

Application by RiverOak Strategic Partners Ltd to reopen and develop Manston Airport
The Examining Authority's Fourth Written Questions and requests for information (ExQ4)
Published 21 June 2019

The following table sets out the Examining Authority's (ExA's) Fourth Written Questions and requests for information – ExQ4. The ExA's First Written Questions (ExQ1) were issued on 18 January 2019 [PD-007], its Second Written Questions (ExQ2) were issued on 5 April 2019 [PD-010b] and its Third Written Questions (ExQ3) were issued on 10 May 2019 [PD-014].

The ExA draws the attention of all Interested Parties and Affected Persons to the fact that these are the last timetabled written questions and the last opportunity for submissions to be made. As such all Interested Parties should frame their responses by considering and explaining what action they deem the ExA would need to take to resolve the issue and make a robust recommendation to the Secretary of State. The ExA encourages Interested Parties to work together in formulating responses.

Questions in ExQ4 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.

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

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 9 (28 June 2019) in the Examination Timetable².

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.

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

ExQ4	Question to:	Question:
G.4	General and cross-topic questions (including local policy)	
G.4.1	The Applicant	<p>Climate change</p> <p>The Applicant has assessed that there is a market for dedicated freight for perishables like food. DEFRA has determined that air freighting of food has the highest CO₂ emissions per tonne [REP4-036].</p> <ol style="list-style-type: none"> i. How has the Applicant factored this into its assessment? ii. Has the Applicant identified and assessed the worst case environmental factors in relation to: <ul style="list-style-type: none"> • energy consumption for each of its large temperature-controlled storage facilities; • energy consumption for warehouses; • energy consumption for night time use of aviation facilities; and • sole dependency on road surface access by HGVs, fuel tankers, passengers and workers for the airport? iii. What is the current status of the Applicant's Climate Change Adaptation Strategy? iv. How has the Strategy been updated in the light of the Government's commitment to 'net zero' emissions by 2050?

ExQ4	Question to:	Question:
G.4.2	The Applicant	<p>Jentex contaminated land liabilities</p> <p>The Applicant submitted at Deadline 5 in the record of Compulsory Acquisition Hearings, Appendix 2 which states:</p> <p><i>"GEA-18996b-16-204, May 2016</i></p> <p><i>4.1.6.1 Significant organic contamination with reference to human health was detected at three locations: MBH102, MTP103 and MTP107."</i></p> <p><i>"GEA-18996-15-134 Rev A, October 2016</i></p> <p><i>8.2 It should be noted that the investigation represents a preliminary assessment only and it is acknowledged that further investigation will be required at a later date.</i></p> <p><i>8.5 Further investigation is required beneath residual tanks and below the area of the active Environmental Permit. This investigation is only possible once these have been fully decommissioned and overhead power lines etc. removed to permit access."</i></p> <ul style="list-style-type: none"> i. Does the Applicant still believe this evidence represents "a clean bill of health" [EV-012]? ii. Has the Applicant made any cost provisions for further site investigations and clean up liabilities? iii. If so, show where they are contained in the RSP Business Plan for Manston submitted at Appendix CAH2 – 15 to the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011]

ExQ4	Question to:	Question:
G.4.3	The Applicant	<p>ICCAN Corporate Strategy 2019-2021 Consultation</p> <p>Page 5 of the above Strategy states that:</p> <p><i>"Disturbance from aviation noise is an inherently personal experience. We know from our early engagement that the effects can be deeply disturbing and have a detrimental effect on people's quality of life and health. How much – and in what way – an individual is affected by aviation noise cannot be explained or described by any graphs, metrics, maps or other data. Nor can the bigger-picture benefits to the economy realistically be expected to compensate those who suffer from aviation noise³."</i></p> <p>What is the Applicant's view?</p>
G.4.4	The Applicant	<p>Air Traffic Control (ATC) and the existing passenger facilities</p> <p>The Construction Environmental Management Plan (CEMP) Table 3.1 [REP7a-008] now states that the existing passenger facilities will be reopened. It also does not include demolition of the ATC in the outline construction programme, although demolition of the ATC is listed in the works.</p> <p>Provide clarification regarding the ATC and the existing passenger facilities?</p>
AQ.4	Air Quality and Emissions	

³ ExA emphasis

ExQ4	Question to:	Question:
AQ.4.1	The Applicant	<p>Ban on older aircraft</p> <p>The Applicant's response to second written question AQ.2.6 [REP6-012] regarding the ban on older dirtier aircraft relates to CO₂ emissions. The response appears to have no bearing on the damage to habitats or impacts on human health criteria that the ban is linked to in the Register of Environmental Actions and Commitments (REAC).</p> <p>The Examining Authority (ExA) reiterates its question:</p> <ul style="list-style-type: none"> i. Confirm what aircraft would be banned and how this ban would be applied. ii. Show where this is secured in the draft Development Consent Order (dDCO)?
AQ.4.2	The Applicant	<p>Dust monitoring</p> <p>The monitoring proposal in CEMP Table 5.1 includes dust gauges at 'suitable' residential receptors. CEMP Table 5.1 suggests that Osiris monitoring of particulate matter may be used during more intense periods of construction.</p> <ul style="list-style-type: none"> i. Confirm what 'suitable locations' would be for the Proposed Development. ii. Confirm what the triggers are for use of the Osiris monitoring. iii. Confirm what remedial action would be undertaken in the event of trigger levels being exceeded?

ExQ4 Question to: Question:		
Ec.4	Ecology and Biodiversity (including Habitats Regulations Assessment (HRA))	
Ec.4.1	The Applicant	<p>Construction dust</p> <p>Construction dust effects are referenced in the matrices at Appendix A to the RIAA [REP7a-014] but justification for screening out construction dust effects is not provided in Table 3.2 which is cross referenced as providing the justification for the screening decisions.</p> <ul style="list-style-type: none"> i. Detail how construction dust effects have been screened out in the consideration of potential effects and where this is documented in the Report to Inform the Appropriate Assessment (RIAA) [REP7a-014] ii. Confirm or otherwise that mitigation has not been taken into account in the screening process?
Ec.4.2	The Applicant Natural England Thanet District Council (TDC)	<p>Turnstone mitigation</p> <p>TDC in their Deadline 8 [REP8-029] submission state:</p> <p><i>"TDC have investigated the use of the Council's Strategic Access Management and Monitoring Plan (SAMM) by the applicant to overcome Natural England's concern over the impact of the development on the integrity of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The SAMM is primarily focussed on the impact of recreational disturbance in relation to human recreational activities, with contributions required from residential development in the district to fund mitigation/survey work at the SPA to address this impact. The contribution amount is linked to the housing targets within the Draft Local Plan to create a 'per dwelling'</i></p>

ExQ4	Question to:	Question:
		<p><i>requirement. The SAMM project is specifically targeted to mitigate a particular impact, and there is no provision in the SAMM for contributions/mitigation to mitigate the impact of the proposed development (aircraft movements and the noise associated). The SAMM is therefore not considered the appropriate mechanism for mitigating this particular impact on the SPA."</i></p> <ul style="list-style-type: none"> i. In the light of TDC's response what further mitigation is required in respect of turnstone to support a conclusion of no adverse effects on integrity of the Thanet Coast and Sandwich Bay SPA? ii. What is the current status of the discussions between the parties on this mitigation?
Ec.4.3	The Applicant Natural England	<p>Bat licence</p> <p>At ISH6 the Applicant confirmed that a bat licence application had not been submitted to Natural England due to ongoing negotiation regarding land access and that it was unlikely that an application would be made prior to completion of the examination. Natural England confirmed that without a licence application it would not be possible to provide a Letter of No Impediment (LONI), this position was reiterated in Natural England's Deadline 8 submission.</p> <ul style="list-style-type: none"> i. Confirm your programme for submission of a bat licence application to Natural England. ii. Explain how the ExA should have comfort in making their decision with this matter outstanding.

ExQ4	Question to:	Question:
Ec.4.4	TDC Kent County Council (KCC) Natural England	<p>Incomplete surveys</p> <p>Confirm whether the worst-case assessment and proposed mitigation set out in the Environment Statement (ES) biodiversity chapter [APP-033] is sufficient to mitigate the likely significant effects of the Proposed Development or whether any further remedy is required prior to the close of the Examination.</p>
Ec.4.5	The Applicant Natural England	<p>Air quality addendum and the RIAA</p> <p>The revised air quality assessment (Appendix I to the RIAA [REP7a-014]) is based on the revised Transport Assessment with the Manston-Haine link. Natural England agreed at Deadline 8 [REP8-028] that the revised air quality assessment information provided at Deadline 6 addressed previous concerns relating to the Applicant's approach to in-combination assessment. If the Applicant is now relying on the original Transport Assessment without the Manston-Haine link:</p> <p><i>To the Applicant</i></p> <ul style="list-style-type: none"> i. Explain which air quality assessment the RIAA relies on? ii. Explain whether the original air quality assessment addresses Natural England's air quality concerns raised in previous representations? <p><i>To Natural England</i></p> <p>Confirm whether it is of the view that the original air quality assessment (without the Manston-Haine link) addresses its concerns raised during the Examination?</p>

ExQ4	Question to:	Question:
Ec.4.6	The Applicant	<p>Relevant receptors in RIAA</p> <p>The Deadline 7a RIAA [REP7a-014] includes Appendix I section 6, which lists receptors requiring further assessment due to air quality effects. The list of receptors is inconsistent with the assessment provided in RIAA section 4.5 (eg paragraph 4.5.3.14), although the response to Ec.3.4 in the Appendix to Third Written Questions submitted at Deadline 7a appears to consider the missing receptors (E40, E41, E26, E28).</p> <p>Confirm whether the RIAA considers all of the relevant receptors considered in Ec.3.4 and if not, how this can be remedied prior to the close of the Examination?</p>
Ec.4.7	The Applicant	<p>In-combination assessment</p> <p>Paragraph 3.2.4 of the RIAA [REP7a-014], when talking about other developments and plans, states that potential in-combination effects could arise due to:</p> <ul style="list-style-type: none"> • residential pressure; • onshore cable laying works (for offshore wind); • nitrogen deposition, pollution from surface water runoff from sites; and • increased disturbance due to the visual presence of operatives and noise from vehicles and machinery. <p>The in-combination discussion only appears to consider recreational pressure.</p>

ExQ4	Question to:	Question:
		Confirm how the in-combination effects listed identified in RIAA section 3.2.4 (ie cable laying and other development runoff and presence of machinery) have been screened out and when considering effects on integrity on the European site and where this is documented in the RIAA (including matrices)?
Ec.4.8	The Applicant	<p>Outfall</p> <p>Damage to designated habitat from outfall construction works is broadly considered within the screening matrices for turnstone in the Thanet and Sandwich Bay Ramsar (under construction phase (noise), which covers physical works) and for golden plover in the SPA. It does not appear to be considered for invertebrates in the Ramsar, for little tern and turnstone in the Thanet and Sandwich Bay SPA or in relation to the Thanet SAC Annex 1 habitats (for example Table 3.2 of the RIAA reference appears to relate primarily to impacts of discharges during construction).</p> <p>Signpost where the direct physical impact of outfall construction has been addressed in the matrices for all relevant qualifying features (referencing the points above) and update the information provided in Tables 3.2 and Table 4.1 as necessary?</p>
Ec.4.9	Natural England	<p>Wintering birds</p> <p>At Deadline 7 Natural England's representation stated that wintering bird surveys were not robust due to the lack of assessment for Thanet north coast. An assessment of effects on bird populations on the north coast is provided in Deadline 7a RIAA. It includes WeBS data for the SPA/Ramsar east of Herne Bay but not to the centre/west</p>

ExQ4	Question to:	Question:
		<p>of Herne Bay, where Henderson and Sutherland 2017 recorded Golden Plover in 2016/2017. At Deadline 8 Natural England concluded that consideration of the north coast of Thanet had been included in the RIAA.</p> <p>Paragraph 3.1.7 of RIAA appendix G states that:</p> <p><i>"Two years of survey data are usually required to inform an assessment of effects on the qualifying bird features of a SPA. It is considered however, that the large quantity and quality of the data obtained from WeBS and KOS are sufficient to provide a robust baseline on which to base the assessment."</i></p> <ul style="list-style-type: none"> i. Confirm whether, in Natural England's view, the Applicant should provide WeBS data for the coastline immediately west of Herne Bay; and ii. confirm whether Natural England is satisfied with the assessment of effects provided in relation to the designated site on the north coast of Thanet?
Ec.4.10	The Applicant	<p>Noise surveys</p> <p>The bird disturbance assessment in RIAA Appendix G includes noise survey data to demonstrate what exposure there has been to L_{Amax} levels above 70dB. No detailed noise survey methodology is provided apart from a very high-level description in section 2.1 of Appendix G. It is therefore unclear what professional standards have been applied to the surveys. The cause of the existing elevated noise levels is not discussed, which creates uncertainty regarding the conclusions drawn about existing exposure.</p>

ExQ4	Question to:	Question:
		Confirm the full noise survey methodology and demonstrate the competence of noise surveyors.
CA.4	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	
CA.4.1	The Applicant	<p>Book of Reference</p> <p>The ExA note that there is an undertaking, Helix AV which gives its address as Gateway Heliport, Kent International Airport, Manston, Ramsgate, Kent, CT12 5BL which appears to place it within the Order Limits.</p> <p>No firm by this name appears in the Book of Reference or in the Compulsory Acquisition (CA) Status Report.</p> <ul style="list-style-type: none"> i. Explain why this undertaking is not, or should be not, listed in the Book of Reference. ii. State whether the ExA should inform the party under s102A(4) of the PA2008 if the ExA thinks that a person might successfully make a request to become an Interested Party.
CA.4.2	The Applicant	<p>Associated Development</p> <p>The 2013 DCLG Guidance on associated development applications for major infrastructure projects states that:</p> <p><i>"The definition of associated development ... requires a direct relationship between associated development and the principal development."</i></p>

ExQ4	Question to:	Question:
		<p>In its comments on the Applicant's response to CA.2.18 SHP argued that:</p> <p><i>"Under the PA2008, only development that has the requisite effect referred to in section 23(5)(b) which is "to increase by at least 10,000 per year the number of air transport movements of air cargo movements for which the airport is capable of providing air cargo services", could be classified as the principal development. Any development that does not have this requisite effect is therefore not part of the principal development."</i></p> <p>One reading of your movement of Work No.12 — The construction of a new passenger terminal facility into the list of Associated Development at Deadline 3 is that you do accept this premise.</p> <p>Comment.</p>
CA.4.3	The Applicant	<p>Associated Development</p> <p>The examples given in the definition of "airport related" at Article 2 of the dDCO appears to be more limited in its scope than the indicative list of uses contained at paragraph 14 at Annex 4 in the Updated NSIP Justification document [REP1-005].</p> <p>Justify the difference.</p>
CA.4.4	The Applicant	<p>Associated Development</p> <p>The ExA notes that the definitions contained in the Fourth Schedule of the revised draft proposed s106 agreement state that:</p>

ExQ4	Question to:	Question:
		<p><i>“Northern Grass Area” means the area shown [] on the Manston – Haine Link Road Plan falling within the limits of the Development Consent Order which shall include a business park for Manston Airport.”</i></p> <p>Explain the use of the term “<i>business park</i>” in terms of the definition of Associated Development.</p>
CA.4.5	The Applicant	<p>Manston-Haine Link Road</p> <p>The Applicant’s response to Second Written Question TR.2.1 [REP6-017] stated: <i>“There are no changes necessary to the dDCO or revisions to the Work Plans as the Manston-Haine link road is not part of the DCO application.”</i></p> <p>As the Manston-Haine link road is not part of the application for development consent, justify the request to compulsorily acquire land and/ or rights over land which is not part of the DCO application.</p>
CA.4.6	The Applicant	<p>Reasonable alternatives to Compulsory Acquisition</p> <p>The Applicant has provided a further update of the Compulsory Acquisition Status Report at Deadline 8 on 14 June 2019 [REP8-008].</p> <p>This appears not to show any progress since the previous update and apart from land related to the fuel farm, an agreement with the 1948 Group Limited, and a fixed term agreement with David Steed in respect to plots 063 and 065 and your continued practice of treating statements of common ground as agreements, there seems to have been very little progress since the first version of this status report.</p>

ExQ4	Question to:	Question:
		<p>i. Comment on this apparent lack of progress in seeking to acquire land voluntarily.</p> <p>ii. Given this, show why the ExA should not recommend that, in this case, all reasonable alternatives to Compulsory Acquisition have not been explored.</p>
CA.4.7	Stone Hill Park Limited (SHP)	<p>Reasonable alternatives to Compulsory Acquisition: Negotiations with SHP</p> <p>The Applicant's response to CA.2.25 [REP6-012] stated that "<i>The Applicant is hopeful that these negotiations [between the Applicant and SHP] can be concluded satisfactorily shortly</i>".</p> <p>At a point less than three weeks before the close of the Examination, is SHP hopeful that the negotiations between the Applicant and SHP can be concluded satisfactorily shortly?</p>
CA.4.8	The Applicant	<p>Reasonable alternatives to Compulsory Acquisition: Negotiations with SHP</p> <p>In question CA.3.30 the ExA asked the Applicant to "<i>provide evidence for the statement in the Applicant's response to CA.2.25 that the Applicant is hopeful that these negotiations [between the Applicant and SHP] can be concluded satisfactorily shortly</i>".</p> <p>The Applicant's response [REP7a-002] was that:</p> <p><i>"There has been telephone and email communication between the parties in the past few days."</i></p>

ExQ4	Question to:	Question:
		<p>Given the nature of the submissions made by SHP at the Compulsory Acquisition Hearing (CAH) held on 4 June 2019, and at a point less than three weeks before the close of the Examination, do you still assert that you are hopeful that the negotiations between the Applicant and SHP can be concluded satisfactorily shortly?</p>
CA.4.9	The Applicant	<p>Reasonable alternatives to Compulsory Acquisition: Negotiations with SHP</p> <p>In its response to CA.3.17 [REP7a-044] SHP states that:</p> <p><i>"...the Applicant had continually failed to honour "commitments" made to SHP and pointed to the evidence showing engagement from the Applicant tended to be timed around an impending deadline for DCO submissions or an examination hearing."</i></p> <p>and that:</p> <p><i>"In essence, the Applicant's efforts appear focussed on creating the illusion that it was making efforts, instead of taking any actions that could evidence real efforts were being made."</i></p> <p>Comment on that characterisation.</p>
CA.4.10	The Applicant	<p>The need to obtain any operational and other consents which may apply to the type of development for which they seek development consent</p> <p>Natural England's submission for Deadline 8: Written Summary of oral submission put at Issue Specific Hearing 6 [REP8-028] states at paragraph 7 that:</p>

