

Compulsory Hearing session – Questions arising

If as RSP say MIO is controlled by Helix Fiduciary, which seems to be the three directors Rothwell, Seitz and Huesler, then why does HLX nominees exist?

Same as RO Investments (UK) Ltd with the same corporate structure if Rothwell, Seitz & Huesler are directors to control the RSP group (90% of RSP) then surely they are HLX nominees based in Tortola.

The problem is no verifiable proof has been offered to the ExA to show who controls HLX Nominees and it seems strange that the same three directors are also said to be the directors who control HLX Nominees.

Initial Shareholdings

<i>Name:</i>	NICHOLAS ROTHWELL		
<i>Address:</i>	MUNRO HOUSE PORTSMOUTH ROAD COBHAM SURREY UNITED KINGDOM KT11 1PP	<i>Class of Shares:</i>	ORDINARY
		<i>Number of shares:</i>	170
		<i>Currency:</i>	GBP
		<i>Nominal value of each share:</i>	1
		<i>Amount unpaid:</i>	1
		<i>Amount paid:</i>	0
<i>Name:</i>	RICO SEITZ		
<i>Address:</i>	MUNRO HOUSE PORTSMOUTH ROAD COBHAM SURREY UNITED KINGDOM KT11 1PP	<i>Class of Shares:</i>	ORDINARY
		<i>Number of shares:</i>	170
		<i>Currency:</i>	GBP
		<i>Nominal value of each share:</i>	1
		<i>Amount unpaid:</i>	1
		<i>Amount paid:</i>	0
<i>Name:</i>	GERHARD KUNO HUESLER		
<i>Address:</i>	MUNRO HOUSE PORTSMOUTH ROAD COBHAM SURREY UNITED KINGDOM KT11 1PP	<i>Class of Shares:</i>	ORDINARY
		<i>Number of shares:</i>	60
		<i>Currency:</i>	GBP
		<i>Nominal value of each share:</i>	1
		<i>Amount unpaid:</i>	1
		<i>Amount paid:</i>	0
<i>Name:</i>	HLX NOMINEES LIMITED		
<i>Address:</i>	MANDAR HOUSE, 3RD FLOOR PO BOX 2196 JOHNSON'S GHUT TORTOLA VIRGIN ISLANDS, BRITISH	<i>Class of Shares:</i>	ORDINARY
		<i>Number of shares:</i>	600
		<i>Currency:</i>	GBP
		<i>Nominal value of each share:</i>	1
		<i>Amount unpaid:</i>	1

Acquisition

It was stated that the starting point was Ms Gloag's purchase from Infratil of Manston for £1 however surely the debt was also purchased from Infratil as well which was reported at £17M. This debt has not been taken into account.

Local Plan and Planning Permission

During the hearing much was made of the fact that Stone Hill Park's planning application had stalled and I would just like to remind the ExA that the local political situation has played a major part in pursuing their application.

Some background is important in 2014 the administration in control was Labour however in May 2015 this changed to control being ceded to UKIP and the local MPs remaining Conservative, all were strongly in favour of aviation.

It was also clear that there was not viable Local Plan which the UKIP council started to put right (the Local Plan was then 4 years late in being enacted)

In January 2018 after local consultation the local plan was submitted to full council which immediately precipitated the defection of 13 UKIP councillors to become Thanet Independent Councillors (TIC) who together with the existing Conservatives let to this plan being voted down and the collapse of the UKIP administration.

The main point of contention was the change of use to SP05 (mixed use) with 2500 houses to be allocated.

At a supporter event soon after the MP's for North Thanet and South Thanet spoke and I attach the transcript however it is important to view the words of the South Thanet MP Craig Mackinlay

"Right, well it's been an interesting start to the year. I've been busy, as has Sir Roger, making sure that whatever happened on the 18th January we could manage that. I was obviously delighted that what happened on the 18th January happened, unfortunately I wasn't allowed into see it, as I was slightly late and there wasn't room for me at the inn. So I wasn't allowed in to see the events unfold.

