

Planning Act 2008 – section 91

Application by RiverOak Strategic Partners for an Order Granting Development Consent to reopen and develop Manston Airport

Agenda for Issue Specific Hearing 8 dealing with matters relating to the draft Development Consent Order

The Examining Authority (ExA) notified Interested Parties (IPs) in its letter dated 3 May 2019 of the decision to hold an Issue Specific Hearing (ISH) into the draft Development Consent Order (dDCO) on the following date:

Hearing	Date and time	Location
Issue Specific Hearing 8 Draft Development Consent Order	7 June 2019 10.00am (seating available from 9.30am)	Laurence Suite, Building 500, Discovery Park, Sandwich, CT13 9FF

Participation, conduct and management of hearing

This is the eighth ISH to be held in this Examination. It is being held because the ExA wishes to question the Applicant about particular provisions if the dDCO.

Oral submissions on other subject matters or from persons who are not IPs may only be heard at the discretion of the ExA.

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

- The Applicant;
- Historic England;
- Kent County Council;
- Thanet District Council; and
- Stone Hill Park Ltd.

The named persons have been invited for the following reasons:

- As public bodies and other parties which have made particular representations on the dDCO; or
- as local authorities for the affected area.

Participation in the hearing is subject to the ExA's power to control the hearing. IPs may be invited to make oral representations at the hearing¹ (subject to the ExA's power to control the hearing). Oral representations should be based on the

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Relevant Representations or Written Representations made by the person by whom (or on whose behalf) the oral representations are made².

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

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

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

Any lack of discussion of a particular issue at a hearing does not preclude further examination of that issue, including through the inclusion of questions in the ExA's Fourth Written Questions (if issued).

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

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

Those attending the hearing are asked to note that an early item on the agenda is to deal with any requests to question a person making oral representations directly under section 94(4)(a) of the Planning Act 2008 (PA2008).

The ExA may decide to allow oral cross-questioning of one party by another, where there is clear disagreement between the parties in question, to ensure adequate testing of the representations or to ensure that each party has a fair chance to put their case.

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

All parties should note that the agenda given below is to provide a framework for this hearing and offer discussion points; it does not constrain the ExA to specific topics. The ExA may wish to raise other matters arising from submissions and

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pursue lines of inquiry in the course of the discussions which are not included in this agenda.

Throughout this hearing, the ExA will be referring to the following documents, amongst others:

- The ExA's Initial dDCO [PD-015] (published on 10 May 2019);
- Revised Explanatory Memorandum (Tracked) [REP6-020];
- Revised Works Plans [REP3-197];
- Applicant's Appendices to Answers to First Written Questions [REP3-187];
- Applicant's Appendices to Answers to Second Written Questions [REP6-014]; and
- Revised NSIP Justification (tracked) [REP1-006].

References in square brackets [] are to the unique document identification number in the Examination Library. This document is found on the National Infrastructure Planning website at:

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

More generally, the ordering of the agenda and the conduct of the Examination at the hearing will have regard to relevant responses to the ExA's Third Written Questions [PD-014] published on 10 May 2019.

During the hearing the ExA may additionally refer, in particular, to the following documents, amongst others, which are all available on or via the National Infrastructure Planning website:

- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
- The Infrastructure Planning (Examination Procedure) Rules 2010
- The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
(above all available on legislation.gov.uk)
- Planning Act 2008: Guidance for the examination of applications for development consent, March 2015:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance_final_for_publication.pdf
- Planning Act 2008: Guidance on associated development applications for major infrastructure projects, April 2013:



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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/192681/Planning_Act_2008_-_Guidance_on_associated_development_applications_for_major_infrastructure_projects.pdf

- Planning Inspectorate Advice Note Thirteen: Preparation of a draft order granting development consent and explanatory memorandum, Version 2, April 2012: https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2014/12/Advice_note_13v2_1.pdf
- Planning Inspectorate Advice Note Fifteen: Drafting Development Consent Orders, Version 2, July 2018: https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2014/10/advice_note_15_version_1.pdf