ExQ4	Question to:	Question:
		<p><i>"Natural England has not yet received a draft bat licence from the Applicant. We have, therefore, not been able to progress a Letter of No Impediment (LoNI)."</i></p> <p>Show why your failure to provide a draft bat licence should not be regarded by the ExA as a potential risk or impediment to the implementation of the scheme that has not been properly managed.</p>
CA.4.11	The Applicant	<p>Whether the purposes for which an order authorises the Compulsory Acquisition of land and/ or rights over land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected: the RAF Manston Museum and the Spitfire and Hurricane Museum</p> <p>In its Response to CA.3.17 [REP7a-002], the Applicant states in relation to the RAF Manston Museum and the Spitfire and Hurricane Museum that:</p> <p><i>"i. The commitments are not secured in the draft DCO or in any of the documents to be certified. This is because the museums do not need to move as part of the project, and will only do so if their owners choose for that to happen.</i></p> <p><i>ii. The Applicant does not expect the ExA to have regard to this commitment, it is not part of the application."</i></p> <p>In a submission dated 13 June 2019 [AS-192] RAF Manston Spitfire and Hurricane Memorial Museum states that:</p> <p><i>"we have yet to receive any confirmation or indication of the applicant's plans with regards to the Museum's current and future status as a freehold and wider plans for the Museums area in general."</i></p>

ExQ4	Question to:	Question:
		<p>and that</p> <p><i>"Though we have received oral offers of our freehold being "re-granted" as soon as the DCO is complete (if successful), the trustees are becoming deeply concerned with the comparative paucity of time given to examine how secure the Spitfire Museum will be in the event of a successful DCO."</i></p> <ul style="list-style-type: none"> i. If the museums do not need to move as part of the project justify the need for Compulsory Acquisition in this case. ii. If the Applicant's purpose in seeking Compulsory Acquisition is to re-grant the freehold, justify the need for Compulsory Acquisition in this case. iii. If commitments to the RAF Manston Museum and the Spitfire and Hurricane Museum are not part of the application, justify the need for Compulsory Acquisition in this case. iv. State why the Applicant has not confirmed or indicated its plans with regards to the RAF Manston Spitfire and Hurricane Memorial Museum's current and future status as a freehold and wider plans for the museums' area in general.
CA.4.12	The Applicant	<p>Restrictive Covenants</p> <p>In the Applicant's response to DCO.2.28 [REP6-012] it states that:</p> <p><i>"While the Applicant currently believes that outright compulsory acquisition is necessary for all the land subject to that power in its application, it may find later</i></p>

ExQ4	Question to:	Question:
		<p><i>once detailed design has been completed that the lesser imposition of a restrictive covenant may be possible."</i></p> <p>Is that your sole reason for including the power to impose a Restrictive Covenant?</p>
CA.4.13	The Applicant	<p>Restrictive Covenants</p> <p>Good practice point 9 in the Planning Inspectorate's Advice Note 15 says that Applicants should provide justification which is specific to each of the areas of land over which the power is being sought, rather than generic reasons, and include a clear indication of the sorts of restrictions which would be imposed and wherever possible the power should extend only to the particular type of Restrictive Covenant required.</p> <p>Either:</p> <p>i. Show where in the Statement of Reasons you have followed Planning Inspectorate Guidance and have fully explained and justified the need for including such powers.</p> <p>Or:</p> <p>ii. Provide a full explanation and justification the need for including such powers.</p>
CA.4.14	The Applicant KCC Nemo Link	Special Category Land

ExQ4	Question to:	Question:
	SHP TDC	<p>Plots 185b, 185c, 185d, and 185f are identified in Part 5 of the Book of Reference: Post-Application Revision 1 [REP3-194] as being special category land under s131 and 132 of the PA2008.</p> <p>The ExA stated in its question CA.2.9. that it is minded to recommend that subsection 3 of s132 of the PA2008 does apply in that:</p> <p><i>(3) ... the order land, when burdened with the order right, will be no less advantageous than it was before to the following persons—</i></p> <p><i>(a) the persons in whom it is vested,</i></p> <p><i>(b) other persons, if any, entitled to rights of common or other rights, and</i></p> <p><i>(c) the public.</i></p> <p>Plots 185b, 185c, 185d, and 185f are identified in the Land Plans and in paragraph 10 of the revised Book of Reference [REP7a-023] as proposed to be subject to the compulsory creation of new rights pursuant to Article 22 of the dDCO and if necessary, to powers to override third party rights or powers to extinguish, suspend or interfere with any third party rights pursuant to Article 24 of the dDCO.</p> <p>Articles 22 and 24 of the dDCO include the power of the imposition of Restrictive Covenants.</p> <p>Given that the scope, nature and effect of any Restrictive Covenants have not been disclosed by the Applicant, do parties still consider that subsection (3) of s132 of the PA2008 does apply?</p>
CA.4.15	The Applicant	Cogent Land LLP

ExQ4	Question to:	Question:
	Cogent Land LLP	<p>Cogent Land LLP is listed in the updated Book of Reference as having a Category 2 interest in plots 060 to 067.</p> <p>To the Applicant</p> <p>Cogent Land does not appear to be named in the Compulsory Acquisition Status Report [REP8-008].</p> <p>Explain this apparent omission.</p> <p>In the Written Summary of Oral Representations put to the Examining Authority (ExA) at the Manston Airport Draft Development Consent Order ("DCO") Hearings held on 4th and 5th June 2019 [REP8-068], Icen Projects on behalf of Cogent Land LLP states that:</p> <p>"Access Road</p> <ol style="list-style-type: none"> 1. Cogent has raised repeated concerns in relation to the CPO land, and its potential to jeopardise the delivery of Manston Green through the impact on the consented access road. The Applicant appear very dismissive of these concerns, and the responses we have received to date in relation to this matter have been unsatisfactory. The plans provided (Appendix F.2.9 of RSP's response to the ExA's Second Written Questions p301) is not adequate. The purpose of this drawing is unclear as there is no title, notes, drawing reference, key or annotations. In addition, there is no scale bar provided and the basemapping which has been used is unclear, with unnecessary additional drawing frames included, resulting in a poor-quality drawing that offers no reassurance that it is accurate.

ExQ4	Question to:	Question:
		<p>2. <i>Table 18.4 of the ES states that "The Manston Green site overlaps with a small section of the Proposed Development red line boundary. In this location, the Proposed Development will be used for landing lights only, and the lights are unlikely to extend to the far eastern extent of the boundary. The area of overlap in the outline masterplan for Manston Green is shown as open space and a new link road"</i></p> <p><i>This paragraph also states that the Applicant will work with the developers to confirm the use of this overlapping land but that the DCO Scheme will not impact upon the deliverability of the Manston Green development. However, there has been little/no attempt by the Applicant to engage with Cogent to discuss this matter further to provide clarity."</i></p> <p><i>To the Applicant</i></p> <p>iii. State why there has been little/ no attempt by the Applicant to engage with Cogent to discuss this matter further to provide clarity.</p> <p><i>To the Applicant and Cogent Land LLP</i></p> <p>iv. Have there been further negotiations on this issue?</p> <p>v. If not, why not?</p> <p>vi. If so, report progress.</p> <p><i>To Cogent Land LLP</i></p> <p>vii. Do you still maintain this objection to the request to compulsorily acquire land?</p>

ExQ4	Question to:	Question:
CA.4.16	The Applicant	<p>Crown Land – the Government Legal Department</p> <p>The Applicant's response to CA.3.7 states that:</p> <p><i>"The land in these plots is not owned, occupied or leased by the Crown and the Applicant believes it would be possible for the licence and option to remain in place given their limited effect – i.e. the licence is limited to plot 19c which the Applicant is only seeking to acquire rights over and the option is due to expire next year. Thus if consent is not forthcoming it will not matter significantly."</i></p> <p>i. Explain your logic on this?</p> <p>ii. Are you still seeking Crown consent in relation to these plots?</p>
CA.4.17	The Applicant	<p>Crown Land – Secretary of State for Housing, Communities and Local Government</p> <p>The ExA notes that the updated Compulsory Acquisition Status Report submitted at Deadline 8 [REP8-008] states that agreement has been reached through the Statement of Common Ground (SoCG). The ExA points out this does not include, of course agreement on any Crown consent.</p> <p>Your response to CA.3.7 [REP7a-002] states that:</p> <p><i>"The Applicant confirms that it intends to obtain Crown consent in respect of the Met Office's interest in land. Such consent will be procured directly from the Met Office. The Applicant has reached agreement in principle with the Met Office about a new location for the weather station."</i></p>

ExQ4	Question to:	Question:
		When might such Crown consent be forthcoming?
CA.4.18	The Applicant	<p>Crown Land – Secretary of State for Transport</p> <p>The Updated 3.3 Book of Reference [REP7a-023] has included the Secretary of State for Transport as having a registered interest in land on plot 015 in Part 1, Parts 2a and 2b, and Part 4 (Owner of any Crown Land which is Proposed to be used for the Purposes of the Order for which the Application is being Made).</p> <p>i. Have you started negotiations with the Secretary of State for Transport in respect of gaining Crown consent in relation to plot 015?</p> <p>ii. Report progress on any such negotiations.</p>
CA.4.19	The Applicant Secretary of State for Defence (Lands)	<p>Crown Land – Secretary of State for Defence (Lands)</p> <p>The Applicant's response to CA.3.2 [REP7a-002]</p> <p><i>"The Applicant has not yet reached agreement and cannot guarantee that it will do so by the close of the Examination but it will keep trying."</i></p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 8 on 14 June 2019 [REP8-008] shows, in respect to the Secretary of State for Defence (Lands) that no agreement had been reached less than four weeks before the close of the Examination and that the Applicant will continue to contact this party to seek to advance voluntary negotiations.</p> <p>Provide a further report on progress and state definitively whether Crown consent will be obtained by the close of the Examination.</p>

ExQ4	Question to:	Question:
CA.4.20	The Applicant	<p>Crown Land - High Resolution Direction Finder (HRDF)</p> <p>The Draft (not agreed) Statement of Common Ground between the Applicant and the Ministry of Defence (HRDF) [REP7a-005] states that the new location has to be on land within the freehold ownership of the MOD.</p> <ul style="list-style-type: none"> i. Who would acquire and pay for that land? ii. Is this provided for in your estimate of costs? iii. Is provision for this contained within the sum contained in Article 9? <p>Appendix CAH2-13 of the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011] provides a contract and other documentation in relation to the provision of consultancy services to provide a feasibility study on the viability of moving the High Resolution Direction Finder (HRDF) from its current location at Manston Airport to 'Site 1' as detailed in Figure 1 below.</p> <ul style="list-style-type: none"> iv. Is only one site being considered as a possible location for the HRDF? <p>Figure 1 shows Site 1 as being located at a site outside the Order Limits north of the landing lights. A comparison with, for example, Appendix 2 of Draft (not agreed) Statement of Common Ground between the Applicant and Cogent Land LLP [REP4-015] appears to show that Site 1 is on land shown to be part of the planning permission for Manston Green as set out in Appendix 2.</p> <ul style="list-style-type: none"> v. Comment.

ExQ4	Question to:	Question:
		<p>The contract at Appendix CAH2-13 of the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 04 June 2019 and associated appendices [REP8-011] is dated 24 May 2019. A note of a Project Update Meeting dated 23 August 2017 (https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-Advice-00098-1-170823%20Manston%20Airport%20Teleconference%20Meeting%20Note%20Final.pdf) states that the Applicant was in contact at that time with the Ministry of Defence in respect of the continued operation of the HRDF located on the site.</p> <p>vi. Explain the length of time it has taken to fully address this issue.</p> <p>The Manston Site Plan submitted by the Defence Infrastructure Organisation [REP7a-025] shows concentric rings showing areas within which levels of safeguarding for the operation of the HRDF are required.</p> <p>vii. Show how these have been taken into effect in the choice of:</p> <p>a) The choice of Site 1; and</p> <p>b) The search for other sites.</p> <p>The Written Summary of Oral Representations put to the Examining Authority (ExA) at the Manston Airport Draft Development Consent Order ("DCO") Hearings held on 4th and 5th June 2019 [REP8-068] prepared behalf of Cogent Land LLP states that:</p> <p><i>"Cogent were not made aware of the need to relocate the HRDF, nor the alternative locations which is currently proposed, despite this potentially having a significant impact on Manston Green."</i></p> <p>And that:</p>

ExQ4	Question to:	Question:
		<p><i>"It is most disappointing that the Applicant has not brought this to our attention during our discussion as it could severely impact the future development of Manston Green."</i></p> <p>viii. Explain why Cogent Land LLP were not made aware of the potential effect of proposals for the relocation of the HRDF.</p> <p>ix. Given all the above, show why the ExA should not consider that the issues related to the HRDF to constitute a potential risk or impediment to implementation of the scheme that has not been properly managed.</p>
CA.4.22	The Applicant	<p>Statutory Undertakers – BT Group plc</p> <p>The Applicant's Response to CA.3.13(iv) [REP7a-002] states that:</p> <p><i>"Despite numerous attempts to engage with BT since February 2018, there has been no substantive response to the Applicant's correspondence to date. BT is yet to provide any comments on the draft SoCG. A copy of the latest draft was supplied to the Examining Authority at Deadline 4 (REP4-011). The Compulsory Acquisition Status Report demonstrates ongoing attempts made by the Applicant to engage with BT. The Applicant is committed to continuing engaging with BT. However, in the absence of a response from BT and agreement being reached, the Protective Provisions in Schedule 9 of the DCO (APP-006) will apply."</i></p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 8 on 14 June 2019 [REP8-008] shows, in respect to BT Group plc that no agreement had been</p>

ExQ4	Question to:	Question:
		<p>reached less than four weeks before the close of the Examination and that the Applicant will continue to contact this party to seek to advance voluntary negotiations. The Applicant is reminded that Section 127(5) of the PA2008 places restrictions on the Compulsory Acquisition of rights over statutory undertakers' land where new rights over that land are created. If the circumstances in that subsection apply the Secretary of State will need to be satisfied that the rights can be purchased without any serious detriment to the carrying on of the undertaking.</p> <ul style="list-style-type: none"> i. Provide a further report on progress; and either ii. provide a joint statement that agreement has been reached; or iii. state definitively whether agreement will or will not be reached before the close of the Examination.
CA.4.23	The Applicant Network Rail Infrastructure	<p>Statutory Undertakers - Network Rail Infrastructure</p> <p>The Applicant's Response to CA.3.12 [REP7a-002] states that:</p> <p><i>"In order to reach agreement with Network Rail, the Applicant is willing to discuss the terms of a side agreement pursuant to which the application of Network Rail's standard protective provisions is to be modified – Network Rail have agreed to modify their standard protective provisions for which the Applicant is grateful. The Applicant is currently reviewing Network Rail's proposed protective provisions which were received on 23 May 2019."</i></p> <p>And that:</p>

ExQ4	Question to:	Question:
		<p><i>"As noted in its response to the examining authority's second written questions (REP6-012) the Applicant remains willing to discuss the terms of appropriate protective provisions with Network Rail and remains hopeful that an agreement can be concluded in time for the close of the examination."</i></p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 8 on 14 June 2019 [REP8-008] shows, in respect to Network Rail Infrastructure that no agreement had been reached less than four weeks before the close of the Examination and that the Applicant will continue to contact this party to seek to advance voluntary negotiations.</p> <p>The Applicant is reminded that Section 127(5) of the PA2008 places restrictions on the Compulsory Acquisition of rights over statutory undertakers' land where new rights over that land are created. If the circumstances in that subsection apply the Secretary of State will need to be satisfied that the rights can be purchased without any serious detriment to the carrying on of the undertaking.</p> <ul style="list-style-type: none"> i. Provide a further report on progress; and either ii. provide a joint statement that agreement has been reached; or iii. state definitively whether agreement will or will not be reached before the close of the Examination.
CA.4.24	The Applicant South Eastern Power Networks plc	<p>Statutory Undertakers - South Eastern Power Networks plc</p> <p>The Applicant's Response to CA.3.13(iv) [REP7a-002] states that:</p>

ExQ4	Question to:	Question:
		<p><i>"The Applicant anticipates that an agreement with SEPN will be completed by the close of the examination, enabling SEPN to withdraw from further participation in the examination (it has not made a representation)."</i></p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 8 on 14 June 2019 [REP8-008] shows, in respect to South Eastern Power Networks plc that no agreement had been reached less than four weeks before the close of the Examination and that the Applicant will continue to contact this party to seek to advance voluntary negotiations.</p> <p>The Applicant is reminded that Section 127(5) of the PA2008 places restrictions on the compulsory acquisition of rights over statutory undertakers' land where new rights over that land are created. If the circumstances in that subsection apply the Secretary of State will need to be satisfied that the rights can be purchased without any serious detriment to the carrying on of the undertaking.</p> <ul style="list-style-type: none"> i. Provide a further report on progress; and either ii. provide a joint statement that agreement has been reached; or iii. state definitively whether agreement will or will not be reached before the close of the Examination.
CA.4.25	The Applicant Southern Gas Networks plc	<p>Statutory Undertakers - Southern Gas Networks plc</p> <p>The Applicant's Response to CA.3.14(iv) [REP7a-002] states that:</p> <p><i>"the Applicant anticipates that an agreement with SGN will be completed by the close of the examination, if not sooner, enabling SGN to withdraw its representation."</i></p>

ExQ4	Question to:	Question:
		<p>Southern Gas Network's Response to CA.3.10 and CA.3.14 [REP7a-043] states that:</p> <p><i>"the further statement of common ground will be issued once the side agreement has been completed and the bespoke protective provisions secured; and it expects to be in a position to have completed an agreement and withdraw its representation in advance of 9 July 2018. SGN is hopeful that this can be achieved by Deadline 8"</i></p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 8 on 14 June 2019 [REP8-008] shows, in respect to Southern Gas Networks plc that no agreement had been reached less than four weeks before the close of the Examination and that the Applicant will continue to contact this party to seek to advance voluntary negotiations.</p> <p>The Applicant is reminded that Section 127(5) of the PA2008 places restrictions on the compulsory acquisition of rights over statutory undertakers' land where new rights over that land are created. If the circumstances in that subsection apply the Secretary of State will need to be satisfied that the rights can be purchased without any serious detriment to the carrying on of the undertaking.</p> <ul style="list-style-type: none"> i. Provide a further report on progress; and either ii. provide a joint statement that agreement has been reached; or iii. state definitively whether agreement will or will not be reached before the close of the Examination.
DCO.4	Draft Development Consent Order (DCO)	