Now there was a lot of threat before that meeting by a certain council, saying that if this doesn't go through, we'll be thrown to the wolves of the national Secretary of State department, we'll have to take more houses here there and everywhere, the green spaces will be destroyed, and we have to accept on that basis that Manston's future was finished and that we can start to develop Manston as a new housing estate.

I am so delighted that my Conservative group and a significant number of the UKIP group, who actually saw through what was being proposed, voted against it.

We all remember that the DCO would have trumped whatever happened on that local plan, but the fear would have been that had it been redesignated away from aviation, it would have instantly inflated the value possibly to unacceptable standards in the future. That was my great worry, and we're out of that, so as Tony said, the EC4 designation of the airport (the old designation), while we have no local plan, still stays the same and is very powerful."

***editor's highlight**

Clearly in the context of attempting a planning application it would seem a more difficult scenario when the majority of locally elected members are clearly set on manipulating the local planning process to ensure the planning application would not succeed.

Business Spreadsheet

Bar the fact that this spreadsheet is hardly a business plan I would just like to ask how you can have business income during the first year when in the first year you will be building the development. Does this not refer to the first operational year?

Associated Development

What do a teardown facility or a fixed base operation have to do with finding 10000 CARGO atms?

Associated development comprising:

Work No.12 — the construction of a new passenger terminal facility with a maximum building height of 15m.

This has nothing to do with CARGO

Work No.14 — The construction of a gatehouse with a maximum height of 4m and vehicle control area to including vehicle lanes, a gantry with maximum height of 8m and a welfare facility for gatehouse staff.

Work No.15 — The construction of airport-related commercial facilities (use class B1 and B8) with a maximum building height of 18m and with a total building footprint of up to 60,000m² including associated paved storage areas, parking and internal accessways.

What has this to do with CARGO?

Work No.16 — The construction of airport-related commercial facilities (use class B8) with a maximum building height of 18m and with a total building footprint of up to 26,000m² to include associated paved storage areas, parking and internal accessways.

B8 Storage or distribution - This class includes open air storage.

Work No.17 — The construction of airport-related commercial facilities (use class B1) with a maximum building height of 10m and with a total building footprint of up to 30,000m² to include associated paved storage areas, parking and internal accessways.

B1 Business - Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area. Which is what to do with CARGO?

Work No.18 — the construction of a new aircraft recycling facility and associated offices with a maximum building height of 23m.

Which is what to do with CARGO?

Work No.19 — the construction of new or improved facilities to create an airport fuel farm on the site of an existing fuel storage facility.

Work No.20 — the construction of an airside storage and maintenance area for cargo and stand equipment.

Work No.21 — the construction of internal access roads and parking areas including passenger parking and parking overflow.

What has this to do with CARGO?

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Work No.22 — The construction of paved areas and visual screening for the proposed cargo areas to include an emergency assembly area, site access road and paved areas to support cargo facilities and air traffic control.

Work No.23 — the construction of two new attenuation ponds for the purposes of treating, storing and discharging site drainage runoff.

Work No.24 — Works to construct a diversion to an existing public right of way.

Work No.25 — Public highway works to construct a new airport access.

Work No.26 — Public highway works to junction of B2190 and B2050.

Work No.27 — Public highway works to B2050 including new access provision.

Work No.28 — Public highway upgrade to B2190.

Work No.29 — Public highway upgrade to Manston Road.

Work No.30 — Public highway upgrade to B2190.

Work No.31 — Public highway upgrade to Manston Road.

Work No.32 — Public highway works at new airport-related business park entrance on Manston

Proposed works

Work No.2 — the construction of 8 light and business aircraft hangars and associated fixed base operator terminal with a maximum building height of 15m.

What has this to do with a Cargo Hub?

Work No.10 — The construction and rehabilitation of pavements for the creation of 3 Code C aircraft parking stands and associated pavement infrastructure.

What has this to do with a Cargo Hub?

Work No.11 — The construction and rehabilitation of pavements for the creation of 4 Code C aircraft parking stands and associated pavement infrastructure

What has this to do with a Cargo Hub?