AGENDA

1. OPENING REMARKS BY THE EXAMINING AUTHORITY

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

2. INTRODUCTIONS

3. REQUESTS TO QUESTION A PERSON MAKING ORAL REPRESENTATIONS DIRECTLY UNDER S94 OF THE PA2008

Section 94(7) of the PA2008 states that:

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

(a) adequate testing of any representations, or

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

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

4. THE EXA'S INITIAL dDCO: REQUESTS FOR OTHER PROVISIONS TO BE CONSIDERED

It should be noted that the following agenda items, with the exception of item 5, only deal with proposed new or amended provisions that are considered by the ExA to merit discussion. Parties may request that other provisions may also be examined in the hearing.

The ExA will request all parties who have been invited to attend, or have requested to speak at the hearing, to identify any particular Articles, Requirements or Schedules that are not already identified on the draft agenda which they wish to be discussed.

5. NOTING OF MINOR OR UNCONTENTIOUS PROPOSED CHANGES

This item is primarily for noting changes suggested in the ExA's Initial dDCO [PD-015] which may not be considered to be in contention but parties will be given the opportunity to discuss the changes listed under this agenda item.

a) **Article 12(6) - Temporary stopping up and restriction of use of streets**

Insert the words "*a valid*" before "*application*".



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The ExA notes that, in its Comments on the ExA's dDCO issued on 10 May 2019 [REP7-002] the Applicant states that it is content with this amendment.

b) **Schedule 1 – Authorised Development**

Add the words:

"which do not give rise to any materially new or materially worse environmental effects to those assessed in the environmental statement".

The ExA notes that, in its Comments on the ExA's dDCO issued on 10 May 2019 [REP7-002] the Applicant states that it is content with this amendment.

c) **Requirement 3 - Development masterplans**

Add new (6):

"The relevant approved masterplan must be substantially in accordance with the masterplan as submitted with the application documents."

The ExA notes that, in its Comments on the ExA's dDCO issued on 10 May 2019 [REP7-002] the Applicant states that it is content with this amendment.

d) **Requirement 5(2) - Detailed design of fuel depot**

Wording amended so that it refers to the *"register of environmental actions and commitments"*.

The ExA notes that, in its Comments on the ExA's dDCO issued on 10 May 2019 [REP7-002] the Applicant states that it is content with this amendment.

The ExA notes the Applicant's response to DCO.2.37 [REP6-012].

e) **Requirements 5, 6 and 7**

Remove the words *"the Health and Safety Executive"*.

This proposed change was made at the request of the Health and Safety Executive [REP6-040] and the ExA notes that, in its Comments on the ExA's dDCO issued on 10 May 2019 [REP7-002] the Applicant states that it is content with this amendment.

f) **Requirement 9 - Noise mitigation**

Add new form of words:

"The noise mitigation plan must be carried out in full. The authorised development must be operated in full accordance with the noise mitigation plan".



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The ExA notes that, in its Comments on the ExA's dDCO issued on 10 May 2019 [REP7-002] the Applicant states that it is content with this amendment.

g) **Requirement 10 - Landscaping**

Add new (4):

"The landscaping scheme approved under (1) must be carried out in full."

The ExA notes that, in its Comments on the ExA's dDCO issued on 10 May 2019 [REP7-002] the Applicant states that it is content with this amendment.

h) **Requirement 11(2) - Contaminated land and groundwater**

Remove the word "*the*" from the phrase "*remediation of the contamination*".

The ExA notes that, in its Comments on the ExA's dDCO issued on 10 May 2019 [REP7-002] the Applicant states that it is content with this amendment.

i) **Requirement 16(4) - Archaeological remains**

Substitute "*Secretary of State*" with "*Historic England, Kent County Council and the relevant planning authority*".