ExQ4	Question to:	Question:
DCO.4.1	All Parties to note	<p>The ExA issued its second dDCO at Deadline 8 on 14 June 2019 [PD-018].</p> <p>This document contained five tables as follows:</p> <ul style="list-style-type: none"> v. TABLE 1: Table of Changes Proposed by the Applicant and other Interested Parties subsequent to the publication of the ExA's initial dDCO and which the ExA is minded to recommend to the Secretary of State vi. TABLE 2: Table of Changes Proposed by the ExA subsequent to publication of the ExA's initial dDCO on which comments are requested by the ExA vii. TABLE 3: Table of Changes Proposed by the Applicant on which comments are requested by the ExA viii. TABLE 4: Table of Changes Proposed by the other parties on which comments are requested by the ExA ix. TABLE 5: Table of provisions in the dDCO which will be subject of further examination in the ExA's Fourth Written Questions to be issued on 21 June 2019 <p>Tables 2, 3 and 4 contained specific proposed amendments to the provisions in the dDCO on which comments are requested by Deadline 9 on 28 June 2019. In addition, the ExA welcome comments on the changes set out in Table 1.</p> <p>All Parties should note that, with one exception (New R 19c) the proposed amendments set out in these tables are not repeated in the set of ExA's fourth questions on the dDCO set out below. Instead, responses to these should be made in any comments made on the second draft ExA's DCO.</p>

ExQ4	Question to:	Question:
		The points listed in the table of provisions in the dDCO which will be subject of further examination in the ExA's Fourth Written Questions (TABLE 5) do form the subject of questions in this or in other sections of the ExA's Fourth Written Questions.
DCO.4.2	The Applicant	<p>Article 2 – definition of 'airport related'</p> <p>The definition of airport related proposed by the Applicant is:</p> <p><i>“‘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;”</i></p> <p>i. Show where all these activities have been assessed in the ES.</p> <p>At Deadline 7 [REP7-016], TDC commented on the above definition in relation to the Guidance on Associated Development and, in the light of this, suggested its own alternative definition of “airport related”:</p> <p><i>“‘airport-related’ development means development which can demonstrate both a direct relationship to operations at Manston Airport and a requirement to be located at Manston Airport in order to support those operations including, but not limited to, offices for support functions and freight forwarders, freight distribution centres, flight catering, car hire activities, maintenance and valeting operations, support functions</i></p>

ExQ4	Question to:	Question:
		<p><i>for aircraft maintenance, airline training centres, airline computer centres, security facilities, business aviation facilities and storage facilities for airlines".</i></p> <p>ii. Comment on this alternative definition.</p>
DCO.4.3	The Applicant	<p>Article 2 – Interpretation, Requirement 19 – Airport-related commercial facilities and Schedule 1 – Authorised Development</p> <p>The ExA has put some further questions related to “<i>associated development</i>” in its questions on Compulsory Acquisition, below.</p> <p>In its Written Summary of Stone Hill Park Ltd’s Oral Submissions put at the Second Draft Development Consent Order (“DCO”) Hearing Held on 7 June 2019 [REP8-034] SHP suggest that:</p> <p><i>“Works No. 2 (8 light and business aircraft hangars and associated fixed base operator terminal) and Works Nos 10 & 11 (comprising 7 Code C stands relating to proposed recycling and passenger operations, as explained in the Environmental Statement [APP-033]) clearly do not increase the capability of the airport to provide air cargo facilities.”</i></p> <p>Comment.</p>
DCO.4.4	KCC	<p>Article 2 (1) – ‘associated development’</p> <p>In your submission at AS-124 published on 5 June 2019 you state that:</p> <p><i>“KCC would like to reiterate here that there is currently associated highway mitigation that is proposed by the applicant, which should constitute associated development.”</i></p>

ExQ4	Question to:	Question:
		Is KCC suggesting changes to the definition of 'associated development'? If so, what?
DCO.4.5	The Applicant TDC	<p>Article 2 – definition of 'maintain'</p> <p>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:</p> <p><i>"The definition of "maintain" as set out in Article 2 is too broad and could allow significant future development without sufficient planning controls."</i></p> <p>At the DCO ISH [EV-029] the Applicant and TDC agreed to seek to propose a mutually satisfactory form of words and in the Summary of Applicant's Case put Orally – Draft Development Consent Order hearing and associated appendices [REP8-016], the Applicant states that:</p> <p>"The Applicant has agreed with TDC as to its preferred definition of maintain."</p> <p>This definition is set out in TDC's Comments following Issue Specific Hearings for Deadline 8 submission [REP8-029] as being:</p> <p><i>"“maintain” in relation to the authorised development includes to inspect, repair, adjust, alter, remove, refurbish, replace, improve or reconstruct to the extent assessed in the environmental statement and any derivative of "maintain" is to be construed accordingly."</i></p> <p>The ExA requests comments on this revised definition from all Interested Parties.</p>

ExQ4	Question to:	Question:
DCO.4.6	The Applicant KCC	<p>Article 3(b) – Principal powers</p> <p>The ExA wishes to examine further the phrase in this Article: <i>“land within, adjoining or sharing a common boundary with or adjacent to the Order limits”</i>.</p> <p>To the Applicant</p> <p>i. Explain why a power to carry on activities outside the Order Limits is considered to be necessary.</p> <p>To KCC</p> <p>In your submission published on 5 June 2019 [AS-124] you state that:</p> <p><i>“There is adopted Highway Land that immediately abuts the site and as such KCC would need to ensure that this order does not prevent the County Council from undertaking any maintenance/upgrades or changes to the highway in the future, and, if necessary, any new routes that KCC wishes to promote.”</i></p> <p>and that:</p> <p><i>“In order to carry out full due diligence, KCC officers will check the enactments that apply in respect of any other adjacent land in which KCC has an interest that will be affected and will update the Examining Authority accordingly.”</i></p> <p>ii. Have KCC officers checked the enactments that apply in respect of any other adjacent land in which KCC has an interest that will be affected?</p>

ExQ4	Question to:	Question:
		<p>iii. Is KCC suggesting any changes to the wording of this Article? If so, what?</p>
DCO.4.7	The Applicant	<p>Article 6 - Limits of deviation</p> <p>Article 6(1)(b) of Article 6 states that:</p> <p><i>"In carrying out the authorised development the undertaker may deviate vertically downwards from the levels of the authorised development shown on the engineering drawings and sections to any extent except that any deviation to a point below existing ground level must be approved in writing by the relevant planning authority ..."</i></p> <p>Explain the circumstances under which this Article would be applicable.</p>
DCO.4.8	The Applicant Historic England KCC	<p>Article 6 - Limits of deviation and Requirement 3(1) and (3)</p> <p>In its Response to the Examining Authority's Second Written Questions by the Historic Buildings and Monuments Commission for England (Historic England) [REP6-042], Historic England proposed revised wording to Article 6 and to Requirement 3(1) and (3).</p> <p>The Applicant proposed an alternate form of words in its submission [REP7a-017].</p> <p>At the ISH on the dDCO held on 7 June 2019 [EV-029] the ExA requested the Applicant and Historic England to seek to agree a mutually acceptable form of words to address the concerns of Historic England.</p>

ExQ4	Question to:	Question:
		<p>In paragraph 2.4 of its Summary of submissions made during the Issue Specific Hearings by the Historic Buildings and Monuments Commission for England (Historic England) [REP8-026] Historic England state that:</p> <p><i>"... we have not yet agreed an alternative wording; however we have suggested to the applicant that our concept of Heritage Constraints Areas could be moved from the Articles to the Requirements if that is more acceptable to them."</i></p> <p>The ExA note, further, that in paragraph 2.8, Historic England considers that the suggestion made by KCC in relation to Requirement 16 goes some way to addressing our concern (ExA Agenda for ISH8 s.8 d [EV-023]) but that:</p> <p><i>"this provision is not wholly adequate for our purpose in that it only makes provision for the protection of buried archaeological remains and not for historic buildings and their settings, and historic landscape character. In addition, we think it inappropriate that a provision for the avoidance of harm should be in Requirement 16, which relates to the mitigation of impacts through excavation and recording; in our view it should be covered in Requirement 3 as provision for avoidance of harm prior to approval of a masterplan."</i></p> <p>The ExA notes that the Summary of Applicant's Case put Orally – Draft Development Consent Order hearing and associated appendices [REP8-016] states that:</p> <p><i>"The Applicant and Historic England are currently in discussions and attempting to agree the wording of Requirement 3 and Requirement 6 of the DCO. The remaining issues are that Historic England wishes to approve any detailed design of the northern grass area due to its potential impact on archaeological finds; and that more protection should be given to non-designated heritage assets."</i></p>

ExQ4	Question to:	Question:
		<p><i>The Applicant has also tried to engage with Kent City Council and attempted to agree the wording of Requirement 3 of the DCO. KCC has not responded to emails dated 23.05.19 and 12.06.19."</i></p> <ul style="list-style-type: none"> i. The ExA continue to request that the Applicant and Historic England submit a mutual acceptable form of words in their responses to the draft ExA's second dDCO. ii. Given KCC's submissions on this Article and Requirement published on 5 June 2019 [AS-124], the Applicant is urged to continue to seek to involve KCC in any discussions on this.
DCO.4.9	The Applicant KCC	<p>Article 12 – Temporary stopping up and restriction of use of streets</p> <p>KCC's submission published on 5 June 2019 [AS-124] states with reference to sub-paragraph (6) - and also referring to the same provision in Articles 15, 16 and 17 - that:</p> <p><i>"the approach is entirely unsatisfactory. There might be an unavoidable delay – for instance, due internal consultation required within KCC and a requirement to take decisions in compliance with delegated authority and sign off procedures within the authority. 28 days is therefore not considered to be a reasonable time period."</i></p> <p>and that:</p> <p><i>"KCC requires the power to refuse to undertake the works for which approval is sought, if there is a conflict with other planned works in the vicinity for example. Article 12(6) and the [other] provisions quoted immediately preceding this paragraph are not acceptable to KCC."</i></p>

ExQ4	Question to:	Question:
		<p>i. Has there been any further negotiation on this issue?</p> <p>ii. If not, state where areas of disagreement exist and suggest alternative wording to overcome these.</p>
DCO.4.10	The Applicant KCC	<p>Article 12 - Temporary stopping up and restriction of use of streets</p> <p>In its response to ExA question DCO.1.2 [REP3-139], KCC states that:</p> <p><i>"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."</i></p> <p>In its response to DCO.2.22 [REP6-012], the Applicant contended that this Article should remain unchanged.</p> <p>i. Have discussions taken place on the draft wording?</p> <p>ii. If not, state where any areas of disagreement exist and suggest alternative wording to overcome these.</p>
DCO.4.11	The Applicant SHP	<p>Article 18 - Authority to survey and investigate the land</p> <p>In the Written Summary of SHP's Oral Submissions put at the Compulsory Acquisition Hearing held on 20 March 2019, submitted at DL5 on 29 March [REP5-] SHP state at paragraph 7.3, with reference to Article 18 (Authority to survey and investigate the land) that:</p> <p><i>"...the wide powers sought by the Applicant to survey and investigate land are inappropriate and are likely to have a blighting impact on land held by SHP."</i></p>

ExQ4	Question to:	Question:
		<p>In its Written Summary of Stone Hill Park Ltd's Oral Submissions put at the Second Draft Development Consent Order ("DCO") Hearing Held on 7 June 2019 [REP8-034] SHP state that:</p> <p><i>"the following minor amendments to Article 18 would need to be incorporated in the DCO submitted by the ExA;</i></p> <p><i>Paragraph (1) amended to;</i></p> <p><i>"(1) Subject to paragraph (8), the undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised development and—"</i></p> <p><i>The inclusion of a new Paragraph (8);</i></p> <p><i>"(8) paragraph (1) does not apply to SHP Land without the consent of the owner of the SHP Land, but such consent must not be unreasonably withheld or delayed."</i></p> <p><i>Note: "SHP Land" to be defined as the freehold land comprising Title Numbers K803975, K837264, K891199, K806190, K873633, K873634 and K743314."</i></p> <p>Comment on this suggested amendment.</p>
DCO.4.12	The Applicant	<p>Article 19 – Compulsory acquisition of land</p> <p>The ExA note that at the ISH into the dDCO held on 7 June 2019 [EV-029], the Applicant withdrew its proposal to include sub-paragraphs to Article 19 which would have the effect of introducing a variation of the 'Crichel Down' rules into the dDCO. Notwithstanding this withdrawal, the ExA wish to examine this proposal further.</p>

ExQ4	Question to:	Question:
		<p>In the Written Summary of Stone Hill Park Ltd's Oral Submissions put at the Second Draft Development Consent Order ("DCO") Hearing held on 7 June 2019 [REP8-034] SHP have suggested the following wording:</p> <p><i>"(3) The undertaker, and its successors, must covenant with SHP only to use the SHP Land for the purposes of the Authorised Development and/or uses that do not extend beyond the type of development permitted by the Order. The undertaker must not dispose of any interest in the SHP Land unless the successor has entered into a direct covenant with the current owner of the SHP Land (which includes an obligation to require its successors to provide a similar covenant on any disposal).</i></p> <p><i>(4) A restriction is to be registered on the title to the land stating that no dispositions of the SHP Land (or any part) can be registered without the successor entering into a direct covenant with SHP.</i></p> <p><i>(5) The undertaker must offer back the SHP Land to the owner of the SHP Land at the price paid for the land where the Applicant has not commenced the Authorised Development prior to the expiration of 2 years beginning with the date that this Order comes into force;</i></p> <p><i>(6) The undertaker must offer back the SHP Land to the owner of the SHP Land at the price paid for the land where the Applicant has not commenced operation of the Authorised Development (including the operation of commercial air transport movements) prior to the expiration of [6] years beginning with the date that this Order comes into force;</i></p> <p><i>(7) Should the undertaker, or its successor, wish to dispose of any of the SHP Land where the Authorised Development set out in Schedule 1 has not yet commenced on</i></p>

ExQ4	Question to:	Question:
		<p><i>the relevant land, the undertaker must first offer the land back to SHP at current market value. This provision does not apply to any disposals of land to statutory bodies required to facilitate the construction or operation of the Authorised Development."</i></p> <p><i>Note: "SHP Land" to be defined within the DCO as the freehold land comprising Title Numbers K803975, K837264, K891199, K806190, K873633, K873634 and K743314."</i></p> <p>Comment in general and in detail on the applicability and efficacy of this suggested wording.</p>
DCO.4.13	All Affected Persons	<p>Article 21 - Time limit for exercise of authority to acquire land compulsorily</p> <p>As stated in Summary of Applicant's Case put Orally – Draft Development Consent Order hearing and associated appendices [REP8-016] at the DCO ISH [EV-029], the Applicant proposed that Article 21 should be further amended to make it clear that the 1 year period only starts to run from the expiry of the challenge period, or final determination of any challenge to the DCO. The reason for this is to avoid the situation where a legal challenge against the future grant of the DCO frustrates the project.</p> <p>The Applicant suggested the following amendments:</p> <p>In Article 21(1) substitute '<i>the start date</i>' for '<i>end of the period of 1 calendar year beginning on the day on which the Order is made</i>'</p> <p>Add new Article 21(3):</p> <p><i>'For the purposes of this article 'the start date' means the later of:</i></p>

ExQ4	Question to:	Question:
		<p><i>(a) the end of the period of one calendar year beginning on the day after the period for legal challenge in s.118 of the Planning Act 2008 expires; or</i></p> <p><i>(b) the final determination of any legal challenge under s.118 of the Planning Act”.</i></p> <p>Affected Persons are requested to comment on the Applicant’s proposed change.</p>
DCO.4.14	The Applicant	<p>Article 26 - Application of the Compulsory Purchase (Vesting Declarations) Act 1981</p> <p>The ExA notes that, following the consideration of this Article at the DCO ISH [EV-029] the Applicant and SHP have summarised their respective positions on this issue in and in the Written Summary of Stone Hill Park Ltd’s Oral Submissions put at the Second Draft Development Consent Order (“DCO”) Hearing held on 7 June 2019 [REP8-034].</p> <p>In paragraph 4.23 of its Written Summary of Stone Hill Park Ltd’s Oral Submissions put at the Second Draft Development Consent Order (“DCO”) Hearing held on 7 June 2019 [REP8-034] SHP have proposed that the following new paragraph (1) would need to be included within Article 26 of the DCO the ExA is required to submit to the Secretary of State:</p> <p><i>“(1) This Article 26 shall not apply to the SHP Land”</i></p> <p><i>“SHP Land” is to be defined as the freehold land comprising Title Numbers K803975, K837264, K891199, K806190, K873633, K873634 and K743314”</i></p> <p>Comment on this suggested addition.</p>

ExQ4	Question to:	Question:
DCO.4.15	The Applicant	<p>Article 29 - Temporary use of land for carrying out the authorised development</p> <p>For the reasons given in paragraph 4.24, in paragraph 4.25 of its Written Summary of Stone Hill Park Ltd's Oral Submissions put at the Second Draft Development Consent Order ("DCO") Hearing held on 7 June 2019 [REP8-034] SHP have proposed that the following new paragraph (1) would need to be included within Article 29 of the DCO the ExA are required to submit to the Secretary of State:</p> <p><i>"(1) This Article 29 shall not apply to the SHP Land"</i></p> <p><i>"SHP Land" is to be defined as the freehold land comprising Title Numbers K803975, K837264, K891199, K806190, K873633, K873634 and K743314."</i></p> <p>Comment on this suggested addition.</p>
DCO.4.16	KCC	<p>Article 37 - Removal of human remains</p> <p>KCC's submission published on 5 June 2019 [AS-124] states that:</p> <p><i>"This article covers a process dealing with human remains that may be of more recent date - in the context of the airfield, those as a result of war time casualties. There is a known potential for human remains of Roman date on the site and potential for remains of prehistoric and Saxon date on the site. Such remains are of archaeological interest and would be identified, investigated, removed and studied under the provisions of the archaeological written scheme of investigation. Article 37 should make provision for archaeological matters relating to human remains where this is appropriate".</i></p>

ExQ4	Question to:	Question:
		Can you suggest a form of words that achieves this whilst not changing other legal requirements in respect of the discovery of human remains?
DCO.4.17	The Applicant TDC All Interested Parties	<p>Requirement 4(2) – Detailed design</p> <p>The ExA’s second dDCO proposed to delete:</p> <p><i>“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.”</i></p> <p>and to amend the wording to read:</p> <p><i>“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”</i></p> <p>Following consideration of the Applicant’s oral submissions at the DCO ISH held on 7 June 2019 [EV-023] and in the Summary of Applicant's Case put Orally – Draft Development Consent Order hearing and associated appendices [REP8-016] the ExA are minded, subject to considering any further submissions on this issue, not to proceed with this proposed amendment.</p>
DCO.4.18	The Applicant All Interested Parties	<p>Requirement 7(2)(b) - Operation environmental management plan</p> <p>In its Comments following Issue Specific Hearings for Deadline 8 submission [REP8-029] TDC state that:</p>