Affected persons

Concerning the land owners which covers the pipeline down to Pegwell it seems that a class action is being contemplated

Business plan part 2

During the cross examination the representative of RSP (who drew up the business spreadsheet) had difficulty in identifying a comparable airport to that he envisages Manston will operate as. After a few questions he thought Prestwick would be the best fit. So I would just like to add that today (13/6/2019) Prestwick was put up for sale by the Scottish Government

“DEBT-LADEN Prestwick Airport is being put up for sale by the Scottish Government after costing taxpayers £40m.

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SNP ministers bought the loss-making operation for £1 in 2013 to prevent its closure and safeguard jobs.

However they have since been forced to extend it around £39.9m in loans to keep it afloat.

Transport minister Michael Matheson said he wanted the facility back in the private sector.

The government has been under pressure to cut its ties to Prestwick since Nicola Sturgeon declared a “climate emergency” last month, raising questions about its ownership of a facility linked directly to greenhouse gas emissions from flights.”

https://www.heraldscotland.com/news/17704429.scottish-government-puts-debt-laden-prestwick-airport-up-for-sale/?fbclid=IwAR24Ulj28AV7NIBAv6ly_qCatPFfrrdsMp65IEsqpA4TcalycimcayJtLzk

Mr Wilson confirms what he produced would not be categorised as a “business plan”

Is Riveroak going to produce a fully costed Business Plan?

Conclusion

In conclusion it was clear from the cross examination that the “experts” put forward by RSP were trained in avoiding actually answering sensible questions.

The question then arises Why?

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Transcript from SMAa supporter event

Craig Mackinlay

Right, well it's been an interesting start to the year. I've been busy, as has Sir Roger, making sure that whatever happened on the 18th January we could manage that. I was obviously delighted that what happened on the 18th January happened, unfortunately I wasn't allowed into see it, as I was slightly late and there wasn't room for me at the inn. So I wasn't allowed in to see the events unfold.

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We all remember that the DCO would have trumped whatever happened on that local plan, but the fear would have been that had it been redesignated away from aviation, it would have instantly inflated the value possibly to unacceptable standards in the future. That was my great worry, and we're out of that, so as Tony said, the EC4 designation of the airport (the old designation), while we have no local plan, still stays the same and is very powerful.

But even subsequent to that meeting, we've had a lot of fear out there again being peddled that we will somehow be taken over by the Secretary of State and his department, that we'll have to accept 1,100 homes per year up until the 23rd [?], and that we're all doomed and into damnation.

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Now Roger and I myself were making sure that we were keeping the Secretary of State informed every step of the way. In advance, we said, 'this may happen, can you give that some thought', and then we had a truly official meeting just last week with him and his advisors and the formal civil service, to really tell him where we are and what it might mean.

Now we came away from that very reassured, that this supposed very dangerous date of 31st March isn't quite as realised as we all thought. Now I do believe that we do have some breathing space. That breathing space means that we do have to get a local plan together and on the back of that, I asked the Prime Minister a question just last week. I got the feeling that she hadn't really spoken to the Secretary of State between our meeting with the Secretary of State and her answering my question, but it is very clear that we do need to have a local plan.

We have to have a local plan for a number of reasons. Number 1 is that our other green spaces remain under threat unless you have designated these areas of land for the future. Now I've written in my local column over the past couple of weeks saying politics is the art of the possible. Now I never believe that these hard and fast rules and dates are there if it's not right for the area.

So that's what I've been pleading with the Secretary of State. We are unique – I don't know of anywhere else in the country that has this huge development potential in progress. I've said for as long as anyone will listen, that Thanet with an airport is wholly different to a Thanet without one. It is unfortunate that we've had to comply with these local plan timings that doesn't fit with this major event which to me is one of the most exciting things that Thanet could have, exciting for the South East, exciting for Britain's future.

So we've come away very encouraged that we do need a local plan, that we should be advancing that local plan – I don't quite know via whom at the moment because the council is in some flux –

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and that local plan at the moment should be Manston as an airport and will simply be 2,500 properties light at the moment for the local plan.

