed design stage?</p>
Tr.3.26	The Applicant KCC	<p>Junction 6 The appendices supporting the Applicant’s response to Second Written Questions at Appendix Tr.2.57 [REP6-index number to be allocated] includes a Stage 1 Safety Audit of the junction.</p> <p>i. Is KCC content with its findings and the design response?</p>

ExQ3	Question to:	Question:
		<p>ii. Can the recommendations be suitably addressed and delivered during the detailed design stage?</p>
Tr.3.27	The Applicant KCC	<p>Junction 7</p> <p>The appendices supporting the Applicant's response to Second Written Questions at Appendix Tr.2.57 [REP6-index number to be allocated] includes a Stage 1 Safety Audit of the junction.</p> <p>i. Is KCC content with its findings and the design response?</p> <p>ii. Can the recommendations be suitably addressed and delivered during the detailed design stage?</p>
Tr.3.28	The Applicant KCC	<p>Junction 12</p> <p>KCC's response to second written question Tr.2.41 [REP6-index number to be allocated] states:</p> <p><i>"ii. It is noted that the inter-visibility splay between the Manston Road (north) and Manston Road (west) arms of the signalised junction layout falls outside of the highway boundary, which presents a highway safety risk. KCC would also reiterate its previous concern regarding the incorporation of uncontrolled right turns within the junction intersection. The alternative roundabout layout is therefore preferred by KCC and will maintain route consistency as the junctions between Haine Road and A299 (Via Spitfire way) predominantly consist of roundabouts.</i></p>

ExQ3	Question to:	Question:
		<p><i>iii. Both potential mitigation schemes (Signal and Roundabout) would have an impact on the footprint of the RAF Museum."</i></p> <ul style="list-style-type: none"> i. What is the Applicant's response? ii. Does the Applicant accept that the inter-visibility splay falls outside of the highway boundary? iii. If so, how can this be overcome? iv. How will the impact on the footprint of the RAF Museum building (as shown on Figure 7.5 of the RTA [REP5-021]) be addressed? v. Why does KCC believe that the incorporation of uncontrolled right turns within the junction intersection would result in highway safety concerns? <p>The appendices supporting the Applicant's response to Second Written Questions at Appendix Tr.2.57 [REP6-index number to be allocated] includes a Stage 1 Safety Audit of the junction.</p> <ul style="list-style-type: none"> vi. Is KCC content with its findings and the design response? vii. Can the recommendations be suitably addressed and delivered during the detailed design stage?
Tr.3.29	The Applicant KCC	Junction 15

ExQ3	Question to:	Question:
		<p>KCC's response to second written question Tr.2.42 [REP6-index number to be allocated] states:</p> <p><i>"The Applicant's proposed scheme of mitigation results in significantly increased queue lengths on the College Road approach to the junction relative to the baseline (with Local Plan) scenario. This would cause interaction with the Ramsgate Road / College Road / A254 / Beatrice Road junction to the north, which is unacceptable to KCC.</i></p> <p><i>It is also relevant to note that this mitigation solution could not be implemented until other development sites were delivered as it relies on other road link infrastructure being in place to enable the Nash Road arm of this junction to be closed as traffic will need to reroute between Nash Road and Manston Road."</i></p> <p>i. What is the Applicant's response?</p> <p>The appendices supporting the Applicant's response to Second Written Questions at Appendix Tr.2.57 [REP6-index number to be allocated] includes a Stage 1 Safety Audit of the junction.</p> <p>ii. Is KCC content with its findings and the design response?</p> <p>iii. Can the recommendations be suitably addressed and delivered during the detailed design stage?</p>
Tr.3.30	The Applicant KCC	Junction 16

ExQ3	Question to:	Question:
		<p>KCC's response to second written question Tr.2.43 [REP6-index number to be allocated] states:</p> <p><i>"...the proposed mitigation for the Ramsgate Road / College Road / A254 / Beatrice Road junction would appear to result in a highly unconventional junction layout, which is unlikely to be acceptable to KCC, not least due to the lack of intervisibility between the stop lines."</i></p> <p>i. What is the Applicant's response?</p> <p>The appendices supporting the Applicant's response to Second Written Questions at Appendix Tr.2.57 [REP6-index number to be allocated] include a Stage 1 Safety Audit of the junction.</p> <p>ii. Is KCC content with its findings and the design response?</p> <p>iii. Can the recommendations be suitably addressed and delivered during the detailed design stage?</p>
Tr.3.31	The Applicant	<p>Paragraph 7.3.4 Spitfire Way / Alland Grange Road & Paragraph 7.3.6 Manston Road / Manston Court Road</p> <p>KCC's response to second written question Tr.2.44 [REP6-index number to be allocated] states:</p> <p><i>"Confirmation is also required from the Applicant that they have the ability to implement the proposed scheme of mitigation to the Spitfire Way/Alland Grange Lane junction."</i></p> <p>i. Provide confirmation.</p>