ExQ4	Question to:	Question:
		<p><i>"Thanet District Council (TDC) has agreed the following amendments to the wording of Requirement 7(2)(b), with a new item added at xiv) to read:</i></p> <p><i>"The Lighting Strategy – to be substantially in the form to meet requirements set out in the Draft Lighting Strategy"</i></p> <p><i>The Draft Lighting Strategy should also be included in Schedule 10 as a certified document."</i></p> <p>Subject to the ExA's consideration of any further submissions made in response to this question, the ExA states that it is minded to recommend the Applicant's and TDC's revised wording to the Secretary of State.</p>
DCO.4.19	<p>The Applicant</p> <p>All Interested Parties</p>	<p>New Requirement 10(3) - Landscaping</p> <p>First, the ExA notes that in its Comments following Issue Specific Hearings for Deadline 8 submission [REP8-029] TDC state that:</p> <p><i>"TDC will comment on the Draft Landscaping Plan to be submitted at Deadline 8 by the applicant, to ensure that our previous comments regarding the landscaping along eastern boundary of the site have been taken into account."</i></p> <p>The ExA note that the Applicant has provided two landscape plans at Appendix 1 to Summary of Applicant's Case put Orally - Landscape, Design, Archeology and Heritage hearing and associated appendices [REP-014]</p> <p>TDC goes on to state that:</p> <p><i>"In addition to this, TDC agrees to the inclusion of a new part to Requirement 10, at 10(3), to read:</i></p>

ExQ4	Question to:	Question:
		<p><i>"A landscaping scheme referred to in sub-paragraph (1) must be substantially in the form of the [draft landscaping plan]."</i></p> <p><i>The Draft Landscaping Plan should also be included in Schedule 10 as a certified document."</i></p> <p>Subject to the ExA's consideration of any further submissions made in response to this question, the ExA states that it is minded to recommend the Applicant's and TDC's revised wording to the Secretary of State.</p>
DCO.4.20	<p>The Applicant</p> <p>All Interested Parties</p>	<p>Requirement 13(3)</p> <p>In its initial dDCO [PD-015], the ExA proposed an additional subparagraph - Requirement 13(3) - which stated that:</p> <p><i>"No part of the authorised development is to commence until the construction of the entire surface and foul water drainage system is completed."</i></p> <p>In its revised dDCO submitted at Deadline 7a [REP7a-017] the Applicant proposed modifying this provision to substitute "<i>begin operation</i>" for "<i>commence</i>" and add "<i>for that part</i>", thus:</p> <p><i>"(3) No part of the authorised development is to begin operation until the construction of the entire surface and foul water drainage for that part is completed."</i></p> <p>The ExA has considered the oral submissions made on this issue at the DCO ISH [EV-023] and the submission made in the Applicant's summary of oral evidence given at the DCO Hearing [REP8-016].</p>

ExQ4	Question to:	Question:
		Subject to the ExA's consideration of any further submissions made in response to the ExA's second dDCO or to this question, the ExA states that it is minded to recommend the Applicant's revised wording to the Secretary of State.
DCO.4.21	The Applicant TDC	<p>Requirement 17 - Amendments to approved details</p> <p>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:</p> <p><i>"To avoid confusion, Requirement 17 should also be amended by adding the underlined text (or wording to a similar effect) below.</i></p> <p><i>"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 <u>where such amendments are permitted elsewhere in this Order.</u>"</i></p> <p>To TDC</p> <p>i. Explain the reason for suggesting this amendment.</p> <p>To the Applicant</p> <p>ii. Comment on the proposed change.</p>
DCO.4.22	The Applicant	New Requirement 19c

ExQ4	Question to:	Question:
	All Interested Parties	<p>In its second dDCO [PD-018] issued on 14 June 2019, the ExA proposed a new Requirement 19c:</p> <p><i>"No passenger air transport departures can take place between the hours of 09.00 and 12.00 and no passenger air transport arrivals can take place between the hours of 07.00 and 08.00."</i></p> <p>With the stated reason for this being that:</p> <p><i>"In order to ensure that vehicle movements associated with passenger arrivals and departures do not impact on the am peak period. This is considered necessary as the original Transport Assessment [APP-61] and the revised Transport Assessment [REP5-021] do not model any vehicle movements associated with passenger flight departures or arrivals in the am peak period."</i></p> <p>The ExA notes that, in the Revised Noise Management Plan [REP8-004] submitted at Deadline 8, the Applicant has proposed additional wording at paragraph 1.6 which states that:</p> <p><i>"In order to minimise the effects of traffic during the am peak hour, there will be no passenger flight departures between the hours of 09.00 and 11.30".</i></p> <p>and Para 2.13 of the summary of oral submissions made at the Traffic and Transport ISH 9 [REP8-017] states that one passenger flight will be permitted at 11.30 and one at 11.45.</p> <p>The ExA is seeking comment on these proposals in its questions on Transport, below.</p>

ExQ4	Question to:	Question:
DCO.4.23	The Applicant TDC	<p>Part 2 - Procedure for discharge of requirements</p> <p>First, the ExA notes that in its Comments following Issue Specific Hearings for Deadline 8 submission [REP8-029] TDC state that:</p> <p><i>"TDC agrees with the revised position of the applicant that Thanet District Council should be the discharging body for the various requirements, with the Secretary of State remaining at Articles 8, 9 and 37 of the Draft DCO."</i></p> <p>Part 2 of the dDCO sets out the procedure for the discharge of requirements including in Requirement 21.(1) time periods for serving notices and at 21.(2) provisions in respect to non-determination. These provisions were drafted before it was proposed that <i>"the relevant planning authority"</i> be substituted for <i>"Secretary of State"</i>.</p> <p>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:</p> <p><i>"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."</i></p> <ul style="list-style-type: none"> i. Have discussions taken place on the draft wording? ii. If not, state where any areas of disagreement exist and suggest alternative wording to overcome these.
DCO.4.24	The Applicant	Requirement 16 - Archaeological remains

ExQ4	Question to:	Question:
	KCC	<p>KCC have proposed additional wording in its response to DCO.2.42 [REP6-045] to cover evaluation and preservation in situ, as follows:</p> <p><i>"(1) Prior to the submission of details of the final design, parameters and quantum of development in:</i></p> <ul style="list-style-type: none"> <i>• The area of development proposed north of Manston Road known as the North Grass Area;</i> <i>• The location of the helicopter facility in the south east of the site</i> <i>• 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;</i> <p><i>and</i></p> <ul style="list-style-type: none"> <i>• The area proposed for a contractor's compound and later car parking;</i> <p><i>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.</i></p> <p><i>(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."</i></p> <p>KCC adds that:</p>

ExQ4	Question to:	Question:
		<p><i>"the areas listed above in sub paragraph (1) could be included on a drawing that is referenced in the requirement."</i></p> <p>In its response to DCO.2.43, KCC stated that the draft wording provided in DCO.2.42 above has not yet been agreed with the Applicant.</p> <ul style="list-style-type: none"> i. Has agreement been reached on the draft wording? ii. If not, state where any areas of disagreement exist and suggest alternative wording to overcome these.
DCO.4.25	The Applicant Defence Infrastructure Organisation	<p>Possible New Requirement - High Resolution Direction Finder (HRDF)</p> <p>Parties should note that there is a series of questions on the High Resolution Direction Finder (HRDF) in questions on Compulsory Acquisition (CA), above, and at OP.4.8.</p> <p>The ExA is considering whether there should be a new Requirement securing that no Works within the safeguarded area shown in the Ministry of Defence (RAF Manston) Technical Site Direction 2017 [REP7a-025] shall commence until the Ministry of Defence confirm in writing to the relevant planning authority that the High Resolution Direction Finder (HRDF) has been relocated from its position within the Order Limits and is fully operational to the satisfaction of the Ministry of Defence following, if required by the Ministry of Defence, a period of dual operation of the existing and the relocated HRDF.</p> <p>Comment.</p>
NE.4	Natural Environment	

ExQ4	Question to:	Question:
NE.4.1	The Applicant	Water Framework Directive Provide confirmation of any agreement with the Environment Agency regarding the conclusions of the Water Framework Directive assessment provided as Appendix 8.3 of the Environmental Statement [APP-048].
F.4	Funding	
F.4.1	The Applicant	Article 9 - Guarantees in respect of payment of compensation, etc. The ExA note that the following costs are set out in the further (Deadline 7a) Revised Funding Statement [REP7a-006]: <ul style="list-style-type: none"> • compensation for compulsory acquisition is calculated, as no more than £7.5 million (paragraph 18). • Noise Mitigation Plan (paragraph 20). <ul style="list-style-type: none"> ○ Implementation of insulation policy and Part I claims: £2.75m (up to 275 properties at £10,000 each); and ○ Implementation of relocation policy: £1.6m (up to eight properties). • Blight costs £500,000 (para 28). This totals £12.35m with the sum guaranteed in Article 9 being £13.1m.

ExQ4	Question to:	Question:
		<p>The ExA notes that this does not allow for a 10 per cent contingency (as used in your business model) and that the sum to be secured has risen from £7.5m to £13.1m over the course of the Examination.</p> <p>Given this, do you consider that the sum secured in Article 9 is adequate?</p>
F.4.2	The Applicant	<p>Article 9 - Guarantees in respect of payment of compensation, etc.</p> <p>The ExA have consulted through its second draft ExA's DCO [PD-018] on a suggested new Requirement 9b stating that:</p> <p><i>"Residential properties with habitable rooms within the 60dB LAeq (16 hour) day time contour will be eligible for noise insulation and ventilation detailed in Noise Mitigation Plan."</i></p> <p>The Applicant states in paragraph 2.28 of its Summary of Applicant's Case put Orally at the Biodiversity and Habitats Regulations Assessments hearing and associated appendices [REP8-015] that:</p> <p><i>"The Applicant acknowledged that the Aviation 2050 consultation paper considers whether mitigation in the form of noise insulation and ventilation at 60dB may be appropriate. Nonetheless it was emphasised that a 60dB threshold is not current policy and may not be implemented. It is not for the Applicant or the examination process to pre-empt the outcomes of the current consultation process and, as such, in applying the 63dB threshold the Applicant has therefore correctly reflected current Government policy".</i></p>

ExQ4	Question to:	Question:
		<p>The Applicant states in the Technical note: Manston Airport: Financial Effects of adopting the 60dB Daytime SOAEL Contour as Qualification for Noise Insulation and Ventilation [REP8-015] that:</p> <p><i>"Should the 60dB daytime contour be adopted as the level at which noise insulation and ventilation is provided to affected properties a total of 833 properties would qualify under the Noise Mitigation Plan (NMP) [APP-009]. In this scenario the total cost of noise insulation and ventilation would be £8,330,000."</i></p> <p>Given that the Government is consulting on this change as a Government proposal, state why it would not be prudent to secure the sum of £8.33m in Article 9 instead of the sum of £2.75m.</p>
F.4.3	The Applicant	<p>Article 9 - Guarantees in respect of payment of compensation, etc.</p> <p>Paragraph 2.8 of the Revised Noise Management Plan [REP8-004] states that:</p> <p><i>"Any property experiencing permanent noise effects as a result of road traffic noise from the operation of the proposed development will also be offered noise insulation in the event that noise levels exceed 63dB LAeq and the contribution from the development is greater than 3dB."</i></p> <ul style="list-style-type: none"> i. Show where this commitment is costed; or ii. provide an estimated cost for this commitment; and iii. state why it would not be prudent to secure this sum in Article 9.
F.4.4	The Applicant	<p>Article 9 - Guarantees in respect of payment of compensation, etc.</p>

ExQ4	Question to:	Question:
		<p>Paragraph 2.10 of the Revised Noise Management Plan [REP8-004] states that:</p> <p><i>"In the case of permanently occupied moveable buildings such as caravans, an assessment will be carried out to establish the effectiveness of sound insulation. Although unlikely, should it prove impossible to achieve an appropriate level of acoustic performance as defined by BS 3632:2015, relocation will be considered in line with the provisions of Section 5 below."</i></p> <ul style="list-style-type: none"> i. Show where this commitment is costed; or ii. Provide an estimated cost for this commitment; and iii. state why it would not be prudent to secure this sum in Article 9.
F.4.5	SHP	<p>Article 9 - Guarantees in respect of payment of compensation, etc.</p> <p>The Examination has received a number of submissions on the estimate of the compensation for compulsory acquisition is calculated, as being no more than £7.5 million.</p> <p>It is not within the remit of the ExA to recommend setting a level at which compensation should be paid. However, the ExA does need to consider whether the sum secured through Article 9 is adequate.</p> <p>Paragraph 4.5 of Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011] states that:</p> <p><i>"Mr Smith noted that SHP's advisors had not at any point presented him with a value based on the Compensation Code, preferring instead to reference commercial negotiations that have been ongoing between the parties."</i></p>

ExQ4	Question to:	Question:
		<p>Either:</p> <ul style="list-style-type: none"> i. Indicate where your submissions do contain a value based on the Compensation Code; or ii. if possible, provide such an estimate.
F.4.6	Aldgate Developments	<p>Aldgate Developments</p> <p>Appendix 1 to of Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011] contains a letter from Niall Mollow, Director and Principal, Aldgate Developments dated 10 June 2019 to the Applicant stating that Aldgate Developments:</p> <p><i>"... intends to bring ... the £250m to fund the projected first phase of CAPEX works" and that "It is our intention to allow Rubicon Capital Advisors ... to undertake this fundraise to supplement Aldgate Development's own investment capital. Rubicon have already discussed the project with a range of leading infrastructure funds."</i></p> <ul style="list-style-type: none"> i. Confirm or otherwise whether this letter constitutes an undertaking to fund "the initial phase of the project, which will bring the airport back into use, estimated to cost about £186 million" (paragraph 17 of the revised Funding Statement [REP7a-006])? ii. Indicate any possible split between your own investment capital and funds gained from other potential investors.
F.4.7	The Applicant	Aldgate Developments

ExQ4	Question to:	Question:
		<p>Appendix 1 to Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011] contains a letter from Niall Mollow, Director and Principal, Aldgate Developments dated 10 June 2019 to the Applicant to stating that Aldgate Developments:</p> <p><i>"... intends to bring ... the £250m to fund the projected first phase of CAPEX works" and that "It is our intention to allow Rubicon Capital Advisors ... to undertake this fundraise to supplement Aldgate Development's own investment capital. Rubicon have already discussed the project with a range of leading infrastructure funds."</i></p> <ul style="list-style-type: none"> i. State whether any agreement has been reached with Aldgate Developments in respect to this intention. ii. Is Aldgate Developments one of the four additional funders indicated in your response to ExA question F.3.2? iii. State whether any agreement has been reached with Rubicon Capital Advisors in respect to fundraising for the Proposed Development. iv. On whose behalf is Rubicon Capital Advisers acting?
F.4.8	The Applicant	<p>HMRC</p> <p>Comment on the e-mail correspondence between SHP and HMRC appended after page 18 in the Written Summary of Stone Hill Park Ltd's Oral Submissions made at the Compulsory Acquisition Hearing held on 4 June 2019 [REP8-030].</p>
F.4.9	The Applicant	<p>Unencumbered funds</p>

ExQ4	Question to:	Question:
		<p>The letter from PWC referred to in the Revised Funding Statement [REP7a-006] states that there is a sum of £30 million unencumbered in two bank accounts.</p> <ul style="list-style-type: none"> i. If the Applicant was to acquire the land owned by SHP voluntarily on commercial terms, how is the ExA to be assured that the funds for the remaining elements of Compulsory Acquisition of land and/ or of rights, for funding the elements of the noise mitigation plan and for blight are likely to be available? ii. Have any of these funds been used as a loan to enable RiverOak Fuels Ltd to purchase the Jentex Site?
F.4.10	The Applicant	<p>Institutional investors</p> <p>Paragraph 16(h) of the Revised Funding Statement [REP7a-006] states that: <i>"RiverOak's directors have, between them, experience of multiple historical airport capital markets infrastructure financings, in the US and elsewhere with these institutional investors."</i></p> <ul style="list-style-type: none"> i. Outline the experience that RiverOak's directors have had with these institutional investors; ii. Is Aldgate Developments one of these institutional investors?
F.4.11	The Applicant	<p>Possible application for costs</p> <p>Has the Applicant set any money aside to take account of any possible requests for costs to be awarded against you?</p>

ExQ4	Question to:	Question:
F.4.12	The Applicant	<p>Draft s106 Agreement</p> <p>The Applicant has provided an updated s106 agreement at Deadline 8 [REP8-006]. The draft agreement states that:</p> <p><i>""Stage"" means a stage of the Project as defined by the Development Consent Order."</i></p> <p>The ExA note that 'stage' is not defined in the dDCO.</p> <p><i>""Commencement"" means the carrying out of a material operation as defined in section 155 of the 2008 Act comprised in the Project and the words "Commence" and "Commenced" and cognate expressions shall be construed accordingly."</i></p> <p>The ExA considers that it is not clear whether 'commence' and 'commencement' mean the same thing in the agreement as they do in the dDCO and note that 'construction period' is not defined in the dDCO.</p> <p><i>""Construction Period"" means the period between the Commencement Date and the date when the temporary powers in the Development Consent Order to enable the Project to be constructed have ceased"</i></p> <p>The ExA notes that 'construction period' is not defined in the dDCO.</p> <p>Either:</p> <ul style="list-style-type: none"> i. Justify having two sets of partial and overlapping definitions in two related documents; or ii. provide a common set of definitions to be used in both documents.