Then we offer, kind of by way of an IOU into the future, that we'll find the space if necessary for the 2,500 extra houses. But I don't much care if the local plan says 12,000 houses, 15,000, 25,000 or even 30,000. Because I'll take a bet with anyone in the room that by 2031, we won't even be building 10,000 houses, let alone these Mickey Mouse figures of 20. That is the reality of what a developer will be willing to build, and what people would be willing to buy. So I'm not that worried about housing numbers, but I believe that we've secured enough breathing space that will see across the application to the DCO application, whether its accepted or not, and then we'll know exactly where we are.

But we do need some political will over the next couple of months. I don't know where that's going to develop. But it is really essential that we get a local plan together, agreed, out for the final comment by the public, and that is what goes to the planning inspector. And then Roger and myself can get involved again and say, "yes, it's deficient by 2,500 houses, but don't worry. This is the right plan for Thanet." So that's where we are on the planning authority side of things, you're all involved with the various factions on the local council. I would recommend all of you start knocking some heads together and saying "this is what Thanet needs now and lets work together to achieve it."

Sir Roger Gale

To pick up where Craig left off, as he said, we met with Sajid Javid - entirely properly, on the record, with civil servants there - to discuss the way forward. Be clear that Sajid Javid is not the person who will make the decision in relation to the development consent. There is absolutely nothing improper in that meeting. Others will try, probably, and say that there was.

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Sajid has indicated to us very clearly that although he has the [31st?] deadline, in practice, there are not just Thanet, but a number of other counties involved because processes have to be in place.

It is a racing certainty that no action will be taken prior to the summer recess – late June, early July. That gives us the breathing space that we knew previously existed – but we have to get on with it.

We need a local plan, and we need a local plan without the redesignation of Manston – and that is the message that part of the UKIP group on the council, and the Conservative group, sends to the Leader of the council.

Under those circumstances, having nailed his colours, any honourable man would have resigned. Well it didn't happen. So we now are where we are and the Rev Piper and his group has to get together in some form to take this forward in the local interest.

This should not be about party politics, this should be about the future of the people of Thanet and what the people of Thanet want and need in terms of their local plan.

There is time, it is achievable, it can be done. Officers have to be instructed to get on and make it happen. And it will work. The RPS report [goes on to differentiate between RPS and Riveroak Strategic Partnership] demonstrates absolutely clearly that without Manston Airport, there is 105% of the land needed for housing available in the area. I actually believe that if we are creative and sensible about this, we can probably not only not need to use Manston for housing, but we can probably preserve some agricultural land as well.

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Some sites that are available for housing have been omitted from the local plan to generate a “need” to use Manston. I just want you to think about this, because not enough of this has emerged. What this actually means is, that there is a body of opinion that believes that, not only is it in the national interest to sacrifice a unique facility (Manston) that we are going to need post-Brexit for freight and passenger services, but that also it is perfectly in order to smother that site – which is huge – in tarmac, in one form or another. Whether it’s people’s drives and front gardens, whether its houses, whether its industrial use. Smack on top of Thanet’s aquifer, which will destroy the water supply for the whole of this part of East Kent.

And I find it incredible that there is a local authority, that there are officers, that there are councillors, prepared to countenance that desperate possibility. That is the alternative that we’re being faced with. So this is not just from my point of view a fight for something, but also a fight against something.

I’ve noticed in the past few days that lots of people have written to me, and understandably a number of my constituents who are living under the flight path in Herne Bay, whose concerns of course I have to address. And those who have been living under the flight path in Ramsgate have been writing in, saying ‘you are going to ruin the environment!’, with no thought whatsoever to the ruination of the environment which will be caused by the destruction of Thanet’s water supply. And all the other things that would go in a housing estates and an industrial estate.

I’ve said before that I believe this in the national interest and I mean it. This is bigger than just the local interest, although there is a massive opportunity for job creation and for the preservation of vast areas of open space. Because at the end of the day, most of an airport is open space.

I also think that if we are creative, and if we get our skates on, we can get a local plan that will get added provision for the housing needs of East Kent and the foreseeable future. And we can do all that in time to meet the Secretary of State’s requirements.