The ExA notes that, in its Comments on the ExA's dDCO issued on 10 May 2019 [REP7-002] the Applicant states that it is content with this amendment.

j) **Requirement 20 - Education, Employment and Skills Plan**

Insert new (e):

"The employment and skills plan approved under (1) must be implemented in full."

The ExA notes that, in its Comments on the ExA's dDCO issued on 10 May 2019 [REP7-002] the Applicant states that it is content with this amendment.

Parties should note that issues related to the employment and skills plan are to be examined in the socio-economic ISH to be held on 5 June 2019. These proposed additions to the dDCO will also be cited in that examination.

6. THE EXA'S INITIAL dDCO: PROPOSED NEW PROVISIONS – EXA

This item is designed to allow discussion on potentially more significant changes to the dDCO proposed by the ExA in its Initial dDCO [PD-015].

a) **Schedule 1 – Authorised Development**



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Add the words:

"which do not give rise to any materially new or materially worse environmental effects to those assessed in the environmental statement".

The ExA notes that, in its Comments on the ExA's dDCO issued on 10 May 2019 [REP7-002] the Applicant states that it is content with this amendment.

b) **Requirement 4(2) – Detailed Design**

Delete:

"unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority on matters related to its functions, provided that the Secretary of State is satisfied that any departures from those documents would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement."

Amend wording to read:

"Where amended details are approved by the Secretary of State following the approach set out in section 153 of and Schedule 6 to the PA2008".

c) **New Requirement – Noise mitigation**

Add new Requirement (9(a)):

"No part of the authorised development must be commenced until measures set out in sections 2, 3, 4 and 5 of the Noise Mitigation Plan have been implemented."

The ExA notes that, in its Comments on the ExA's dDCO issued on 10 May 2019 [REP7-002] the Applicant states that it is content with this amendment.

Parties should note that issues related to the noise mitigation plan are to be examined in the ISH dealing with environmental issues to be held on 5 June 2019. These proposed additions to the dDCO will also be cited in that examination.

d) **Requirement 13 - Surface and foul water drainage**

Add new sub-paragraphs clause (3) and (4):

"No part of the authorised development is to commence until the construction of the entire surface and foul water drainage system is completed."



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"Construction of the attenuation basins must be completed within the first phase of construction if construction is undertaken in phases."

Parties should note that issues related to water drainage are to be examined in the ISH dealing with environmental issues to be held on 5 June 2019. These proposed additions to the dDCO will also be cited in that examination.

e) **New Requirement 21**

Add new Requirement:

"The operation of the airport is subject to

i) a total annual air transport movement limit of 26,468 atms; and

ii) a total annual General Aviation movement limit of 38,000 atms."

and

f) **Requirement 1 - Interpretation**

Add definitions of:

"air transport movement"

"General Aviation movement"

The ExA notes that, in its Comments on the ExA's dDCO issued on 10 May 2019 [REP7-002] the Applicant states that it is content with these amendments.

The ExA note that, in its response to DCO.2.46, Kent County Council [REP6-045] states that total movement limits should be specified for the night time period.

Parties should note that issues related to the operation of the airport are to be examined in the ISH dealing with environmental issues to be held on 5 June 2019. These proposed additions to the dDCO will also be cited in that examination. The dDCO ISH will examine this insofar as it has not been covered in the ISH dealing with environmental issues.

g) **New Requirement 22**

Add new Requirement:

"No aircraft can take-off or be timetabled to land between the hours of 2300 and 0600"

and

h) **Requirement 1 - Interpretation**

Add definition of:



"timetabled"

The ExA notes that, in its Comments on the ExA's dDCO issued on 10 May 2019 [REP7-002] the Applicant states that it is content with this amendment.

Parties should note that issues related to the operation of the airport are to be examined in the ISH dealing with environmental issues to be held on 5 June 2019. These proposed additions to the dDCO will also be cited in that examination. The dDCO ISH will examine this insofar as it has not been covered in the ISH dealing with environmental issues.