ExQ4	Question to:	Question:
F.4.13	The Applicant	<p>Draft s106 Agreement</p> <p>The Applicant has provided an updated s106 agreement at Deadline 8 [REP8-006]. The draft Agreement refers to a plan attached to the Deed with document no. NK018417-RPS-MSE-XX-DR-C-2200.</p> <p>Provide a copy of that plan.</p>
F.4.14	The Applicant	<p>Draft s106 Agreement</p> <p>The Applicant has provided an updated s106 agreement at Deadline 8 [REP8-006]. The draft agreement is between TDC, KCC and RiverOak Fuels Ltd.</p> <p>i. Why is the agreement with RiverOak Fuels Limited and not with RiverOak Strategic Partners, the Applicant?</p> <p>The text of the draft agreement (see, for example, Introduction, paragraphs 2. And 3.) refers to "RiverOak". 'RiverOak' is not defined.</p> <p>ii. Is RiverOak RiverOak Fuels Limited or RiverOak Strategic Partners?</p> <p>If "RiverOak" is 'RiverOak Strategic Partners', it does not appear as a party to the agreement. Paragraph 5.3 states that:</p> <p><i>"The parties agree that the development consent obligations contained in this Deed will not be enforceable against any other owner of any land interest in the Site who is not a party to this Deed nor against any successors in title to or permitted assigns or</i></p>

ExQ4	Question to:	Question:
		<p><i>any person claiming through or under such other owners (save for RiverOak) unless that person itself undertakes any part of the Project”.</i></p> <p>iii. Comment.</p> <p>iv. When do you anticipate the s106 will be signed and dated by all parties?</p>
F.4.15	The Applicant	<p>Draft s106 Agreement</p> <p>The Applicant has provided an updated s106 agreement at Deadline 8 [REP8-006].</p> <p>Section 6 states that:</p> <p><i>“RiverOak and its successors in title and those deriving title from them shall, upon disposing of the whole or any part of their respective interests in the Site, be released from all obligations in this Deed in relation to that interest or the relevant part thereof (as the case may be) but wjuithout prejudice to the rights of the parties in relation to any antecedent breach of those obligations.”</i></p> <p>Comment on the effect of this Section should the benefit of the DCO be transferred under Article 8 of the dDCO?</p>
F.4.16	The Applicant	<p>Draft s106 Agreement</p> <p>The Applicant has provided an updated s106 agreement at Deadline 8 [REP8-006].</p> <p>The ExA estimates that the draft s106 as submitted commits RiverOak Fuels Limited to initial contributions totalling a minimum of £6,090,500 and an annual payment of a minimum of £366,267.</p>

ExQ4	Question to:	Question:
		How and where have you assessed the effect of the s106 on the viability of the proposed scheme?
F.4.17	The Applicant	<p>Draft s106 Agreement</p> <p>The Applicant has provided an updated s106 agreement at Deadline 8 [REP8-006].</p> <p>In a number of Schedules, the draft Agreement would have the effect of not causing, permitting or allowing the Project to come into Operation unless the Initial Payment has been paid in full to the relevant Council.</p> <p>Explain why this agreement which constrains actions allowed in the DCO should it be consented, should not be secured in the dDCO.</p>
F.4.18	The Applicant	<p>Draft s106 Agreement</p> <p>Paragraph 9.4 of the Revised Noise Management Plan [REP8-004] states that:</p> <p><i>"... the Applicant will make an annual contribution of 1% of the annual budgets of each of the 7 schools that exceed are predicted to exceed the 50dB contour. This sum can be spent directly on noise mitigation or, if preferred by the affected schools on other educational materials or facilities."</i></p> <p>The ExA notes that the Seventh Schedule of the draft s106 agreement submitted at Deadline 8 [REP8-006] states that:</p> <p><i>"'Schools Contribution' means an annual payment of £139,000.00 (in total) to be paid to the Schools for the Schools Contribution Purposes."</i></p> <p>and that:</p>

ExQ4	Question to:	Question:
		<p><i>"Schools Contribution Purposes means the provision of noise insulation measures at the Schools to ameliorate the noise impact of the operation of Manston Airport and any other measures deemed necessary to benefit the pupils of the Schools against the impact of the operation of Manston Airport."</i></p> <ul style="list-style-type: none"> i. Show evidence that £139,000 is 1% of the annual budgets of the seven schools listed in the Seventh Schedule. ii. Given that this sum is designed to mitigate the impact of the Proposed Development, state why this mitigation should not be secured in the dDCO.
F.4.19	The Applicant	<p>Draft s106 Agreement</p> <p>The ExA notes that the Tenth Schedule of the draft s106 agreement submitted at Deadline 8 [REP8-006] allocates a sum of £5,013,600 to works to off-site junctions or other works in order to mitigate the effect of the DCO.</p> <p>Given that this sum is designed to mitigate the impact of the Proposed Development, state why this mitigation should not be secured in the dDCO.</p>
F.4.20	The Applicant	<p>P&L Forecast used in the RSP Business Plan for Manston</p> <p>The Applicant has provided an updated s106 agreement at Deadline 8 [REP8-006].</p> <p>The Applicant has provided a RSP Business Plan for Manston submitted at Appendix CAH2 – 15 to the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011].</p>

ExQ4	Question to:	Question:
		<p>The ExA estimates that the draft s106 as submitted commits RiverOak Fuels Limited an annual payment of a minimum of £366,267.00.</p> <p>Show where this commitment is reflected in the RSP Business Plan for Manston submitted at Appendix CAH2.</p>
F.4.21	The Applicant	<p>P&L Forecast used in the RSP Business Plan for Manston</p> <p>The Applicant has provided a more detailed RSP Business Plan for Manston submitted at Appendix CAH2 – 15 to the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 04 June 2019 and associated appendices [REP8-011].</p> <p>Under revenues, this shows revenue derived from “<i>Passenger Revenue</i>” and from “<i>Passenger Commercial Net Income</i>”.</p> <p>Explain the difference between these headings.</p>
F.4.22	The Applicant	<p>P&L Forecast used in the RSP Business Plan for Manston</p> <p>The Applicant has provided a more detailed RSP Business Plan for Manston submitted at Appendix CAH2 – 15 to the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 04 June 2019 and associated appendices [REP8-011].</p> <p>This uses Earnings Before Interest, Tax, Depreciation and Amortization (EBITDA) margin to show viability.</p> <p>Given that, for example, the Applicant is committed to undertake the initial construction works within one year [REP6-014, Appendix OP.2.6] and that a further</p>

ExQ4	Question to:	Question:
		revision to the Funding Statement at Deadline 7a on 24th May [REP7a-006] states that the initial phase of the project, which will bring the airport back into use, is estimated to cost about £186 million, show why an EBITDA margin is a better measure than, for example, net-, after tax- or gross profit margin which may include, inter alia, costs of borrowing?
F.4.23	The Applicant	<p>P&L Forecast used in the RSP Business Plan for Manston</p> <p>A Written Representation from Iain Mackintosh [REP3-168] uses the Applicant's own stated figures to compare viability with that of comparator airports and states that:</p> <p><i>"The implications of these assumptions for RSP's hypothetical, fully invested, Manston Airport in 2040 would be that, if it delivered its forecasts in full and was as profitable as East Midlands currently is, it would generate an implied Operating Profit of £3.45m (from a turnover of £19.7m). This represents a return of only 1.15% per annum on the £300m of proposed capital investment after 20 years of operation and takes no account of the accumulated losses that would have to have been funded as the airport clawed its way past its breakeven point. This is not a commercially viable position".</i></p> <p>Comment on Mr Mackintosh's analysis including explaining why the RSP business plan as submitted to the examination does not use rate of return on investment as a measure of viability.</p>
F.4.24	The Applicant KCC TDC	<p>P&L Forecast used in the RSP Business Plan for Manston</p> <p>The Applicant has provided a more detailed RSP Business Plan for Manston submitted at Appendix CAH2 – 15 to the Summary of Applicant's Oral Submissions at the</p>

ExQ4	Question to:	Question:
		<p>Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011].</p> <p>Given that the EBITDA margin is the only measure used to demonstrate viability indicate what status you consider should be afforded to this document by the ExA in coming to any related recommendation to the Secretary of State.</p>
F.4.25	The Applicant	<p>Article 21</p> <p>You proposed a change to Article 21 in the draft Development Consent Order submitted at Deadline 6 on 3 May 2019 [REP6-018] to read that:</p> <p><i>"(1) After the end of the period of 1 year beginning on the day on which this Order is made—</i></p> <p><i>(a) no notice to treat is to be served under Part 1 of the 1965 Act; and</i></p> <p><i>(b) no declaration is to be executed under section 4 of the 1981 Act as applied by article 26 (application of the Compulsory Purchase (Vesting Declarations) Act 1981)."</i></p> <p>This has the effect of bringing the time period from five years to one year.</p> <p>Does this mean that you have had to make any amendments to the arrangements for making the funds for Compulsory Acquisition available in a timely manner?</p>
F.4.26	The Applicant	<p>Financial viability</p> <p>In the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 04 June 2019 and associated appendices [REP8-011] the Applicant quotes</p>

ExQ4	Question to:	Question:
		<p>paragraph 17 of DCLG Guidance related to procedures for the compulsory acquisition of land stating that:</p> <p><i>"It may be that the project is not intended to be independently financially viable..."</i></p> <p>Confirm whether or not the project is intended to be independently financially viable.</p>
F.4.27	The Applicant	<p>Regulation 5(2)(f)</p> <p>Paragraph 2.1 of the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 04 June 2019 and associated appendices [REP8-011] sets out the actions taken to provide what it can to the ExA in order to satisfy it for its purposes.</p> <p>Regulation 5(2)(f) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 states that, if the proposed order would authorise the Compulsory Acquisition of land or an interest in land or right over land, the application must be accompanied by a statement to indicate how an order that contains the authorisation of compulsory acquisition is proposed to be funded.</p> <p>Show which of these actions set out in paragraph 2.1 fulfil regulation 5(2)(f) in demonstrating how the order is to be funded.</p>
F.4.28	The Applicant	<p>HLX Nominees Ltd</p> <p>Paragraph 3.2 of the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 04 June 2019 and associated appendices [REP8-011] sets out the purpose of MIO Investments.</p>

ExQ4	Question to:	Question:
		What is the purpose of HLX Nominees Ltd?
F.4.29	The Applicant	<p>HLX Nominees Ltd</p> <p>Appendix CAH2-10 of the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011] contains a letter setting out the framework under which Helix Fiduciary AG is regulated.</p> <p>Set out the regulatory regime under which HLX Nominees Ltd operates.</p>
F.4.30	The Applicant	<p>Unaudited financial statements for the period ended 31 May 2019</p> <p>Appendix CAH2-9 of the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011] provides unaudited financial statements for the period ended 31 May 2019 for RiverOak Strategic Partners Limited, RiverOak Fuels Ltd, RiverOak Manston Ltd, RiverOak AL Ltd, RiverOak Operations Limited, RiverOak MSE Limited and RiverOak Investments (UK) Limited.</p> <p>The financial statements for RiverOak Strategic Partners Limited show cash at bank and in hand being £13,100,000 made up of loans falling due after more than 5 years.</p> <p>i. Is this the funding that is secured through Article 9 of the dDCO?</p> <p>The financial statements for RiverOak Fuels Ltd show tangible fixed assets as being a freehold property at a valuation of £2,416,500.</p> <p>ii. Is this freehold property the land comprising the fuel farm?</p>

ExQ4	Question to:	Question:
		<p>The financial statements for RiverOak AL Ltd showed that the Company had future minimum lease payments under non-cancellable operating leases of £717,300.</p> <p>iii. Do the leases relate to the Proposed Development?</p> <p>The financial statements for RiverOak Operations Limited show net liabilities of £12,840,533.</p> <p>iv. Is this related to and/or part of the “£15.2 million which has been expended on the DCO process” [REP7a-006, para 15].</p>
HE.4	Historic Environment	
HE.4.1	The Applicant Historic England	<p>Non-designated heritage assets</p> <p>In their response to third written question HE.3.2, Historic England [REP7a-032] refer to the Airports National Policy Statement, considering that no clear and convincing justification has been offered for the removal of the T2 Hangar and WWII Dispersal Bay as part of the proposed development, including demonstration that harm has been avoided as far as possible in order to conserve and enhance heritage significance, and little consideration appears to have been given to the contribution the conservation of the assets could make to the character of the place and public appreciation.</p> <p>This matter was discussed at the Landscape, Design, Archaeology and Heritage (LDAH) ISH [EV-019] on 3 June 2019, and in their Deadline 8 submissions, Historic England [REP8-026] acknowledge that the buildings that are proposed for demolition might not be sufficiently well preserved to have heritage significance worth preserving but note</p>

ExQ4	Question to:	Question:
		<p>that the survey and assessment has not yet been undertaken to demonstrate whether this is the case.</p> <p>i. Comment on the above, providing an update on latest discussions/negotiations</p> <p>The Supporters of Manston Airport [AS-200] also raise concerns over the potential loss of non-designated heritage assets on the Proposed Development site. They note that the dispersal bay used to have at least five bays and consider that the structure could provide opportunities for rebuilding or part rebuilding to illustrate their use and to be included in the wider story of the site.</p> <p>ii. Respond to the representation made by the Supporters of Manston Airport referred to above.</p>
HE.4.2	The Applicant Historic England KCC	<p>Draft Written Scheme of Investigation</p> <p>Discussion took place at the LDAH ISH [EV-019] over the latest version of the draft Written Scheme of Investigation (WSI).</p> <p>Provide an update on discussions relating to the draft WSI, including the provision of a new WSI, if required.</p>
HE.4.3	The Applicant	<p>Military remains</p> <p>The Supporters of Manston Airport [AS-200] indicate an apparent discrepancy in two of the Applicant's documents regarding military remains.</p> <p>Paragraph 5.4.6 of the Draft WSI [REP4-019] states that:</p>

ExQ4	Question to:	Question:
		<p><i>"... there are no records of military vessels or aircraft having been lost within the site boundary."</i></p> <p>However, the subsequent paragraph (5.4.7) states that:</p> <p><i>"There are records of military aircraft crash site (sic) within the site boundary"</i></p> <p>These paragraphs are maintained in the revised WSI [Appendix HE.3.3 to REP7a-003] and paragraph 4.6.33 of Environmental Statement Volume 8: Appendices 8.2 – 9.1, Part 1 [APP-049], the Archaeological Desk Based Assessment states that:</p> <p><i>"... there are 14 potential protected military remains within the study area, 11 of which are located within the limits of the site."</i></p> <ul style="list-style-type: none"> i. Are there or are there not records of military aircraft having been lost within the site boundary? ii. If yes, provide a plan showing the locations of these. <p>The 1986 Protection of Military Remains Act makes it an offence to tamper with, damage, move, remove or unearth the remains if believing or having reasonable grounds for suspecting that any place comprises any remains of an aircraft ... which has crashed ... while in military service (s2(2)(a) and 2(1)(b)).</p> <ul style="list-style-type: none"> iii. Given that crash sites are listed in Table 4.4. of Environmental Statement Volume 8: Appendices 8.2 – 9.1, Part 1 [APP-049], does the 1986 Protection of Military Remains Act apply?

ExQ4	Question to:	Question:
		<p>iv. Show how and where the Masterplan [APP-079] and Design Guide [REP8-009] take account of the location of any remains of military aircraft that has crashed on military service.</p> <p>The ExA is considering altering Requirement 3 to the recommendation dDCO to the effect that alters this requirement to take account of the above. This would add the following text to that included within the dDCO [PD-018] as follows:</p> <p>An additional paragraph, (4), stating:</p> <p>(4) Before the Master Plan is submitted the applicant shall confirm the location of any crash sites falling under the provisions of the 1986 Protection of Military Remains Act and provide for protecting such sites in accordance with said Act</p> <p>And in the alternative first scenario under the requirement ('OR'), an additional paragraph:</p> <p>(4) confirm the location of any crash sites falling under the provisions of the 1986 Protection of Military Remains Act and provide for protecting such sites in accordance with said Act, including the recommended option; and</p> <p>And in the alternative second scenario under the requirement ('OR'), an additional paragraph:</p> <p>(7) The relevant approved masterplan shall confirm the location of any crash sites falling under the provisions of the 1986 Protection of Military Remains Act and provide for protecting such sites in accordance with said Act.</p> <p>v. Comment.</p>

ExQ4 Question to: Question:		
LV.4	Landscape and visual	
LV.4.1	The Applicant	<p>Landscape buffer</p> <p>Paragraph 2.2 of the Eight Schedule of the revised draft s106 agreement [REP8-006] states that:</p> <p><i>"RiverOak covenants with the County Council:</i></p> <p><i>Not to cause permit or allow any development of any kind whether or not connected with the Development Consent Order save for landscaping works to take part on that part of the Northern Grass Area which may be required for the provision of the Manston – Haine Link Road for a period of 10 years following the date of grant of the Development Consent Order or until the County Council has obtained funding and planning permission for the Manston – Haine Link Road whichever is the earlier."</i></p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix ISH7 – 38 includes maps showing a wider corridor to be safeguarded for the alternative route than previously submitted.</p> <p>Show where the effects of (a) safeguarding the line of the link road and (b) the possible construction and operation of the link road on the landscape buffer at the northern tip of the Northern Grass have been assessed in terms of the purpose of that buffer in shielding views of the Proposed Development.</p>
LV.4.2	The Applicant	<p>Article 6 – Limits to Deviation</p> <p>Article 6(1)(b) of Article 6 states that:</p>

ExQ4	Question to:	Question:
		<p><i>"In carrying out the authorised development the undertaker may deviate vertically upwards from the levels of the authorised development shown on the engineering drawings and sections to a maximum of 2 metres"</i></p> <p>and the table in this Article shows maximum heights of deviation for specific works.</p> <p>The Updated NSIP Justification document [REP1-005] submitted at Deadline 1 sets out a list of the types of uses that it is intended to attract including radar equipment and its accompanying safeguarding clearances stating that:</p> <p><i>"... these also limit the building heights across the remainder of the Northern Grass".</i></p> <p>i. State whether the upward deviations allowed in this Article would potentially impinge on the safeguarding clearances for the proposed radar equipment.</p> <p>The revised Design Guide submitted at Deadline 8 [REP8-009] sets out an approach to building form in Section 4.</p> <p>ii. Show where possible deviations to the height and, thus, the potential form and massing of buildings have been allowed for in the Design Guide.</p> <p>iii. Comment on the robustness of the Design Guide in the light of Article 6.</p>
LV.4.3	The Applicant	<p>Revised Design Guide</p> <p>The revised Design Guide submitted at Deadline 8 appears to remove, amongst other things Landscape Principle C-24:</p>

ExQ4	Question to:	Question:
		<p><i>"Buffer planting will be provided along key boundaries to provide visual containment to the development and mitigate the impact of neighbouring properties"</i></p> <ul style="list-style-type: none"> i. Explain why this important purpose no longer a principle. ii. Show how the value of landscaping in mitigating visual impact used in assessing impact can be relied upon if this principle has been deleted. iii. Set out the reasons for all the changes in the landscape principles.
Nd.4	Need	
ND.4.1	The Applicant	<p>European airports</p> <p>The Applicant's answer to question ND.3.10 [REP7a-002] acknowledges that there is a concentration of airports with substantive air cargo capability in the golden triangle in NW Europe, but goes on to state that it does not mean that concentrated capacity means spare capacity.</p> <p>With reference to Paris Charles de Gaulle, Frankfurt, Frankfurt Hahn, Amsterdam, Liege, Brussels, Luxembourg, Maastricht, and Leipzig airports, provide evidence on the freight capacity available within such airports and any consented or planned capacity increases (where known).</p>
ND.4.2	The Applicant	<p>European airports</p> <p>The Applicant's answer to question ND.3.10 [REP7a-002] states <i>"why is there any logic in using freighters flying from Liege, Luxembourg and Hahn, when facilities for these</i></p>

ExQ4	Question to:	Question:
		<p><i>same freighters can be provide conveniently on VFM terms to handle UK freight within the UK at Manston or UK regional airports".</i></p> <p>The same answer notes earlier on the concentration of people and economic activity within 3-4 hours trucking time of the north west European airports. The Steer Report notes the amount of air freight transported in customs-bonded trucks between the UK and continental Europe as there is often more available air freight capacity than at UK airports and also notes goods often trucked the other way (from Northern mainland Europe to Heathrow) to fly to the US.</p> <ul style="list-style-type: none"> i. Do UK goods travelling to north European airports assist in making more frequent cargo services (whether bellyhold or pure freight) more viable? ii. Do UK goods too fall within the catchment for the golden triangle in NW Europe? iii. Conversely would UK goods provide the numbers and tonnage alone to make regular pure freight services viable to, for instance, SW Asia?
ND.4.3	The Applicant	<p>Steer Report</p> <p>As referenced in question ND.3.10 [REP7a-002], the Steer Report identifies four major sub-markets within air freight; General Cargo, Express, Specialist and niche products and Mail.</p> <p>Do you agree with this categorisation of the air freight market?</p>

ExQ4	Question to:	Question:
ND.4.4	The Applicant	<p>Costs</p> <p>The Applicant's answer to question ND.3.10 [REP7a-002] states that the Applicant is confident that the time and costs associated with double and triple handling of goods required to use those airports [in NW Europe] will be greater and far less reliable than the cost of coming to Manston Airport.</p> <ul style="list-style-type: none"> i. Elaborate on this answer; how would more handling of customs bonded trucks/ goods be required at NW Europe airports than at Manston? ii. What knowledge of such costs do you base this confidence upon?
ND.4.5	The Applicant	<p>Business Plan</p> <p>The Business Plan summary submitted at Deadline 8 [REP8-011] contains figures for Aeronautical Yield (£/WLU), with figures ranging from £4.48 in year 2 to £3.18 in year 20. Appendix 3 of the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011] states that a similar figure for East Midlands Airport (EMA) in 2017-2018 equates to £2.75. For the second year of operation therefore the figure for Manston is considerably higher than that at EMA, an established airport.</p> <ul style="list-style-type: none"> i. How would the Proposed Development establish a foothold in the industry, given the above figures?

