

Planning Act 2008

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

Action points arising from hearing held between 3 June and 7 June 2019

The tables below comprise the action points recorded by the Planning Inspectorate in the course of each hearing. All actions are expected to be satisfied by **Deadline 8** in the Examination Timetable. Where this cannot be achieved, parties are requested to provide an explanation to **Deadline 8**.

Issue Specific Hearing (ISH) 4 – 3 June 2019

No.	Party	Action
1	Applicant	Provide clarification in relation to the location and extent of bunding including where this has been assessed in the Environmental Statement (ES) and where it is secured in the draft Development Consent Order (dDCO).
2	Applicant	Provide a technical note assessing the robustness of the landscape assessment and the mitigations proposed against Policy SP3 in the emerging Thanet Local Plan.
3	Applicant Thanet District Council (TDC)	Provide suggested jointly agreed wording to ensure that the lighting strategy is secured in the dDCO.
4	Kent County Council (KCC)	Provide comments on the draft Written Scheme of Investigation (WSI). Engage in offline discussion with the Applicant regarding human remains.
5	Applicant	Provide a technical note concerning the effect of the Proposed Development on the May 2019 listing, upgrading and relisting of specific heritage assets in Ramsgate.
6	Applicant	Provide a note explaining why paragraph 3.1.2 of Appendices to Answers to First Written Questions: 15th February 2019 Appendix LV.1.36 cites the hours of winter darkness in which aircraft may be flying at 07.00 – 08.00 rather than 06.00 – 08.00.
7	Applicant	Provide an evaluation of the effect of the 54dB contour on Albion Place Gardens and Church of St George, and the proximity of the 57dB contour and likely flightpath on Albion Place Gardens.



Compulsory Acquisition Hearing 2 – 4 June 2019

No.	Party	Action
8	Stone Hill Park Ltd (SHP)	Provide the email from HMRC setting out its approach to undertaking due diligence on firms in relation to the Business Investment Relief scheme.
9	Applicant	Publish interim accounts to end of April or, preferably, May 2019 (part year to supplement previous year) for RiverOak Strategic Partners Limited, RiverOak Fuels Limited, RiverOak (Manston) Limited, Riveroak AL Limited, RiverOak Operations Limited, RiverOak MSE Limited and RiverOak Investments (UK) Limited.
10	Applicant	Provide a note of evidence to support the statement in the Applicant's response to F.3.3 that HLX Nominees Limited falls under the review of the regulator in Switzerland.
11	Applicant	Provide an annotated global figure for the financial value of all commitments and obligations whether through a proposed s106 agreement or agreements or any other means.
12	SHP	Provide a note on the known price per tonne of freight at UK airports, including consideration of prices of integrators processing on or off site.
13	Applicant	Applicant to disclose 'all signed agreements' with Aquila.
14	Applicant Defence Infrastructure Organisation	Provide a joint note on progress with negotiations on the relocation of the High Resolution Direction Finder (HRDF) including copies of plans showing preferred site(s).
15	Applicant	Provide an updated and more detailed business plan and business model.

ISH5 – 5 June 2019 (morning)

No.	Party	Action
16	SHP	Provide a copy of the Oxford report referenced concerning use of indirect/ induced job ratio (as referred to in the hearing with regards to Luton Airport).



17	Applicant	Provide details of French aircraft MRO and recycling operation referred to by Mr Cain as a comparator.
18	Applicant TDC	Applicant and TDC to discuss offline education, training and skills provisions in draft s106 and dDCO.

ISH6 – 5 June 2019 (afternoon)

No.	Party	Action
19	Applicant	Provide date secured input parameters for updated air quality and noise assessments assessment and confirm the basis for the fleet mix used in both assessments.
20	Applicant	Provide input files for ES addendum KCC Strategic Transport Model (date secured).
21	Applicant	Provide a list of UK airports applying the 60dB (SOAEL).
22	Applicant	Provide further information on financial effects of adopting a 60dB (SOAEL) as the basis for the insulation, ventilation and relocation schemes in the draft Noise Mitigation Plan.
23	Applicant	Provide further clarification of the intended application of the community compensation fund including in relation to insulation and ventilation schemes for schools and other community facilities. Show where the allocation of funding for the community fund is allowed for in estimates of costs.
24	Applicant	Provide a note showing the implications of Requirement 21(2) on the stated noise quota between 23.00 and 07.00 including estimates of the translation of this noise quota into a number or range of numbers of ATMs.
25	Applicant	Provide a note on the apparent uncertainty over the effectiveness of noise insulation and ventilation schemes for the residential caravan park at Smugglers Leap in terms of mitigation being brought forward to year 6 (earliest LSAE) and consideration of further proposals.
26	Applicant	Provide Cogent Land LLP with the detailed noise assessment outputs for the proposed Manston Green development.



		Provide Cogent Land LLP with a location map of the proposed alternative HRDF site(s) at a suitable scale showing the relevant safeguarding zones.
27	Applicant	Provide an evidenced response to: <ul style="list-style-type: none"> a) Five10Twelve noise contour modelling undertaken by the Civil Aviation Authority (CAA); and b) No Night Flight noise contour modelling undertaken by CAA.
28	Applicant Natural England TDC	Provide an update on discussions to be provided for bird mitigation.