7. THE ExA's FIRST DRAFT DCO: PROPOSED NEW PROVISIONS – The Applicant

This item is designed to allow discussion on potentially more significant changes to the dDCO proposed by the Applicant and included in the ExA's Initial dDCO [PD-015].

a) **Article 2 – Interpretation, Requirement 19 - Airport-related commercial facilities and Schedule 1 - Authorised Development**

In Article 2 – Interpretation add:

" "airport-related" development means development directly related to, or associated with, or supportive of operations at Manston Airport including, but not limited to, offices for various support functions and freight forwarders, freight distribution centres, flight catering, car hire activities, maintenance and valeting operations, support functions for aircraft maintenance, airline training centres, airline computer centres, security facilities, business aviation facilities and storage facilities for airlines"

Add:

" "associated development" has the same meaning as in section 115 (development for which development consent may be granted) of the 2008 Act;"

Parties should note that issues related to Associated Development are to be examined in the Compulsory Acquisition Hearing (CAH) to be held on 4 June 2019. These proposed additions to the dDCO will also be cited in that examination. The dDCO ISH will examine this insofar as it has not been covered in the CAH.

This item will draw, *inter alia*, on responses to Second Written Questions CA.2.18, DCO.2.10, DCO.2.33, DCO.2.34 and DCO.2.44 including Stone Hill Park's comments on the Applicant's Response contained in Stone Hill Park Ltd's Comments on the Applicant's Response to ExA's Second Written Questions [REP7-014].



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b) **Article 2 – Interpretation**

Delete:

"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 definition of 'commence'.

c) **Article 19 - Compulsory acquisition of land**

Add new sub-paragraphs (3) and (4):

"(3) The undertaker will treat the Crichel Down Rules as applying to land acquired by it under this article it as if it were a UK government department."

"(4) In this article 'Crichel Down Rules' means the rules contained in 'Guidance on Compulsory purchase process and the Crichel Down Rules' published by the Ministry of Housing, Communities and Local Government in February 2018 or any successor to such rules."

Parties should note that issues related to the Crichel Down Rules are to be examined in the CAH to be held on 4 June 2019. This Article in the dDCO will also be cited in that examination. The dDCO ISH will examine this insofar as it has not been covered in the CAH.

This item will draw, in particular, on responses to Second Written Question DCO.2.49 including Stone Hill Park's comments on the Applicant's Response contained in Stone Hill Park Ltd's Comments on the Applicant's Response to ExA's Second Written Questions [REP7-014] and on the wording proposed by Stone Hill Park in its response to DCO.2.49 [REP6-053].

d) **Article 21 - Time limit for exercise of authority to acquire land compulsorily**

Change the time limit in 21(1) from "5 years" to "1 year".

and

e) **Article 25 – Application of the Compulsory Purchase Act 1965**

Parties should note that issues related to the time limit in Article 21(1) are to be examined in the CAH to be held on 4 June 2019. This Article in the dDCO will also be cited in that examination. The dDCO ISH will examine this insofar as it has not been covered in the CAH.

This item will draw, in particular, on responses to Second Written Question DCO.2.49 including Stone Hill Park's comments on the Applicant's Response contained in Stone Hill Park Ltd's Comments on the Applicant's Response to ExA's Second Written Questions [REP7-014] and on Stone Hill Park Ltd's Written Summary of Oral



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Representation - Compulsory Acquisition Hearing 20 March 2019
[REP-031].

f) **Requirement 8 - Ecological mitigation**

Add new sub-paragraph (2):

"The details of mitigation approved under sub-paragraph (1) must incorporate a net gain of at least 10 Biodiversity Units across the Order limits and any land used for ecological mitigation purposes compared to the situation that existed prior to the commencement of the authorised development"

and, as a consequence,

g) **Requirement - Interpretation**

Add definition:

"Biodiversity Unit" means a biodiversity unit as defined in accordance with the methodology outlined in the document entitled 'Technical Paper: the metric for the biodiversity offsetting pilot in England' published by the UK Department for Environment, Food and Rural Affairs published in March 2012".