ExQ3	Question to:	Question:
		<p>ii. Confirm whether this includes any third party land.</p>
Tr.3.32	The Applicant KCC	<p>Stage 1 Road Safety Audits</p> <p>KCC's response to second written question Tr.2.56 [REP6-index number to be allocated] states:</p> <p><i>"iv. Swept path analysis should have been produced when the safety audit was considered. If these have not been considered by the audit team then this could potentially undermine any subsequent recommendations (as road geometry and how vehicles would negotiate the proposed layout is an important consideration within the process of a safety audit). It is recommended that the Applicant seeks written clarification from the audit team that the swept paths were considered or that a subsequent review of the swept paths is undertaken.</i></p> <p><i>KCC does not accept the findings at this stage, as the Applicant has not included Designer's Responses to the issues raised by the Auditor. No speed data was provided in relation to the Terminal and Northern Grass access junction - as such, the audit team was unable to make fully informed recommendations in relation to scheme safety. Until the above matters have been clarified, KCC is not able to accept their findings."</i></p> <p>i. Can a Stage 1 Road Safety Audit be robustly undertaken without swept path analysis being provided?</p> <p>ii. The design response to the Stage 1 Road Safety Audits for Junctions 2, 4, 6 ('Monkton Roundabout'), 12 ('Spitfire Way/Manston Road') and 15 ('Coffin House Corner') and the</p>

ExQ3	Question to:	Question:
		<p>alternative link road all state: 'A swept path assessment is being undertaken and the supporting information will follow this initial designers' response once completed'. These must be provided at deadline 7a.</p> <p>iii. Will new Stage 1 Road Safety Audits be required once swept path analysis for the above junctions has been undertaken? If so, these must also be provided at deadline 7a.</p> <p>iv. Why has a Stage 1 Road Safety Audit not been completed for necessary highway safety junction improvements at Spitfire Way / Alland Grange Road & Manston Road / Manston Court Road? These must be provided at deadline 7a.</p> <p>Some of the Stage 1 Road Safety Audits include recommendations for works such as lighting, signage, speed limits and traffic calming measures.</p> <p>v. How will the impacts of these be assessed and by when?</p> <p>vi. The Applicant's response to second written question Tr.2.56 [REP6-index number to be allocated] states: "Requirement 4 of the dDCO requires lighting details to be approved as part of the detailed design of the project". However, does this only relate to works within the red line draft DCO order limits? If so, how will this secure lighting details as suggested?</p>
Tr.3.33	KCC	<p>Off-Site Infrastructure Improvements</p> <p>KCC set out in their LIR [REP3-143] at Paragraph 4.1.24:</p>

ExQ3	Question to:	Question:
		<p><i>"Whilst the proposal to include 2.0m footways along the widened sections of Spitfire Way and Manston Road is welcome in principle, it is important that continuous and direct walking routes to local trip generators are provided where possible. It is notable in this respect that it is not proposed to provide such routes to local residential areas (notably Manston village), which is considered necessary in order to promote sustainable transport accessibility to the site by staff in particular. This could further encourage inappropriate pedestrian activity within the carriageway to the detriment of highway safety."</i></p> <p>The Applicant's response to second written question Tr.2.45 [REP6-index number to be allocated] states:</p> <p><i>"The Applicant has given consideration to the need for footways. It concluded that these were not required. Manston Village is a small settlement and is unlikely to generate significant numbers, if any pedestrian trips to Manston Airport."</i></p> <p>Is this accepted by KCC?</p>
Tr.3.34	KCC	<p>Emergency Access Points</p> <p>The appendices to the Applicant's response to second written question (Appendix TR.2.47) [REP6-index number to be allocated] sets out indicative access points.</p> <p>Is KCC content with their locations?</p>