ExQ4	Question to:	Question:
		<p>ii. Given the established nature of EMA and the facilities available there, wouldn't the applicant need to provide rates lower than EMA to attract much of the business it seeks?</p>
ND.4.6	The Applicant	<p>Business Plan</p> <p>Appendix 3 of the Applicant's CAH2 Summary and associated appendices [REP8-011] considers the comparison of the forecasts of the proposed development and the actual performance of EMA in relation to aeronautical yield. Stone Hill Park (SHP) [REP8-030] consider that the levels of revenue stated by the Applicant are double the levels achieved at Stansted and four times that achieved at EMA. The chart submitted by SHP also shows that the revenue would be significantly higher than achieved at Prestwick. The Applicant's Appendix 3 states that once freight handling revenue and fuel sales are excluded from the aeronautical yield that that this would be closer to EMA at £3.18. This appears therefore to show that roughly 70-75% of aeronautical revenue would be from freight handling and fuel.</p> <p>i. How much revenue would be generated from freight handling?</p> <p>ii. Would the charges for freight handling be comparable to what is charged at Heathrow or the Northern European airports, either by the airports themselves or by third parties?</p> <p>iii. A substantial proportion of the forecast freight for the proposed development would be handled directly by an integrator. Is the proposed forecast revenue for handling other forms of freight realistic?</p>

ExQ4	Question to:	Question:
		<p>iv. How much revenue would be generated from fuel sales?</p> <p>v. What are the options for operators if they consider the fuel costs to be too high? Could they, for instance, overfill at the 'other' airport thus reducing the need to fill up at Manston?</p> <p>At the CA Hearing [EV-025] it was stated that Glasgow Prestwick provided its own freight handling and aviation fuel.</p> <p>vi. How profitable/ how much revenue did or does this produce for Prestwick in terms of £ per WLU?</p> <p>vii. How profitable is Prestwick?</p> <p>viii. Given the profitability of such services, how many other airports offer handling and fuel themselves?</p>
ND.4.7	The Applicant	<p>Business Plan</p> <p>The Business Plan summary submitted at Deadline 8 [REP8-011] contains figures for passenger revenue, considering that the Aeronautical Yield for passengers would be £0.50 per passenger. This figure appears to be independent of passenger commercial net income. The ExA have heard in evidence of the competitive market for attracting passenger income from low cost carriers, and notes the loss made by Southend Airport in SHP's evidence [REP7-014] of some £6.5 million [REP7a-002, ND.2.35].</p> <p>Given such a competitive market place in attracting passenger traffic, do you consider your business model to be realistic in this regard?</p>

ExQ4	Question to:	Question:
ND.4.8	The Applicant	<p>Forecasts – exports</p> <p>Questions ND.2.3 and ND.3.2 [REP7a-002] referred to fish and shellfish exports. Question ND.3.2 referred to the dominant country for export to is France. The ExA note the evidence relating to landings and the Kent ports.</p> <ul style="list-style-type: none"> i. What percentage of the catches shown in the Kent area would be for export, and to where? ii. If France is the dominant country for fish exports, would it be simpler and cheaper to serve this market from Kent ports via truck rather than air?
ND.4.9	The Applicant	<p>Forecasts</p> <p>Question ND.3.3 [REP7a-002] concerned pharmaceuticals. The Applicant's answer refers to a study for IAG Cargo noting that 57% of all temperature deviations for such goods in transit occurred during transportation, noting that the planned facilities at Manston would resolve such issues. However, the attached appendix [Appendix ND.3.3] contains a reference to the findings of the World Health Organisation who state that the greatest and most frequent vulnerability to temperature exposure occurs on the airport tarmac when goods are exposed to the elements before aircraft loading or during unloading.</p> <p>How would the proposed facilities at Manston alleviate such issues from occurring on the 'airport tarmac'?</p>
NE.4.10	The Applicant	Forecasts

ExQ4	Question to:	Question:
		<p>An Interested Party [REP7a-046] submits details of the IATA Air Freight Market Analysis from April 2019 detailing a reduction in freight tonne kilometres for April compared with their level of a year ago, together with a growth in air freight capacity</p> <p>Comment on this IATA analysis, with reference to the proposed development.</p>
ND.4.11	The Applicant	<p>East Midlands Airport</p> <p>The Applicant's answer to Question ND. 3.6 [REP7a-002] states that there is 'substantial circumstantial evidence' that in the busy overnight period for cargo operations there is likely to be little if any scope for general cargo operators to overnight at EMA.</p> <p>Would the construction of 3 new stands outside the new UPS cargo handling facility at EMA not be evidence of the need for new stands for UPS adjacent to their new facility to serve new UPS needs, as opposed to 'substantial circumstantial evidence' that there is little if any scope for general cargo operators to overnight at EMA?</p>
ND.4.12	The Applicant	<p>East Midlands Airport</p> <p>Appendix 3 of the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011] includes a copy of the Manchester Airport Group Annual Report and Accounts for the Year Ended 31 March 2018. This document states that in the year covered by the report "<i>West Atlantic, a major air cargo company</i>" was welcomed to the Airport, as well as referring to the development of the Segro East Midlands Gateway, a "<i>big new rail freight hub just north of the airport</i>", which in their view will "<i>encourage further synergies and</i></p>

ExQ4	Question to:	Question:
		<p><i>growth</i>". Question ND.2.12 [PD-010b] referred to evidence regarding the construction of a 500,000ft² warehouse and sorting centre for Amazon on this site.</p> <ul style="list-style-type: none"> i. What freight services do West Atlantic provide and at what scale? ii. Provide any comments on the construction of the SEGRO rail freight close to the Airport [https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/east-midlands-gateway-rail-freight-interchange/], and how this may or may not consolidate logistics and assist air freight in the Midlands.
ND.4.13	The Applicant	<p>East Midlands/ Stansted Airports</p> <p>An IP [REP3-168] presents an analysis of the seasonality of airport usage in the UK, considering that East Midlands and Stansted (and to a lesser extent, Heathrow) have available capacity at the point of peak cargo ATM's and that their usage by freighters is not restricted by capacity, it is restricted by demand. Appendix A provides the full breakdown of their calculations.</p> <p>Comment on the above representation.</p>
ND.4.14	The Applicant	<p>Glasgow Prestwick Airport</p> <p>In Deadline 8 responses various Interested Parties note that Prestwick Airport is up for sale by the Scottish Government. Submitted evidence from the Herald newspaper notes that in 2017/18 the Airport made a £7.6m loss and has total liabilities of £46.5m. The</p>

ExQ4	Question to:	Question:
		<p>ExA understand that Prestwick offers its own handling and fuel sales, as the Applicant plans to do at the Proposed Development.</p> <p>Comment on the above, including on any relevance or similarities between the proposed development and Prestwick Airport.</p>
ND.4.15	The Applicant	<p>Sustainability</p> <p>The ExA note the Applicant's answer to question ND.3.7 [REP7a-002] concerning the report of the Independent Transport Commission (ITC) and the subject matter of this report, concerning environmental efficiency and not financial efficiency. The report states, in paragraph 4.23 that traditionally:</p> <p><i>"...freight has been carried in the bellies of large passenger aircraft, particularly those operating in and out of hub airports (as these offer opportunities for onward connections and therefore economies of scale). This 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. The use of dedicated freighters is not necessarily inefficient in itself if the loads are high for both the outbound and return legs (demand for freight can often be mono-directional), however these aircraft are usually either conversions of older passenger aircraft or the last aircraft from a given aircraft production line. This means that the rates of technology implementation for dedicated freighter airlines are among the lowest in the industry".</i></p> <p>Do you agree with this statement concerning the environmental efficiency of differing types of freight movements?</p>

ExQ4	Question to:	Question:
ND.4.16	The Applicant	<p>Sustainability</p> <p>Paragraph 4.24 of the ITC report referred to in question ND.3.7 [REP7a-002] states that:</p> <p><i>"Sustainability for air freight is most likely to be achieved through the use of existing passenger airline hub networks supplemented by large-scale freight aggregators with dedicated aircraft fleets linking logistics hubs. This will minimise the need for extra flights, ensure economies of scale from larger aircraft, and utilise the most modern and efficient technologies available".</i></p> <p>While acknowledging that the report concerns environmental efficiency and not financial efficiency, in this sense do the terms not overlap? ie does sustainability for air freight not encompass viability?</p>
ND.4.17	The Applicant	<p>Bellyhold and pure freight</p> <p>The Applicant's answer to question ND.3.7 [REP7a-002] states that, with reference to costs of bellyhold versus pure freighters:</p> <p><i>"the Applicant has been pro-actively seeking third party opinions from industry experts who have confirmed two very important points", that is that "Freighter operators do not differentiate between bellyhold and cargo and hence the impact of belly vs freighter price on decision-making is marginal" and that "Airlines absorb the cost of trucking within their pricing and consequently, as explained in the answer to Question ND3.19 it is only a marginal factor in decision-making about resource/demand allocation".</i></p>

ExQ4	Question to:	Question:
		Provide more evidence on this point, including, if possible, the evidence of the industry experts cited and evidence on the relative cost of freight transport by bellyhold or freighter aircraft.
ND.4.18	The Applicant	<p>E-Commerce</p> <p>The Applicant's answer to question ND.3.8 [REP7a-002] notes that time is an important component of the service offer e-commerce providers are making, but that it is not the only thing which will drive their logistics choice. The answer goes on to state that speed to market for pre-labelled packages, or to fulfilment centres for 'predictive' re-stocking is a factor in their operations.</p> <p>You also note that Amazon Prime deliveries may well be afternoon or evening deliveries. However, such deliveries would presumably be as part of a delivery driver's shift, where they would leave the fulfilment centre in the morning and deliver all day. In this scenario the fulfilment centre would need to be restocked over night for picking and allocating packages to delivery routes in the morning, or pre-labelled packages delivered to the driver for the start of their shift.</p> <ul style="list-style-type: none"> i. Comment on the above scenario. ii. Where are the current fulfilment centres for Amazon (or similar e-commerce integrators) in the UK?
ND.4.19	The Applicant	<p>Forecasts</p> <p>The Applicant's answer to question ND.3.9 [REP7a-002] states that, in answer to a point made by SHP concerning information contained within the Azimuth report on tonnage on integrator flights as 100% outbound with return of 20%, that York Aviation</p>

ExQ4	Question to:	Question:
		<p>[on behalf of SHP] are incorrect, with the Azimuth report [REP-085] showing the primary leg as inbound and the 20% figure applied to outbound tonnage.</p> <p>Paragraph 3.2.3 of Volume III of the Azimuth Report states that in terms of imports/exports and backloads, the following assumptions and calculations have been used:</p> <p><i>"- Integrator movements – 100% outbound with a backload (import) calculation of 20% included in Years 2 and 3, rising by an additional 5% every two years</i></p> <p><i>- Integrator feeders – 100% inbound (import) traffic with 10% backload possibility added to Year 5, 15% to Year 9, and 20% thereafter"</i></p> <p>SHP also state that the integrator feeder aircraft, assumed to be ATR-72s are the smallest and lightest aircraft included in the proposed fleet mix, and these would be unsuitable for the e-commerce integrator use now proposed.</p> <p>i. Does paragraph 3.2.3 of Volume 3 of the Azimuth Report state that integrator movements are 100% outbound, with imports of 20% for years 2 and 3, rising by 5% every two years?</p> <p>100% import traffic on integrator feeders with 100% outbound on integrator movements implies a hub model is proposed.</p> <p>ii. Is this correct?</p> <p>The use of the proposed development as a centre for an e-commerce integrator for pre-labelled packages or to fulfilment centres for re-stocking appears to show a different business model to a hub, with primarily imports being proposed.</p>

ExQ4	Question to:	Question:
		<p>iii. Would you agree with this view?</p> <p>iv. Would ATR-72s be suitable for importing to an e-commerce integrators of the type proposed?</p> <p>v. Comment on any changes to the assessment of any effects in the Environmental Statement your above answers may prompt.</p>
ND.4.20	The Applicant	<p>Forecasts</p> <p>The Applicant's answer to question ND.3.11 states that the carriers identified within the ES forecasts are simply a proxy for the types and numbers of aircraft likely to be used to fly goods from Manston Airport. SHP state in relation to this that "<i>Insofar as the ExA has been told that the ES forecasts are directly taken from the Azimuth Report, the 'forecasts' are entirely dependent on the assumed types and number of aircraft and the carriers as set out. If, as is now clear, the carriers, aircraft types and routes would be different, the 'bottom up' forecasts would need to be completely reworked from first principles.</i>"</p> <p>Comment on the above.</p>
ND.4.21	The Applicant	<p>Freight and trucking</p> <p>At Compulsory Acquisition Hearing 2 [EV-018] held on 4 June 2019, it was stated by the Applicant that information sourced from Securitas considered that 2 million tonnes of freight is currently flown to northern European airports which is then trucked to the UK, of which variously 40% or 20% could be attracted to fly to Manston instead.</p>

ExQ4	Question to:	Question:
		Provide further information and evidence on this point, including evidence from Securitas.
ND.4.22	The Applicant	<p>Forecasts</p> <p>In their Deadline 5 representation [Appendix NOPS.5.1 to REP5-029] York Aviation on behalf of SHP note that the Ramboll and Oxford Economics Report referred to in the Northpoint report and referenced in question ND.2.10 shows that the maximum shortage of dedicated freighter capacity at 2040 is 4,000 movements on the upper bound forecast, with the big shortfall in bellyhold ATMs. At the lower bound cargo forecast, it states that there is no shortfall and spare capacity for 2,000 dedicated freighter movements. It considers that this analysis confirms that there is limited, if any, need for additional capacity for dedicated freighter ATMs, even viewed from the position as at 2014.</p> <p>Respond to the comments of York Aviation.</p>
ND.4.23	The Applicant	<p>Forecasts</p> <p>Paragraphs 67-68 of the Northpoint Report [REP4-031] states that the model used for the report has functional limitations, namely that it does not use differential rates for bellyhold, express and ordinary freight, it does not examine aircraft movements, it does not look at the scope for migrating between type of carrier (eg bellyhold to freighter) and therefore between airports pairs; and it does not examine the impact of price because it is primarily interested in the issue of capacity. It states that the Applicant is building a more complex model capable of examining the impact of these factors as part of its ongoing business and financial modelling, but it incorporates a</p>

ExQ4	Question to:	Question:
		<p>range of commercially sensitive assumptions which it is not appropriate to publish during this stage of the project's development.</p> <p>York Aviation on behalf of SHP [Appendix NOPS.5.1 to REP5-029] state that the functional limitations of the Northpoint model outlined above are the reasons why the proposed development would struggle to penetrate the market to any material extent.</p> <p>Comment on the above.</p>
ND.4.24	The Applicant	<p>Chicago Rockford Airport</p> <p>The Applicant's answer to question ND.3.20 [REP7a-002] notes that its analysis of airport charges at Chicago Rockford Airport (RFD) demonstrates that the airport is charging its customers at well below comparable rates in the UK, Europe and Canada, with reasons cited for this including local competition with airports with capacity, the public ownership of the airport and unknown subsidy/tax break issues.</p> <ul style="list-style-type: none"> i. Do you have more information over this 'analysis of airport charges' available? ii. At least initially, would the Proposed Development also not be required to ensure that costs at Manston were well below comparable rates, to attract both freight and passenger traffic?
ND.4.25	The Applicant	<p>Heathrow</p> <p>The Applicant's answer to question ND.3.21 [REP7a-002] states that Heathrow's 2018 Scheme Development Report makes it clear that it has not yet found a preferred solution to accommodate 3MT of cargo – rather it is still exploring options to meet this</p>