Parties should note that issues related to ecological mitigation are to be examined in the ISH dealing with environmental issues to be held on 5 June 2019. These proposed additions to the dDCO will also be cited in that examination. The dDCO ISH will examine this insofar as it has not been covered in the environmental issues ISH.

8. THE EXA'S INITIAL dDCO: PROPOSED NEW PROVISIONS – PUBLIC BODIES

This item is designed to allow discussion on potentially significant changes to the dDCO proposed by public bodies in the ExA's Initial dDCO [PD-015].

The ExA notes that the new and amended provisions proposed by the Environment Agency in its Relevant Representation [RR-0538] have been incorporated into the dDCO in Requirement 11 - Contaminated land and groundwater.

The following proposed additions and amendments (a), (b) and (c) will be taken as one item.

Amendments and/ or additions proposed by Historic Buildings and Monuments Commission for England (Historic England) in its Written Representation [REP3-162] and response to HE.2.6 [REP6-041]

a) **Article 6 - Limits of deviation**

Insert a new sub-paragraph (3):



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"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 approval".

b) Article 6 - Limits of deviation

Insert a new sub-paragraph (4):

"The external appearance and dimensions of any element of Works that has the potential to affect a Heritage Constraint Area should be subject to consultation with Kent County Council, and if appropriate Historic England, before it is submitted to the Secretary of State for approval."

c) Requirement 3 - Development masterplans

Add new (4):

"Before the Master Plan is submitted 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".

Amendments and/ or additions proposed by Kent County Council

Article 12 - Temporary stopping up and restriction of use of streets

In its response to ExA question DCO.1.2 [REP3-139], Kent County Council states that:

"KCC is not content with the wording of Article 12(2). The County Council requests that the wording is altered to require the applicant to seek written consent from the Highway Authority to be able to use the highway as a temporary working site."

In its response to Second Written Question DCO.2.22 [REP6-012], the Applicant contended that this Article should remain unchanged.

d) Requirement 16 – Archaeological remains

In response to DCO.2.42 [REP6-045]:

"(1) Prior to the submission of details of the final design, parameters and quantum of development in:

- The area of development proposed north of Manston Road known as the North Grass Area;*
- The location of the helicopter facility in the south east of the site*



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- *The area proposed for HGV access and earthworks north of the western runway were not tested through trial trenching but had significant geophysical survey results;*

and

- *The area proposed for a contractor's compound and later car parking;*

A programme of archaeological field evaluation works shall be carried out in that area and reported in accordance with a specification which has been submitted to and approved by the Secretary of State in consultation with Kent County Council and Historic England.

(2) Where archaeological evaluation works referred to in sub-paragraph (1) identify remains that are of a significance to warrant preservation in situ, as advised to the Secretary of State by Kent County Council and Historic England, the design, parameters and quantum of development in that area will be adjusted to ensure the appropriate preservation in situ of the archaeological remains."

The areas listed above in sub paragraph (1) could be included on a drawing that is referenced in the Requirement.

Parties should note that issues related to heritage are to be examined in the ISH dealing with, *inter alia*, heritage issues to be held on 3 June 2019. These proposed additions to the dDCO will also be cited in that examination. The dDCO ISH will examine this insofar as it has not been covered in the heritage ISH.

Amendments and/or additions proposed by Thanet District Council

e) Article 2 - Definition

The Agreed (signed) Statement of Common Ground between the Applicant and Thanet District Council [REP6-011] states under matters not agreed between the parties at 4.1.13 that:

"The definition of "maintain" as set out in Article 2 is too broad and could allow significant future development without sufficient planning controls."

f) Requirement 17 - Amendments to approved details

The Agreed (signed) Statement of Common Ground between the Applicant and Thanet District Council [REP6-011] states under matters not agreed between the parties at 4.1.14 that:

"To avoid confusion, Requirement 17 should also be amended by adding the underlined text (or wording to a similar effect) below.