ExQ3	Question to:	Question:
Tr.3.35	The Applicant Highways England	<p>Strategic Highway Network Impacts</p> <p>Highways England’s response to second written question Tr.2.49 [REP6-index number to be allocated] states:</p> <p><i>"Highways England does not accept that the trip generation figures provide a robust indication of the levels of traffic likely to be generated by the proposal. Specifically this relates to B8 Warehousing Trip Generation – Northern Grass Area (NGA). Highways England considers that the HGV trip rates proposed by the Applicant from the 'TRICS' database are not appropriate and that a more likely HGV trip rates from TRICS would result in the following uplift of HGV flows on the SRN compared with those proposed by the Applicant:</i></p> <p><i>M2 J7 (Brenley Corner)</i></p> <p><i>AM Peak: +28 HGV trips</i></p> <p><i>PM Peak: +20 HGV trips</i></p> <p><i>A2/A256 (Whitfield Roundabout)</i></p> <p><i>AM Peak: +1 HGV trip</i></p> <p><i>PM Peak: No increase</i></p> <p><i>Therefore we consider that there is likely to be a significantly greater impact on Brenley Corner from development traffic than the Applicants have assessed within their modelling."</i></p>

ExQ3	Question to:	Question:
		<p>i. What is the Applicant’s response and what is being done to address HE’s concerns?</p> <p>ii. Why does HE consider that the HGV trip rates proposed by the Applicant from the ‘TRICS’ database for B8 Warehousing Trip Generation – Northern Grass Area (NGA) are not appropriate?</p>
Tr.3.36	The Applicant Highways England	<p>Strategic Highway Network</p> <p>Highways England’s response to second written question Tr.2.49 [REP6-index number to be allocated] also states:</p> <p><i>“Highways England do not accept the Applicant’s conclusion that there will be a negligible impact on the SRN because this has not been robustly demonstrated in the Applicant’s Transport Assessment and Addendum.</i></p> <p><i>The revised trip distribution provided by the Applicant and now accepted by Highways England shows that there are an additional 49 vehicular trips through the A2/A256 Whitfield Roundabout in the AM peak and 51 vehicular trips in the PM peak. Of particular concern in the AM peak period is the additional 39 right turn vehicular movements from the A256 Whitfield Hill arm of the junction to the A2 southbound arm. This movements cuts the southbound flow of traffic from the A2 northern arm of the junction. In the AM peak period severe queuing currently occurs southbound on the A2 northern arm of the roundabout. Accordingly, an assessment is required to determine the likely additional delay and queuing at the Whitfield roundabout with specific attention on the A2 southbound approach.</i></p>

ExQ3	Question to:	Question:
		<p><i>Also, with the revised HGV trip generation as provided above, a Merge/Diverge Assessment will need to be undertaken at M2 Junction 7 Brenley Corner on the basis that there are already severe delays experienced at the junction during the peak network periods and the additional throughput of traffic is likely to increase the delay and queuing experienced.</i></p> <p><i>As no assessment of Brenley Corner and Whitfield Roundabout has been provided by the Applicant and in view of the short time remaining until the end of the Examination Highways England will undertake its own assessment of both junctions”.</i></p> <ul style="list-style-type: none"> i. What is the Applicant’s response and what is being done to address HE’s concerns? ii. When will HE undertake its own assessments and make these available to the ExA? These should be provided at Deadline 7a to be able to inform discussion at the issue specific hearing on 6 June 2019.
Tr.3.37	Highways England KCC	<p>Strategic Highway Network</p> <p>The Applicant’s response to second written question Tr.2.51 [REP6-index number to be allocated] sets out that trips from Medway local authority area should have been included in Table 8.2 of the RTA [REP5-021] and provides a new table showing distribution from West Kent.</p>