But there is a prerequisite – and that is that our councillors, all of them, the Conservative group and the Rev Piper’s group, bury their differences, work together, take control in the interests of the people of Thanet. Whether that is by a confidence of supply arrangement, whether that is by a coalition, whether that is by some looser form of voluntary cooperation, it has got to be done. And if it isn’t done, then I do not believe that the people of Thanet will forgive either group for failing to take the reins when it so clear that the reins have to be taken. We’ve got to get on with it.

Finally, we are very nearly at the starting gate. I know a lot of you think this has been going on for a rather long time. But as somebody once said, this is just the end of the beginning. There is a huge amount of work to be done, that RiverOak is going to have to do, that we are going to have to do, to make the case in the national and local interest. Once the DCO application goes in – and I hope and believe that will be in the middle of March – we then have to start work. We have a great deal of work to do, we’re going to do it together and we are going to win in the national interest.

Tony Freudmann spoke for 27 minutes giving SMAA members an update on consultation and the submission of the DCO.

<https://youtu.be/-jF6-tOCXTM>

Key points:

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- He met recently with members of the Transport Select Committee and noted in preparation for the meeting that the JV between AG, CM and TC has not been published three years after the Select Committee recommended this was done ‘to repudiate allegations of asset stripping.’
- He highlighted the three periods of consultations, including the ones that ends on Feb 16 with a total of 18 events, including one in Ramsgate where Nick Rothwell was available to answer questions as representative of RSP’s investors.
- He reminded the meeting of the outcome of the planning appeals in June 2017, that policy EC4 remained in significant force with the inspector not persuaded by SHP’s arguments. The Avia Report wasn’t put before the inspector and the evidence of RSP was not challenged.
- With the rejection of the local plan on 18 Jan there remains in place certain saved policies, including EC4 and so RSP go into the DCO process with Manston designated – under this policy – as an airport.
- He had a meeting with investors on Friday (9/2) and said the process towards securing DCO with accompanies CPO to date amounted to £7,258,000. By time they get to the end of the DCO process in a year’s time that will have grown to £10m. Environmental consultancy work has been £1.12 million of that.
- Claims to have agreed statement of common ground with Historic England and with the Environment Agency (which is a breakthrough for them, he says).
- Once the consultation ends on 16 Feb, they will consider the consultation, which he says shows 60 to 65% support for what RSP want to do. On 5,6,7 March they intend to go through the documentation line by line. Once that is complete the application will then be submitted.
- On night flights he believes there will be three days of hearing carried out by the inspector/inspectors on this issue at examination. Says RSP have designed an airport that has no daytime constraints, which is why there are so many parking stands.
- He says Avia and York Aviation fail to understand how cargo works with suggestion that Manston can accommodate higher level of cargo based on a small amount of infrastructure. This constrained operation would force you (he says hypothetically) to have night flights because you can’t get everything in during the day.

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- He refers back to the Sec 106 regarding night flights agreed with TDC in 2000/2001 which banned scheduled flights but had flexibility to take unscheduled flights at night in certain circumstances. Briefly mentions noisiest aircraft Manston would take – MK Cargo 747-200. Also mentions Quota Count but admits he isn't an expert. Says problem of noise can be issue of perception and 'exaggeration.'
- Admits consultation appears to suggest that more aircraft would fly at night than had been suggested and would be looking at that again. Referred to Amazon model where all aircraft are based in Cincinnati, are loaded overnight and then depart to locations across the US in the morning. They then return to Cincinnati in the evening. Tony says this makes a lot of sense and fits in with what RSP are saying.
- Tony then talks about what will happen once the DCO is submitted with the 28-day period followed by a decision to accept or not accept. If approved, it will be decided how many inspectors are required and then a preliminary meeting to decide the issues that will go before public examination.
- He expects these to include night flights, SHP's claims about the viability of the airport and other environmental matters.
- This part of the process, he says will take six months, and a further three months for the inspector to write their report and three months for a final decision by the Sec of State.