ISH7 – 6 June 2019

No.	Party	Action
29	Applicant	All information provided by the Applicant to the Planning Inspectorate to be copied into KCC and Highways England.
30	Applicant	Note on where the figure of 58 vehicle movements (30% of 193) in response to Third Written Question TR.3.20 ii) for trip generation in the am peak has been derived.
31	Applicant	Provide a note on sensitivity testing of junctions with additional passenger traffic in am peak (based on a reasonable worst case).
32	Applicant	Provide a note considering proportional impacts of extended study area to take into account vehicle movements leaving/ entering the study area at A299 Thanet Way at St Nicholas at Wade and the A256. Also, consideration of any impact this might have on study area of original Transport Assessment (TA). The Examining Authority (ExA) notes that the Applicant agreed to convert percentages to vehicle numbers at Highways England's request.
33	Applicant	Provide a note on the propensity for, and potential impacts of, clustering on HGV movements.



34	Applicant	Provide a HGV strategy, including routing plans, restrictions on timings (such as peak hour caps), methods of ensuring compliance and enforcement.
35	Applicant	Respond to Highways England's suggestion for Travel Plan.
36	Applicant	Provide a note setting out reasons why the proposed Manston-Haine link road cannot transect the Northern Grass Area.
37	Applicant	<p>a) Justify why mitigation and other commitments contained in the draft s106 at should be not be included in the dDCO; or</p> <p>b) draft an Article and/ or Requirement to secure s106 matters.</p>
38	Applicant	Provide a note on any implications for safeguarding a wider corridor for the proposed Manston-Haine link road (to allow for KCC mitigation) – particularly but not solely with reference to the radar safeguarding zone.
39	Applicant KCC	Provide an update on negotiations in relation to the draft s106 and on the matters to be included in it. Consider the insertion of a clause to make sure mitigation is delivered when needed and for purposes related directly to the scheme.
40	KCC	Provide a legal opinion on whether permitted development rights apply to all or some of the proposed junction improvements, if such development is associated with EIA development.
41	Applicant	Provide full details of other NSIP schemes where off-site highway improvements have been secured by (a) s106 and (b) s278 agreements, or both.
42	Applicant	Provide a note showing how the contributions for each junction set out in the draft s106 agreement have been calculated and their timings established. Indicate whether the costing estimates have been agreed with KCC.
43	Applicant	Provide a technical note on the effects that changes made in the revised TA methodology (in terms of modal split (shared taxi) and the timing of passenger arrivals before flights) would have on the modelling and results in the original TA.



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44	Applicant	Submit Stage 1 Road Safety Audits and design responses for junction improvement schemes that were needed in the original TA, but not the revised TA.
45	Applicant KCC	Provide a note on the intended locations of emergency accesses and how these might be appropriately secured at this stage of the examination.
46	Applicant	Provide a note on the possible need for improvements to pedestrian pavements and footpaths in Manston Village to increase pedestrian accessibility to the airport and to address any safety issues arising from increased traffic flows including with reference to PRow TR10.
47	Applicant	Provide a note on current considerations of whether to provide bus service for staff or to contribute to an existing service. Provide financial contribution figures in draft s106 agreement.
48	Applicant	Clarify if the REAC is the appropriate place to secure a shuttle bus service and other public transport measures.
49	Applicant	Review the commitments in Framework Travel Plan (provide more details of commitments and targets).
50	Applicant	<p>Provide a note about the Car Park Management Strategy, in relation to apparent overprovisions in parking spaces considering number of passenger flights proposed – include a parking compliance strategy, and consideration of any implications for Compulsory Acquisition, including the possible use of this area as a construction compound.</p> <p>Set out details of passenger mode share assumptions applied and their alignment with those applied in the TA.</p>
51	Applicant	Include a parking controls review mechanism in any updated s106 agreement and show how it will be secured in the dDCO.
52	Applicant	Include a 'Blue Badge' parking strategy in car parking strategy and arrangements for monitoring of such parking.



No.	Party	Action
53	Applicant	Provide a change of text for the Explanatory Memorandum to justify the inclusion of the Secretary of State as the discharging authority in Article 37.
54	Applicant Historic England TDC	Negotiate with Historic England and TDC with the aim of agreeing revised wording for Article 6 and or Requirement 3 in respect of safeguarding as yet unidentified archaeological and/ or heritage assets. If no wording had been agreed by Deadline 8, provide a note on progress.
55	Applicant TDC	Provide any agreed amendments to the wording of the Article 2 definition of 'maintain'.
56	Applicant	Provide a commentary on any differences in procedures for acquiring title and for valuing and payment of compensation using notice to treat and vesting declarations.
57	Applicant	Assess the provisions in the current dDCO in relation to the establishment of a robust monitoring regime for the Proposed Development.
58	SHP	Provide correspondence with the Applicant relating to the use of vesting declarations.