ExQ3	Question to:	Question:
		Do Highways England and KCC agree with the revisions to the distribution?
Tr.3.38	Highways England KCC	<p>Strategic Highway Network</p> <p>An Interested Party [REP3-152] raised the following concern:</p> <p><i>"the assumption that all Swale traffic will leave the M2 at junction 6 and use the A251. This cannot be true – the great majority of population in Swale District is in Sittingbourne and Sheerness, not Faversham, and thus most of the Swale traffic would route via the M2 junction 5 and the A249. Few people use junction 6 and the congested and slow A2 to reach Sittingbourne from the east."</i></p> <p>The Applicant's response to this as part of the second written question Tr.2.51 [REP6-index number to be allocated] states:</p> <p><i>"The assumptions concerning the M2 at Junction 6 and the A251 have been agreed with KCC and Highways England and are therefore not considered to be in question. In any event, even if the routing was altered as suggested, the quantum of traffic would be so small as to not make any material difference."</i></p> <p>Do HE and KCC agree with the Applicant's statement?</p>
Tr.3.39	Highways England KCC	<p>Strategic Highway Network</p> <p>An Interested Party [REP3-152] raised the following concern:</p>

ExQ3	Question to:	Question:
		<p><i>"Tables 8.3 and 8.4 assume that all West and South London HGV traffic will use the M2 to its end, then the A2 and the A282 to reach the M25 towards Surrey. This route is not only fictitious (as in fact one does not use the A282 at all, since there is a direct junction between the A2 and the M25) but also is a minority choice, as it is several miles longer than the more common choice which is M2 – A249 – M20 – M26 – M25. Therefore the impact on the A249, and the substandard M2 junction 5, have been underestimated.</i></p> <p><i>Tables 8.3 and 8.4 further assume that there will be negligible traffic to/from freight distribution and servicing sites throughout Kent, other than Ashford. This ignores the fact that there are more warehousing/depot facilities in the Swale and Aylesford areas than in Ashford, yet these do not figure at all. For this reason, more trips are likely to occur along the M2 as far as junction 5 than estimated."</i></p> <p>The Applicant's response to this as part of the second written question Tr.2.52 [REP6-index number to be allocated] states:</p> <p><i>"Tables 8.3 and 8.4 refer to "West and South London" and do not specifically refer to Surrey as a destination. Route mapping software identified that the journey distance via the A2 is comparable to that by the A249 and marginally quicker.</i></p> <p><i>The assumption is that the majority of freight (95%) will be distributed to London and the surrounding area. The remaining traffic is diluted into the network, assuming 2% to Dover and Folkstone Port, 2% to Ashford freight</i></p>

ExQ3	Question to:	Question:
		<p><i>distribution sites and 1% to Ramsgate Port. The actual volume of HGVs is so small as to not make any material difference."</i></p> <p>Do HE and KCC agree with the Applicant's view?</p>
Tr.3.40	The Applicant KCC	<p>Strategic Highway Network</p> <p>An Interested Party [REP3-152] has raised the following concern:</p> <p><i>"Moreover, none of the TA appears to take account of committed developments which will load additional traffic, especially HGVs, onto the M2 / A249. Of these, the resumption of ferry services at Ramsgate Port is the most significant, as this would place a new volume of HGVs onto these roads which have not existed for many years, during which time other traffic has increased enormously. The newly-adopted Canterbury District Local Plan 2017, with large-scale residential proposals in Canterbury, Whitstable, Herne Bay and Sturry, is the other principal factor that has not been reflected. These need to be built in, because they will themselves mean that the M2 and A249 perform significantly worse than they do today."</i></p> <p>The Applicant's response to this as part of the second written question Tr.2.53 [REP6-index number to be allocated] states:</p> <p><i>"The TA addendum [REP-5-021] is based on the TSTM which includes all committed development, as well as the draft Local Plan growth. This does not include the resumption of ferry services at Ramsgate port. As identified in paragraph 2.3.8 of the KCC transport evidence base document for the draft Thanet Local Plan, "Forecasting Report - Thanet Local Plan Evidence</i></p>

ExQ3	Question to:	Question:
		<p><i>Base”, CO04300697/001 Revision 01, July 2018, TEMPRO 7 (Dataset 72) was used to determine forecast growth for the external zones of the A28 (towards Canterbury District), A299 (towards Canterbury District and M2), and the A256 (towards Dover district). The uplift extracted from TEMPRO was approximately 13%. Growth from other districts has therefore been accounted for.”</i></p> <p>i. Do KCC agree with this view?</p> <p>ii. Is it feasible to include HGVs associated with the resumption of ferry services at Ramsgate port in the modelling?</p> <p>iii. If so, is this likely to materially affect the transport assessment?</p>
Tr.3.41	The Applicant	<p>Airport Surface Access Strategy</p> <p>Paragraph 4.7.1 states that it is proposed to enhance the bus service provision by:</p> <ul style="list-style-type: none"> • <i>“Increasing the frequency of services to the Proposed Development;</i> • <i>Extending bus operating times; and</i> • <i>Introducing new routes and extending existing provision to service the Proposed Development”.</i> <p>The Applicant’s response to second written question [REP6-index number to be allocated] Tr.2.66 did not answer part i. of the question.</p>