ExQ4	Question to:	Question:
		<p>target and is not yet certain it can do so without removal or re-configuration of Terminal 4.</p> <p>York Aviation on behalf of SHP [REP8-035] state that whilst Heathrow did identify closure of Terminal 4 as an option considered for accommodating freight growth, the document setting out 'Our Emerging Plans' made clear that this was not the preferred option, with the Terminal 4 site not required for expansion of cargo facilities per se but, should the Terminal close for other reasons, the site might be suitable for a rail interchange to create a multimodal freight hub. They state therefore that this is an additional option but not a core requirement to enable the increased cargo volumes to be handled.</p> <p>Comment on the above.</p>
ND.4.26	The Applicant	<p>Forecasts</p> <p>The Applicant's answer to question ND.2.15 includes a graphic produced by Wells Fargo considering the accuracy of Boeing's forecasts in the long term. This graphic appears to show that the 1997 forecast of 2017 total fleet in use to actual figures and traffic growth has been fairly accurate, but that the 1997 forecast for freighters overstated the actual 2017 numbers by a considerable number. York Aviation on behalf of SHP [REP6-053] state that the Boeing 2018 forecasts show a predicted reduction in freight tonne kilometres on freighters.</p> <p>Comment on the above with reference to the proposed development.</p>
ND.4.27	The Applicant	<p>Jet fuel</p>

ExQ4	Question to:	Question:
		<p>The Applicant's answer to question ND.3.13 [REP7a-002] details the differences in jet fuel price since 1999, considering that this shows considerable fluctuations which do not seem to correspond to either increases or decreases in trucking or air freight, indicating that the fuel price is not the primary reason for the propensity to truck freight to or from non-UK airports. However, the graph provided, while showing considerable fluctuations, appears to show that the price of jet fuel has, in general, not been as low as the period from April 1999 to around April 2003 since then, with only a drop around early 2016 being close to this price range. The scale on the 'y' axis of the graph shows that these price differences are substantial – from a low of around \$0.39 per Gallon in April 1999 to a high of some \$3.85 in April 2008, and around \$1.87 in April 2019; considerably higher than the price of some \$0.76 in April 2000.</p> <ul style="list-style-type: none"> i. Do you agree with the ExA's interpretation above? If not, provide reasons why. ii. Is there a threshold fuel price at which trucking is more likely to take place than air freighting goods?
ND.4.28	The Applicant	<p>Stansted Airport</p> <p>The Applicant's answer to question ND.2.22 [REP6-013] counts 3 dedicated stands for Code E aircraft and three for Code E aircraft at Stansted Airport, based on the information provided by SHP in their DL4 response [REP4-065].</p> <p>Has your calculation taken account of the additional cargo apron shown to the east of the cargo warehouses?</p>
ND.4.29	The Applicant	Permitted Development

ExQ4	Question to:	Question:
		<p>Question ND2.28 [REP6-013] referred to permitted development rights (PDRs) for airports. The Applicant's answer to this question referred to 15% increments. Question ND.3.16 [REP7a-002] stated that the 15% exceedance limit solely relates to passenger terminals, and therefore not operational buildings and asked if the Applicant wished to add to or amend their previous answer. The Applicant's answer to ND.3.16 acknowledges that the 15% limit only applies to passenger terminals, but states that PDRs do not apply to operational buildings greater than four metres in height or 200m³ in capacity.</p> <p>However, the reference in The Town and Country Planning (General Permitted Development) (England) Order 2015 to 4 metres in height or 200m³ in capacity only applies to development which is urgently required for the efficient running of the airport and for which no consultation is required with the local planning authority. PDRs remain for other operational buildings not urgently required for the efficient running of the airport, subject to the condition that the airport operator consults the local planning authority prior to carrying out the development. The form of such consultation is not described in the Order.</p> <p>Given this, do you wish to add to or amend your response on this matter?</p>
ND.4.30	The Applicant	<p>Forecasts</p> <p>The Applicant's answer to question ND.3.16 states that growth at Doncaster Sheffield has been factored into the Applicant's forecasts.</p> <p>Was growth at Doncaster Sheffield, Stansted, East Midlands Airport and the effect of the third runway at Heathrow taken into account in the Azimuth forecasts?</p>

ExQ4	Question to:	Question:
ND.4.31	The Applicant	<p>Passenger forecasts</p> <p>The Applicant's answer to question ND.2.35 [REP6-013] compares the passenger forecasts for the proposed development to those produced by Avia Solutions in September 2016. York Aviation on behalf of SHP [REP7-014] consider that the Avia Solutions forecast did not take account of greater infrastructure at Gatwick and Luton, which would largely remove, in their view, the 'spill' component of the forecasts. They are also of the view that the proposed night restrictions would deter passenger airlines being based at the proposed development, citing the lack of based Ryanair aircraft at Exeter in support of this view. Further restrictions on passenger flights are now proposed between 9am and 11.30am by the Applicant.</p> <ul style="list-style-type: none"> i. Respond to the above points. ii. Have the proposed restrictions on flight times at the Proposed Development been communicated to potential airlines?
Ns.4	Noise and Vibration	
Ns.4.1	The Applicant	<p>Noise Contour Area Cap</p> <ul style="list-style-type: none"> i. What is the "noise contour area cap"? ii. Where is this "noise contour area cap" set out, described or drawn? iii. How would the Applicant know if this "noise contour area cap" were ever to be breached given it plans to install just a few noise monitors, several kilometres away from the airport?

ExQ4	Question to:	Question:
		<p>iv. What would happen if this “noise contour area cap” were breached – what would be the consequential penalty?</p>
Ns.4.2	<p>The Applicant KCC TDC</p>	<p>Noise insulation and ventilation for schools</p> <p>In the Applicant’s submission at Deadline 8 it states at page 5:</p> <p><i>“...The Applicant noted the clarifications requested surrounding uncertainties in the noise modelling. The Applicant confirmed that if a 2dB increase was applied to predicted levels as a result of uncertainties, then a number of schools could exceed the 60dB threshold that would require the Applicant to provide noise insulation and mitigation. Such an exceedance would only be likely to occur approximately 20 years after the project commences operations.</i></p> <p><i>2.35 The ExA questioned whether there would be adequate funds available within the Community Fund (CF) to provide noise insulation and ventilation to affected schools. The Applicant highlighted that all schools should be assessed on a case-by-case basis in order that the needs of individual schools can be taken into account rather than offering a one size-fits-all solution. Nonetheless, the Applicant has now committed to providing £139,000 per year for affected schools for 20 years, to be spent on noise insulation or other measures to benefit pupils, based on 1% of the per-pupil funding of the schools concerned and to be distributed to each one annually, as reflected in the revised s106 agreement.</i></p> <p><i>2.36 The Applicant emphasised that it does not underestimate the importance of noise control for schools and the school’s liaison committee will be a further means of engaging with schools that have not taken the opportunity to comment during the DCO examination process.”</i></p>

ExQ4	Question to:	Question:
		<ul style="list-style-type: none"> i. Given the +/-1dB uncertainty for measurements and for calculations which schools are likely to be eligible for the insulation/ ventilation scheme? ii. If schools became eligible what would the cost implications be? iii. What is KCC's and TDC's view?
Ns.4.3	The Applicant	Noise contours commissioned from the Civil Aviation Authority by No Night Flights (NNF) 14th June 2019 Comment on these contours submitted by NNF at Deadline 8.
Ns.4.4	The Applicant	Noise Mitigation Plan (NMP) and wildlife The REAC [REP7a-012] states at page 48 that the NMP [REP6-021] will control noise on impacts on species. Where is wildlife mentioned in the revised NMP?
Ns.4.5	The Applicant TDC	Smugglers Leap Caravan Park <ul style="list-style-type: none"> i. Confirm whether the caravan park homes at Smugglers Leap will be relocated if noise insulation and ventilation cannot be effectively applied? ii. What would be the cost implications of this relocation? iii. Do TDC believe the dDCO should secure this relocation?

ExQ4	Question to:	Question:
Ns.4.6	The Applicant TDC KCC	ATM limits during the school day <ul style="list-style-type: none"> i. Should the DCO secure the limits of ATMs during the school day periods based on the analysis in Table 1 of NS.2.16 to ensure that the potential impacts are not worse than modelled? ii. Can KCC confirm school day hours for primary and secondary schools?
Ns.4.7	The Applicant	Noise Contours Produce a full set of contours for easterly and westerly operations.
Ns.4.8	The Applicant	QC2 Limit in NMP Provide a QC2 limit for night time movements, in line with other airports operations at night, rather than a QC4 limit as currently proposed in the NMP.
Ns.4.9	The Applicant TDC	Demarcated Engine Test Area Provide a demarcated engine test area to be set out in a plan attached with the NMP and demonstrate that this is to be located away from noise sensitive receptors and at a location to be agreed with TDC.
Ns.4.10	The Applicant	Quota Count Night Time The Applicant states in its Deadline 8 submission on page 6 states:

ExQ4	Question to:	Question:
		<p><i>"The Applicant has considered the night time quota count of 3028 that it is proposing in the light of night time flights now only consisting of late-arriving flights plus, emergency and humanitarian flights and departing flights between 0600 and 0700. It is unlikely that there would be more than five passenger flights departing during that hour, and unlikely that any aircraft with a quota count of greater than 1 would be used. The applicant is therefore willing to reduce the quota count to 2000 (365*5 being 1825), but this would be on the basis that late-arriving, emergency and humanitarian flights would be excluded from that total. If they are to be included as at present, then the Applicant would wish to keep the original figure of 3028."</i></p> <p>Will the Applicant secure this commitment in the dDCO?</p>
Ns.4.11	The Applicant Cogent Land LLP	<p>Manston Green Development</p> <p>The Applicant states in its Deadline 8 submission at page 6:</p> <p><i>"2.47 It should be noted that no properties in the current Manston Green development masterplan fall within the 63dBLAeq,16hr (daytime) or 55d BLAeq,8hr contour (night time) for aircraft noise, as demonstrated by Ns.2.12 Appendix to 2WQ [REP6-014]. Properties do however lie between LOAEL and SOAEL. The Applicant highlighted that Cogent Land LLP is required by its planning permission to provide noise insulation within the building design."</i></p> <p>Would any of the properties fall within the 60 dBLAeq,16hr (daytime) contour?</p>
Ns.4.12	The Applicant	<p>Five10Twelve Ltd Noise Contours Produced by ERCD</p>

ExQ4	Question to:	Question:
		<p>The Applicant in its Deadline 8 submission states at Clarification Item 27:</p> <p><i>"Five10Twelve Ltd commissioned a study which suggests slightly different noise levels than those reported in the Environmental Statement (ES) (APP-034). This Technical Note has been prepared to provide clarity regarding this situation. Five10Twelve have employed CAA's Environmental Research and Consultancy Department (ERCD) section to produce noise contours for Manston Airport. These contours result in a difference area exposed to the Significant Observed Adverse Effect Level (SOAEL) and hence have a different conclusion with respect to the population exposed above the SOAEL presented in the ES. It should be noted that the operation of Manston Airport will be limited to the noise effects reported in the ES via a noise contour cap imposed via the Noise Mitigation Plan."</i></p> <ul style="list-style-type: none"> i. How many additional households are exposed to the 63dB LAeq 16hr contour with the ERCD modelling compared to the Applicant's modelling? ii. Are the flightpaths used in ERCD modelling potential options that could arise from the CAAs Airspace Change Process? <p>The Applicant goes on to state:</p> <p><i>"In this regard any variations in factors such as flight paths and fleet mix such as those reported below would not affect the outcomes of the assessments carried out on behalf of the Applicant."</i></p> <ul style="list-style-type: none"> iii. How has the Applicant confirmed the above assertion? Has the Applicant done additional modelling with INM using ERCD's flight paths and fleet mix?

ExQ4 Question to: Question:		
Op.4	Operational issues	
OP.4.1	The Applicant	<p>Scale and capacity</p> <p>The Applicant's answer to question OP.3.7 concerns stand usage. York Aviation on behalf of SHP consider that, in response to question OP.2.3 [REP7-014] a multiple apron ramp system (MARS) could be used, stating that multiple centreline operations take place at virtually all major airports with a mix of Code C and Code E operations so as to ensure that the efficient use of valuable apron space is maintained. Information is provided of multiple centrelines and stands at East Midlands Airport as an example. They also state [REP8-035] that in their experience across a range of busy airports, stands are seldom dedicated to a particular aircraft or even airline as this creates an inefficiency and inflexibility in stand allocation which would require more apron to be provided than is strictly necessary when there is flexible use. In their summary of the CAH [REP8-030] they note that the design drawings for the scheme show an apron designed to operate on a MARS basis.</p> <ul style="list-style-type: none"> i. Comment on the above; and ii. respond to whether MARS is proposed or could be used at the proposed development.
OP.4.2	The Applicant	<p>Scale and capacity</p> <p>The Applicant's answer to question OP.2.5 [REP6-013] and associated appendix considers airport associated uses for the Northern Grass site and provides plans for various other airports. York Aviation, on behalf of SHP provide a critique of this answer</p>

ExQ4	Question to:	Question:
		<p>and appendix in their [REP7-014], including a detailed examination of the figures provided for East Midlands.</p> <p>Respond to the points raised by York Aviation referred to above.</p>
OP.4.3	The Applicant	<p>Scale and capacity</p> <p>The Applicant's answer to question OP.3.9 [REP7a-002] provides a detailed response to the questions raised over the Northern Grass site, including details on the likely siting of integrator uses as well as information on catering and public transport centres. The answer also states that for one type of integrator and operation it may be easier and cheaper to transfer inbound freight from plane to an offsite facility that can take up more space and require less secure facilities and procedures.</p> <ul style="list-style-type: none"> i. Do Amazon/ Ali Baba or other e-commerce integrators have facilities which straddle the operational boundaries at existing airports? ii. Would it be likely that an off-site centre for an integrator (if required) would be away from the airport, in a cheaper location closer to population centres? iii. Would catering operations primarily be for passenger airlines, and if so would one be required to be on site or could supplies be brought in from centralised suppliers? iv. Provide details and examples of the travel and information centre envisaged for the Proposed Development which are 'common at key gateways at most towns and cities in the UK and Canada, and increasingly in Europe'.

ExQ4	Question to:	Question:
		<p>v. Is it still common for travel agents to be located in airports, particularly those of a similar size to the Proposed Development?</p> <p>vi. Would a computer service supplier and servers still be required on site given modern day access to Cloud computing?</p>
OP.4.4	The Applicant	<p>Scale and capacity</p> <p>Question OP.2.4 referred to the use by York Aviation of an IATA ratio for processing capability. The answer provided did not refer to this ratio.</p> <p>Provide further justification for the proposed quantum of cargo terminals deemed to be required, with reference to the stated IATA ratio.</p>
OP.4.5	The Applicant	<p>Airspace Change Process</p> <p>The Applicant's answer to question OP.3.1 [REP7a-002] states that the airspace change process commenced on 14 January 2019, with the answer to question OP.3.4 stating that an Assessment Meeting took place on 9 May 2019. The Applicant's answer to question OP.2.2 [REP6-013] states, in relation to the Future Airspace Strategy Implementation South (FASI South) proposal for air traffic route structures that FASI South will not be an impediment on the Manston Airport project due to its 'non core' nature.</p> <p>The CAA airspace change portal states that:</p> <p><i>"Due to the airport's location, the IFP (routes into and out of the airport) should align with Future Airspace Strategy Implementation - South (FASI(S)) and the London Airspace Management Programme (LAMP). The airspace solution aims to provide an</i></p>

ExQ4	Question to:	Question:
		<p><i>appropriate degree of protection to aircraft during the critical stages of flight; take-off and landing."</i></p> <p>Given this, confirm that your answer to the above quoted questions remain valid, or update if necessary.</p>
OP.4.6	The Applicant	<p>Public Safety Zones (PSZs)</p> <p>The Applicant considers in their response to question OP.3.10 [REP7a-002] that PSZs would not need to be produced by year 4 of operation, stating that guidance does not set an Air Transport Movement (ATM) limit above which a PSZ should be introduced, but generally if ATMs exceed 1,500 per month (18,000 per year) and are expected to exceed 2,500 per month (30,000 per year), then one is likely to need to be introduced, but noting that the guidance does not state how far ahead the 2,500 per month expectation should be. The answer goes on to state that it unlikely that a PSZ may need to be introduced before year 15, but it is possible by year 20.</p> <p>In their Deadline 7 responses, York Aviation on behalf of SHP [REP7-014] append an email from the Department for Transport (DfT) which states that PSZs are based upon risk contours modelled looking fifteen years ahead and are generally re-modelled every seven years. The email goes on to state that, as a matter of policy, the DfT applies PSZs at aerodromes that have more than 1,500 movements a month and which are likely in due course to exceed 2,500 movements, and that this criteria applies to PSZs for new and enlarged airports.</p> <p>TDC [REP7a-045] consider that the designation of a 1 in 100,000 PSZ would have significant implications for planning policy, with potentially two housing sites in the</p>

ExQ4	Question to:	Question:
		<p>draft local plan affected by the PSZ, as well as the potential to affect a significant number of windfall sites provided for in the plan.</p> <ul style="list-style-type: none"> i. Given the submitted evidence are you still of the view that a PSZ would not be needed until years 15-20 of operation? ii. If yes, provide evidence to counter that provided by the DfT. iii. If you accept that a PSZ would be needed as a matter of policy once the Airport has more than 1,500 movements a month, consider how this should be addressed within the application and ES, including any assessment of scale, geographical coverage of the PSZ based on the proposed fleet mix and effects on consented and future developments within the PSZs.
OP.4.7	The Applicant	<p>Public Safety Zones</p> <p>In the Applicant's ISH5 Summary and associated appendices [REP8-013], it is stated that "<i>TDC has not notified the Applicant of any employment zones within a potential PSZ and in the case of Manston Airport, development tends to be north and south of the runway as opposed to being positioned at either end</i>".</p> <p>Justify this statement with particular reference to the eastern end of the runway.</p>
OP.4.8	The Applicant	<p>High Resolution Direction Finder (HRDF) and construction timetable</p> <p>The ExA notes the contents of Appendix CAH2-14 of the Applicant's CAH2 Summary and associated appendices [REP8-011]. This states that two sites for the possible</p>

ExQ4	Question to:	Question:
	MoD (Defence Infrastructure Organisation)	<p>relocation of the HRDF are being considered with technical assessment due to be completed by 26 June 2019, and that alternative solutions with different safeguarding requirements are being considered. A map accompanying the appendix identifies one site but not seemingly the other.</p> <p>SHP note in their written summary of their oral submissions put at the second draft development consent order Hearing held on 7 June 2019 [REP8-034] that Works No. 1 (Airside Cargo Facilities) and Works No. 3 (the construction of a new air traffic control centre) are within safeguarded areas, and could not be developed until a new HRDF Beacon was operational and it had been demonstrated that there was no technical degradation compared to the existing HRDF Beacon. At the CA hearing the DIO stated that a period of 2 years had been discussed for an overlap period to ensure that the new HRDF site provided the same coverage as the existing one.</p> <ul style="list-style-type: none"> i. Provide further details of the second possible relocation site for the HRDF, if proposed to be taken forward. ii. Provide an update on the current latest situation re the HRDF, with reference to the timetable of this Examination. iii. How will the need for the existing HRDF to be in place for 2 years after the siting of the new HRDF affect the construction timetable and the opening date for the Proposed Development? iv. Provide any further comments on the safeguarding impact or otherwise of the Ministry of Defence (RAF Manston) Technical Site Direction 2017 [REP7a-025] for the HRDF in its current and proposed position in terms of the construction of the Proposed Development.