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“With respect to any requirement which requires the authorised development to be carried out in accordance with the details or schemes approved under this Schedule, the approved details or schemes are taken to include any amendments that may subsequently be approved in writing where such amendments are permitted elsewhere in this Order.”

9. THE EXA'S INITIAL dDCO: PROPOSED AMENDED OR NEW PROVISIONS – OTHER PARTIES

This Agenda item will focus on those provisions in the dDCO on which parties other than the Applicant have raised issues in their submissions and/ or which are marked as being provisions which are subject to further examination in the ExA's Initial dDCO [PD-015] unless dealt with elsewhere on this agenda.

a) **Article 6: Limits of Deviation**

Parties should note that issues related to heritage, design and visual impact are to be examined in the ISH to be held on 3 June 2019. This Article in the dDCO will also be cited in that examination. The dDCO ISH will examine this insofar as it has not been covered in the heritage etc ISH.

b) **Article 9 - Guarantees in respect of payment of compensation, etc**

Parties should note that issues related to Guarantees in respect of payment of compensation in Article 9 are to be examined in the CAH to be held on 4 June 2019. This Article in the dDCO will also be cited in that examination. The dDCO ISH will examine this insofar as it has not been covered in the CAH.

This item will draw, in particular, on responses to Second Written Questions CA.2.28 and DCO.2.17 including Stone Hill Park's comments on the Applicant's Response contained in Stone Hill Park Ltd's Comments on the Applicant's Response to ExA's Second Written Questions [REP7-014].

c) **Article 18 - Authority to survey and investigate the land**

Parties should note that issues related to surveys are to be examined in the environmental issues ISH to be held on 5 June 2019. This Article in the dDCO will also be cited in that examination.

This item will draw, in particular, on responses to Second Written Questions DCO.2.25 and CA.2.31 including Stone Hill Park's comments on the Applicant's Response contained in Stone Hill Park Ltd's Comments on the Applicant's Response to ExA's Second Written Questions [REP7-014].

d) **Article 26 - Application of the Compulsory Purchase (Vesting Declarations) Act 1981**



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Parties should note that issues related to the Application of the Compulsory Purchase (Vesting Declarations) Act 1981 are to be examined in the CAH to be held on 4 June 2019. This Article in the dDCO will also be cited in that examination. The dDCO ISH will examine this insofar as it has not been covered in the CAH.

This item will draw, *inter alia*, on responses to Second Written Question CA.2.29 including Stone Hill Park's comments on the Applicant's Response contained in Stone Hill Park Ltd's Comments on the Applicant's Response to ExA's Second Written Questions [REP7-014].

e) **Article 29 - Temporary use of land for carrying out the authorised development**

This item will draw, *inter alia*, on Stone Hill Park Ltd's Written Summary of Oral Representation - Compulsory Acquisition Hearing 20 March 2019 [REP-031].

10. THE EXA'S INITIAL dDCO: PART 2 - PROCEDURE FOR DISCHARGE OF REQUIREMENTS

This Agenda item will examine both Part 2 and the wider question of which body should be the discharging authority for a range of other Requirements.

This item will draw on, *inter alia*, the Applicant's response to Second Written Question DCO.2.45 [REP6-012], Appendix DCO.2.45 in Appendices to Answers to Second Written Questions [REP6-014] Kent County Council's response to DCO.2.2. [REP6-045], Natural England's response to DCO.2.9 [REP6-048] and Thanet District Council's response to DCO.2.3 i, ii and iii [REP6-058].

The ExA notes, in addition, that the Agreed (signed) Statement of Common Ground between the Applicant and Thanet District Council [REP6-011] states under matters not agreed between the parties at 4.1.15 that:

"TDC consider that provisions for discharging requirements at paragraphs 18(2) and 18(3) of dDCO Part 2 allowing automatic approval of requirements submitted but not determined within a period of 8 weeks should be removed."

11. ANY OTHER RELEVANT BUSINESS

12. EXA'S CLOSING REMARKS AND CLOSE OF HEARING