

**MANSTON AIRPORT DEVELOPMENT CONSENT ORDER EXAMINATION
SUBMISSION FOR DL8: WRITTEN SUMMARY OF ORAL SUBMISSION PUT AT
COMPULSORY ACQUISITION HEARING 2, 04/06/19, BY JASON JONES-HALL OF
LOCAL BUSINESS AND INTERESTED PARTY, FIVE10TWELVE LTD**

1. During this hearing, we have once again heard that the Applicant is either unable or unwilling to provide evidence requested of it by the ExA regarding its shareholders, source of funds, availability of funds or amount of funds.
2. This has been a consistent theme throughout the examination both in terms of the Applicant's failure to meet requests for information and evidence from the ExA and from numerous Interested Parties and Affected Parties - including ourselves.
3. In fact, these concerns pre-date even the Examination.
 - 3.1. As the ExA is aware, the UK Planning Inspectorate raised concerns that *"the Funding Statement poses substantial risk to the examination of the application"* in its Section 51 Advice Letter to the Applicant of 14/8/18¹.
 - 3.2. As the ExA is further aware, Thanet District Council has already previously refused to support the Applicant's proposals for any Airport Development at Manston in the failed CPO bids due to similar issues and concerns – namely that the Applicant, in its previous incarnations, failed to provide any credible evidence of its financial backing or availability and source of funds.
4. Five years later and ten months after the s51 Advice Letter, it appears that absolutely nothing has changed with regards to information - or lack thereof - that the Applicant provided during the Second Compulsory Acquisition Hearing of 4/6/19 ("CAH2") about source and amount of funds and identity of funders, shareholders and Ultimate Beneficial Owners ("UBOs").

¹ UK Planning Inspectorate Section 51 Advice to the Applicant, ([TR020002-002549-TR020002](#))

- 4.1. To summarise - very much in layman's terms - the Applicant is still attempting what Star Wars fans will recognise as 'the old Jedi mind trick'. Repeated attempts at identifying source of funds and identity of UBOs appears to be answered with an assertion from the Applicant that - to paraphrase - "*you don't need to see his identification*".
- 4.2. Quite apart from the challenge this presents to the ExA, such a stance runs counter to legislation on proceeds of crime and terrorism, for example the Sanctions and Anti Money Laundering Act of 2018², particularly as it relates to Aircraft Sanctions, (Section 6), Designated Persons, (Section 9), and Anti Money Laundering (Sections 49-51).
- 4.3. The Applicant further added to this lack of transparency throughout its CAH2 representations by also stating - and, again, this is paraphrasing - that "*you don't need to see*" detailed costings, business model, evidence of any access to funding for the actual airport development or any evidence of any interest or letters of intent from any of the clients or operators the Applicant claims it is "*in discussions with*" - from Amazon or Ali Baba to Ryanair.
5. As the ExA is aware, there are a number of significant factors with regards to the wider context of this DCO Application, which includes but is by no means limited to:
 - 5.1. The compelling case in the public interest with regards to depriving the legal landowners of their land via CPO; and
 - 5.2. The significant and detrimental socio-economic and health impact of the proposed development to the local area and wildlife - in particular to the nearby town of Ramsgate; and
 - 5.3. The significant and impassioned opposition to the proposed development by the majority of local residents, as evidenced in our summary of Relevant

² Sanctions and Anti Money Laundering Act 2018 <https://www.legislation.gov.uk/ukpga/2018/13/contents>

Representations ([REP3-223](#) and [REP3-224](#)), and recent submission from Ramsgate Town Council ([AS-141](#)); and

- 5.4. Implications for granting the DCO - and additional burden of any subsequent Public Safety Zones as required - with regards to local housing policy, the Thanet District Council (TDC) Local Plan, and shortfall in housing allocation as per the Rt Hon James Brokenshire's letter to TDC of 28th January 2019³.
- 5.5. The announcement on 12/6/19 by Theresa May that the Committee for Climate Change recommendations in the NetZero report for net zero UK carbon emissions by 2050 will be committed to statute; and
- 5.6. Precedents that may be set in this, the first Airport DCO Application in the UK, and implications for future Airport Expansion; and
- 5.7. Impact on carbon emissions budget restrictions for aviation and how this might impact carbon budgeting for aviation more broadly across the UK - specifically in advance of London Heathrow's Third Runway DCO Application and the Committee for Climate Change recommendations with regards to aviation and Aviation 2050, due later this year; and
- 5.8. Twenty-Five years of government policy, reports and recommendations with regards to Manston - both as a proposed solution to the South East Passenger and Freight capacity demand - which have consistently found that the location of Manston, proximity to Ramsgate, distance from source of demand, lack of infrastructure and proposed business case for Manston is not viable; and
- 5.9. Mounting public concern and opposition to unchecked airport expansion both nationally and internationally; and

³ See [REP2-012](#), Appendix JJHCSDL1005

- 5.10. Section 4.5 of the Airports National Policy Statement (“ANPS”), which states with regards to balancing adverse impacts of proposed airport development with any potential or alleged benefits that “*The Secretary of State will have regard to the manner in which benefits are secured **and the level of confidence in their delivery***”. (Bold added for emphasis).
6. Against this context, and given the considerable issues and paucity of evidence presented by the Applicant with regards to funding, viability, operational experience, ability to deliver, business model/plan, need or benefit - either local or national - it is, in our view, unthinkable that the bar should be set *this low* by granting the DCO to this Applicant and this Application.
- 6.1. It is our belief that setting the bar *this low* will undermine public confidence and trust in the Examination Process itself.
- 6.2. It is our further concern that this may open the floodgates for airport expansion across the UK, from just about anyone, irrespective of whether they can evidence any demand, need, funding, viability, credibility, deliverability or experience in airport development and operations.
- 6.3. In effect, if the bar is set *this low* as to grant the DCO to *this* Applicant, despite its lack of experience or evidence, then the forthcoming Heathrow Third Runway DCO application and examination - to name but one - will surely be widely perceived as a foregone conclusion, with trust and confidence in the process greatly undermined.
7. As such, we maintain our position as outlined in our Extraordinary Request at Deadline 5, ([REP5-074](#)), that we do not believe it is now possible - nor will it be possible - to give the Secretary of State any confidence whatsoever about the manner in which any alleged benefits of the Applicant’s proposal might be secured or any confidence that the Applicant is capable of delivering them and, as such, the DCO must be refused.