ExQ3	Question to:	Question:
Tr.3.42	The Applicant	<p>What evidence is there to suggest that this is feasible?</p> <p>Preliminary Construction Traffic Management Plan (PCTMP)</p> <p>The Applicant's response to the second written question Tr.2.68 [REP6-index number to be allocated] states:</p> <p><i>"The ES and the transport assessment have always assumed that the majority of construction activity would take place in Phase 1. There has been no change to the volumes of construction traffic reported in the ES [APP-033,034,035].</i></p> <p><i>At the CAH oral evidence was given as to an amendment to the business plan so as to show an increased expenditure on construction in the first year following consent. This was a change to the business plan to bring it into line with ES and to ensure a robust worst case financial forecast with greater expenditure incurred earlier in the process. <u>Whilst construction will begin later than anticipated the compressed programme was always modelled as a worst case within the ES [APP-033,034,035], the later start date will not change the effects reported in the ES [APP-033, 034,035] for the reasons described above.</u>"</i></p> <ul style="list-style-type: none"> i. Where in the ES does it model a compressed programme of construction? ii. Can it reasonably be suggested by the Applicant that the same amount of construction work can be undertaken in a shorter timescale without an increase in daily construction traffic?

ExQ3	Question to:	Question:
Tr.3.43	The Applicant	<p>Framework Travel Plan</p> <p>KCC's response to the second written question Tr.2.60 [REP6-index number to be allocated] states:</p> <p><i>"...the Applicant will need to make more explicit commitments to provide specific measures to enhance the quality of non-car modes of travel at appropriate stages in the proposed development build out programme, including the re-routing and frequency enhancement of local bus services (informed by the advice of local operators) and the provision of new and improved walking and cycling routes to the site. The Draft Travel Plan continues to lack such detail, which casts doubt over the achievability of the mode share targets presented."</i></p> <p>What is the Applicant's response?</p>
Tr.3.44	The Applicant	<p>Car Parking Management Strategy</p> <p>KCC's response to the second written question Tr.2.65 [REP6-index number to be allocated] states:</p> <p><i>"As previously advised, it is unclear from the information made available by the Applicant whether the passenger mode share assumptions applied in the Car Park Management Strategy align with those applied in the TA, as they are presented on an inconsistent basis."</i></p>

ExQ3	Question to:	Question:
		<p><i>A balance should to be struck between maintaining the commercial attractiveness of the passenger facility and the encouragement of sustainable means of transport.</i></p> <p><i>Given the surrounding highway network is constrained and not subject to on street parking controls, it is prudent for adequate car parking spaces to be provided in line with the forecast demand, as this will assist in discouraging inappropriate parking on the surrounding highway.</i></p> <p><i>As the site is in a relatively isolated location, economically efficient on street parking enforcement may be challenging to deliver, which could have a bearing on the behaviour of road users. It would be more appropriate for the strategy/DCO to include a commitment to funding necessary monitoring (and implementation if deemed necessary) of a controlled parking zone around the site. It may also be necessary for Thanet District Council to introduce additional civil enforcement resource (Parking Wardens), as such discussion with TDC parking services team should also be sought to explore the feasibility and implications surrounding this issue.</i></p> <p><i>The calculated need for parking in section 2.2 would appear to be reasonable, however the justification for an overprovision of 1,151 spaces is currently insufficiently justified, although it would seem reasonable to make some allowance for peaks and troughs in parking demand. It is possible that this provision may also include an allowance for staff parking, however this point should be clarified by the Applicant.</i></p> <p><i>The Car Parking Management Strategy provides no information of the level of charge for parking, which could be a key component in managing</i></p>

ExQ3	Question to:	Question:
		<p><i>demand. Whilst it is difficult to set a specific monetary levy so far into the future, it is felt that parking charges should always be levied in such a way that the cost of private car travel will not then represent a cheaper option than comparable public transport options. Implications for Blue Badge Holders would also need to be considered."</i></p> <p>Respond to each matter raised.</p>

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