ExQ4 Question to: Question:		
SE.4	Socio-economic Effects	
SE.4.1	The Applicant	<p>Direct jobs – East Midlands Airport</p> <p>At the Socio Economics ISH [EV-020] when considering job totals on the EMA site the Applicant stated that Pegasus Business Park was not fully developed in 2013.</p> <p>Provide evidence, where possible, over the extent of the Pegasus Business Park in terms of occupiers and footprint in 2013 compared to the present day.</p>
SE.4.2	The Applicant	<p>Direct jobs – East Midlands Airport</p> <p>At the Socio Economics ISH [EV-020] when considering job totals on the EMA site the Applicant stated that such figures were lower than 'standard formulae', quoted in response to question SE.2.2. Stone Hill Park (SHP) were of the view that such formulae were Europe-wide, inappropriate and out of date. As part of their Deadline 8 submission SHP have submitted a summary of an ACI Europe report produced in 2003 by York Aviation [REP8-031] confirming that the study was Europe wide, and an email to the Applicant stating that York Aviation consider that the report cited is substantially out of date.</p> <ul style="list-style-type: none"> i. Comment on the above, using evidence. ii. Is a report dating from 2004, 15 years ago, still relevant in your view?
SE.4.3	The Applicant	Comparators – East Midlands Airport

ExQ4	Question to:	Question:
		<p>The Applicant's answer to SE.2.2 states that "81% of the quoted 6,730 on-site employees (see EMA Sustainable Business Plan) were engaged in passenger and cargo services with almost all living in the local area"</p> <ul style="list-style-type: none"> i. Define 'local area' in this answer, and comment on how this may or may not relate to the local area around the proposed development in terms of population and size. ii. Does this answer mean that 19% of the 6,730 employees were not involved in aviation activities?
SE.4.4	The Applicant	<p>Indirect/ induced jobs</p> <p>The ratio used to calculate indirect/induced jobs is stated to have been chosen as the one used by Luton and Stansted, at 1.8 times the direct jobs calculation. In their Deadline 8 response SHP [REP8-031] provide evidence that the report that this figure derives from (The economic impact of London Luton Airport, Oxford Economics, November 2015) uses this ratio for national purposes. The executive summary of the report states "<i>The indirect impact encapsulates the economic activity supported in the airport's UK supply chain as a result of its procurement of goods and services</i>", and that "<i>for every direct job the airport supports, another 1.9 are supported elsewhere in the UK economy.</i>"</p> <p>SHP go on to explain how the indirect multiplier for the 3 counties surrounding Luton (Bedfordshire, Buckinghamshire and Hertfordshire) would be 0.7, with 0.4 for Bedfordshire alone. They suggest a similar ratio would be appropriate for Thanet, of potentially 0.7 for Kent and the Thames Estuary.</p>

ExQ4	Question to:	Question:
		<ul style="list-style-type: none"> i. What does the Oxford Economics report show for indirect/ induced employment ratios at Luton Airport? ii. Comment on the 0.4 ratio calculated by SHP for the proposed development's effects in Thanet, providing justified evidence if you disagree with their calculations.
SE.4.5	The Applicant	<p>Catalytic jobs</p> <p>SHP state [REP8-031] that multipliers are not normally used for estimating the catalytic employment impacts of an airport development project, which are more normally assessed by specifically considering the wider benefits to the economy from connectivity, usually by reference to reliable forecasts of business passenger numbers and freight expected at an individual airport. They consider the Azimuth report uses an inappropriate ICAO multiplier relating to the global impact of the aviation sector and consider that given that the forecasts for Manston suggest that its usage will mostly be for outbound tourism purposes and import of e-commerce integrator freight then the catalytic effects on the economy are likely to be much less than would be expected elsewhere.</p> <ul style="list-style-type: none"> i. Comment on the above. ii. What percentage of catalytic jobs do you consider would occur within Kent, and why?
SE.4.6	The Applicant	Displacement

ExQ4	Question to:	Question:
		<p>Nationally based multipliers are used to calculate catalytic jobs. Given question SE.4.4, above, nationally based multipliers may also have been used to calculate indirect/ induced jobs.</p> <p>Given the use of such multipliers, should nationally based figures also be used to calculate any displacement effects of the Proposed Development? If not, why not?</p>
SE.4.7	The Applicant	<p>Employment – detailed figures</p> <p>The Applicant’s answer to question SE.2.7 states that 1,250 cargo/ freight staff would be likely to operate over four shifts over a 24 hour period. At the Socio-Economics ISH the Applicant agreed that three, rather than four, shifts would be necessary.</p> <ul style="list-style-type: none"> i. Justify the estimated 1,250 staff in relation to a three shift pattern. ii. Would the number of staff required remain the same?
SE.4.8	The Applicant	<p>Employment – MRO/Recycling</p> <p>Appendix SE1.5 of [REP3-187] gives detailed jobs figures of 600 for the proposed MRO facility. The Applicant’s answer to question SE.2.7 states that Ryanair’s fleet is maintained at a 5 bay operation at Prestwick which employs some 500 people. SHP provide evidence [REP8-031] that in the year up to July 2018 this facility provided 400 jobs, considering that a similar 3 bay operation at the proposed development would realistically employ 240 people.</p> <p>At the Socio Economics ISH (05/06/19) the Applicant introduced the Tarmac Aerosave operation in Tarbes (France) as a possible comparator. Appendix ISH5-17 of the</p>

ExQ4	Question to:	Question:
		<p>Applicant's ISH 5 Summary and associated appendices [REP8-013] contains details relating to this operation, stating that the facility employs some 200 staff in maintenance and recycling. SHP state that the Tarbes site appears to have 2 hangars capable of accommodating wide bodied aircraft and parking for around 24 aircraft, substantially larger in their view than that proposed or possible at Manston.</p> <p>Comment on the above.</p>
SE.4.9	The Applicant	<p>Job multipliers</p> <p>SHP note [REP8-031] that Chapter 3.8 of the ES [APP-034] uses the employment forecast from the Azimuth report and applies them at three levels of assessment; Local (Thanet); Regional (Kent) and UK. SHP go on to state that the ES assesses both the direct on-site job creation and the indirect/induced employment for their significance at both the Local and Regional levels, making no distinction as to the different number of jobs that might be created at these two assessment levels, which is not consistent with the Azimuth report. SHP state that whilst the on-airport jobs will clearly be located within Thanet, the distribution of employee residence will be wider, so even for direct employment, assessment at the Local level will overstate the significance.</p> <p>The Azimuth report defines the relevant area for the indirect and induced effects to be realised: East Kent, including Shepway, Swale, Medway and potentially Dartford and South East London. At the Hearing this was clarified to be Kent (as a County). SHP consider that in assessing the employment benefits of the claimed indirect and induced employment, the ES has been inconsistent with the Azimuth report, and that it is important to make sure that the multipliers used in deriving indirect/induced employment are relevant to the study areas being considered and these study areas</p>

ExQ4	Question to:	Question:
		<p>are clearly defined in the first instance before estimating the relevant multipliers to be used, typically by reference to the expected supply chain effects, taking into account location specific input output tables. SHP state that the Azimuth report did not do this and relied on UK level multipliers from other studies regardless of their applicability to Manston.</p> <p>Comment on the above, justifying your answer.</p>
SE.4.10	The Applicant	<p>Tourism</p> <p>At the Socio Economics ISH [EV-020] the Applicant stated that it considered tourism figures derived, in part, from Gatwick, Stansted or Luton Airports were more appropriate as comparators for local tourism than Cardiff or Doncaster-Sheffield due to the proximity of London.</p> <p>SHP provide evidence that the actual proportions of passengers at Gatwick, Luton and Stansted Airports that are foreign visitors staying locally (including those staying the night before flying) is 1%, 1.5% and 0.5% respectively. Based on first quarter CAA Survey results for Southend, SHP suggest a figure of 0.8% applies to this airport.</p> <ul style="list-style-type: none"> i. Due to this proximity to London, the acknowledged draw of the capital and the availability of a quick frequent train service would it be the case that the majority of tourists who may use the proposed development would use it to access London, as opposed to visiting Thanet or East Kent? ii. Comment on the above data sourced from the CAA.

ExQ4	Question to:	Question:
SE.4.11	The Applicant	<p>Tourism</p> <p>Written question SE.3.7 considered the attraction of the airport to older or less mobile passengers. Representations have also been made on this subject by Interested Parties.</p> <ul style="list-style-type: none"> i. What other airports would the proposed development be competing with for this market? ii. Would Southend be a competitor in this regard? iii. While the ExA recognises that larger airports may be more confusing and have longer distances to walk, are airports obliged to offer assistance to less mobile passengers? iv. Would a passenger's choice of airport be related to the destinations available, the cost of tickets to such destinations, surface access options and cost of such options, and the proximity of the airport in time?
SE.4.12	The Applicant	<p>Tourism</p> <p>At the socio-economics ISH, a question was asked regarding the flight path for the proposed development compared to Southend. The Applicant's answer to SE.3.9 provides a plan showing the flightpath to the south west located over Leigh on Sea. A member of the public stated that this was a tourist centre.</p> <p>Confirm, or otherwise that Leigh on Sea is a tourist centre, and compare this area in terms of size and attractions to Southend and Ramsgate town centre.</p>

ExQ4	Question to:	Question:
SE.4.13	The Applicant	<p>Tourism</p> <p>At the socio-economics ISH the Applicant stated that operations at Newquay Airport overflow Watergate Bay with no adverse tourism effects.</p> <p>i. Is Watergate Bay the main tourist area for Newquay?</p> <p>ii. Compare Watergate Bay in terms of size and attractions with Ramsgate.</p>
SE.4.14	The Applicant TDC	<p>Tourism</p> <p>An Interested Party has submitted an infographic produced by TDC concerning the Thanet Visitor Study 2018 [AS-205]. The IP's accompanying commentary considers that the information shows significant interdependencies between Ramsgate, Broadstairs and Margate, shows the importance of Ramsgate as a key part of a touring itinerary for the wider tourism industry in Kent and that coastline/beach and recreational activities - predominantly outdoors pursuits - account for 83% of all key influencers.</p> <p>Taking the above into account, what effects do you consider the proposal would have, whether positive or negative, on the tourism industry in Ramsgate and the wider Thanet area?</p>
Tr.4	Transportation and traffic	
Tr.4.1	The Applicant	Study area

ExQ4	Question to:	Question:
	KCC	<p>KCC's response to third written question TR.3.15 [REP7a-034] sets out that the provision of the network diagram (Appendix TR.2.11) has highlighted further areas of interest which should be addressed by the Applicant. These include traffic flows entering/ leaving the current network study area on:</p> <ul style="list-style-type: none"> • The A256 (177 and 155 two-way traffic movements in the AM and PM peaks respectively). • The A299 Thanet Way at St Nicholas-at-Wade (111 & 84 two-way traffic movements in the AM and PM peaks respectively). <p>KCC suggested that the study areas should be expanded to better understand potential impact on these links and appropriate mitigation proposals progressed if adverse impacts are identified.</p> <p>After further discussion at the ISH7 on 6 June 2019 [EV-028], the Applicant agreed to undertake a proportional impact assessment on the wider study area. This is presented in the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices at Appendix ISH7 – 32 [REP8-017].</p> <ol style="list-style-type: none"> Is KCC content with the methodology adopted? Is KCC content with the findings of the additional assessment? Is the use of a 5% proportional increase threshold appropriate and acceptable to KCC? <p>The additional modelling is based on the revised Transport Assessment 9) TA (utilising the Thanet Strategic Transport Model).</p>

ExQ4	Question to:	Question:
		<p>v. Are there any potential implications of such a wider study area associated with the original TA?</p> <p>vi. If so, how will this be addressed by the end of the Examination?</p>
Tr.4.2	The Applicant	<p>Passenger flight movements</p> <p>Appendix ISH7 – 30 of Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] sets out a technical note on Airport Passenger Traffic Generation.</p> <p>Paragraph 1.1.2 of Appendix ISH7 – 30 sets out that:</p> <p><i>"In responding to this request a review of the spreadsheet calculations identified two errors which had been applied to the traffic generation in both the DCO TA and the Revised TA:</i></p> <p><i>double counting of in and out trips for taxis and car drop off for passenger departure and arrival flights.</i></p> <p><i>departure trips out of the airport following a passenger arrival flight were allocated in the same time period as the flight arrival rather than 1 hour after arrival as identified".</i></p> <p>Paragraph 1.1.4 goes on to say:</p> <p><i>"The results of the amended calculation show a lower volume of development traffic overall. <u>In the AM peak hour there are 141 fewer trips</u> than the revised traffic generation in the Revised TA; and In the PM peak hour there is a marginal increase of 11 vehicles compared to the revised traffic generation in the Revised TA".</i></p>

ExQ4	Question to:	Question:
		<p>Both the original TA (Tables 1.6 and 1.7 of Appendix E) and revised TA (Tables 1.5 and 1.6 of Appendix C) did not model any passenger vehicle movements in the am peak due to the anticipated passenger flight departure and arrival times.</p> <p>i. How can there suddenly be a significant reduction of 141 vehicle movements in the am peak when there were no passenger flight movements in the am peak modelled in the original TA and revised TA?</p> <p>ii. Provide the detailed modelling that shows the direct comparison.</p>
Tr.4.3	The Applicant	<p>Passenger flight movements</p> <p>Appendix ISH7 – 30 of Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Table 2.12 sets out a Passenger Traffic Generation Comparison between DCO (original) TA and revised TA. However, these figures do not appear to reflect those in the Appendix E of the original TA or Appendix C of the revised TA.</p> <p>Provide clarification on where the figures in Table 2.12 have been derived.</p>
Tr.4.4	The Applicant KCC	<p>Passenger flight movements</p> <p>Appendix ISH7 – 30 of Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Paragraph 2.5.4 concludes:</p> <p><i>"The overestimation of the AM peak hour traffic is comparable to the traffic generation for departure and arrival flights which would affect the AM peak hour. On this basis,</i></p>

ExQ4	Question to:	Question:
		<p><i>the DCO (original) TA has been robust and has assessed a situation equivalent to departure/arrival flights affecting the AM peak hour".</i></p> <p>However, the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Paragraph 2.13 states:</p> <p><i>"Following discussions of this item at the hearing, the Applicant confirms that there will be a ban on flights arriving or departing between 09.00 and 11.30, with one departure permitted from 11.30 and one from 11.45. For the 11.30 departure, it is assumed that half of the 30% passenger arrivals would fall within the morning peak hour and for the departure at 11.45, one quarter of passengers would fall within the peak hour".</i></p> <ul style="list-style-type: none"> i. These two statements appear contradictory, provide further clarification. ii. How many departure and/ or arrival flights would result in the equivalent number of vehicle trips as the suggested overestimation in the am peak? iii. Provide further evidence that an arrival at 07.00 (where 100% of passengers would depart in the am peak) along with the proposed departure flights at 11.30am and 11.45am would not materially impact on the am peak. iv. Should a restriction on any passenger flight arrivals before 8.00am be imposed?

ExQ4	Question to:	Question:
		v. Do KCC have any views on this matter and the proposed passenger flight restrictions?
Tr.4.5	The Applicant KCC TDC	<p>Passenger flight movements</p> <p>Appendix ISH7 – 30 of Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Table 2.13 shows that, as a result of the amended passenger traffic generation, there would be 98 more vehicle movements in the pm peak than that modelled in the original TA.</p> <p>Appendix ISH7 – 43 of Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] provides a Transport Assessment Update, which at Paragraph 1.1.3 states:</p> <p><i>"As part of the scoping of the TA Addendum with KCC, two changes to the traffic generation methodology were agreed which affected the overall traffic generation".</i></p> <p>Paragraph 1.1.4 goes on to set out: <i>'The purpose of the TA Update is to assess and present the implications of the changes to the traffic generation based on the DCO (original) TA spreadsheet model'.</i></p> <p>Paragraphs 2.2.6 to 2.2.8 state:</p> <p><i>"Further to this, it is noted that a review of the spreadsheet calculations identified two errors which resulted in an overestimation of overall traffic generation. With regards to the peak hour periods, there are the following changes: In the AM peak hour there are 141 fewer trips than the revised traffic generation in the Revised TA; and</i></p> <p><i>In the PM peak hour there is a marginal increase of 11 vehicles compared to the revised traffic generation in the Revised TA.</i></p>

ExQ4	Question to:	Question:
		<p><i>The overestimation of the AM peak hour traffic is comparable to the traffic generation for departure and arrival flights which would affect the AM peak hour. On this basis, the DCO TA has been robust and has assessed a situation equivalent to departure/arrival flights affecting the AM peak hour.</i></p> <p><i>This assessment of the PM peak hour has been based on the V7 traffic generation. The addition of 11 extra two-way trips is marginal and would not affect the overall outputs”.</i></p> <ul style="list-style-type: none"> i. Given that the Transport Assessment Update (Appendix ISH7 – 43) is reviewing the original TA based on the changes to the traffic generation methodology and not the revised TA, why was an increase of 11 extra two-way trips considered and not the 98 extra two-way trips as set out in Table 2.13 of Appendix ISH7 – 30? ii. What effect would the additional 98 extra two-way trips have on the junction assessments in the Transport Assessment Update (Appendix ISH7 – 43)? iii. Further, what effect would this have on the noise and air quality assessments? iv. What are the views of KCC and TDC on this matter?
Tr.4.6	The Applicant KCC TDC	<p>Passenger flight movements PM peak restrictions</p> <p>In a similar manner to the am peak restrictions, to ensure that there will be no unacceptable impacts on the local highway network, the ExA is considering whether a</p>

ExQ4	Question to:	Question:
		<p>further restriction in the dDCO is required for passenger arrival and departure flights during the pm peak period in the form of an additional Requirement to read:</p> <p><i>"There shall only be: one passenger flight arrival between the hours of 16.00 and 17.00; two passenger flight departures between the hours of 18.00 and 19.00; one passenger flight departure between the hours of 19.00 and 20.00; and no passenger departure flights between the hours of 20.00 and 21.00."</i></p> <ul style="list-style-type: none"> i. What is the Applicant's response? ii. What are the views of KCC and TDC?
Tr.4.7	The Applicant KCC Highways England	<p>HGV clustering</p> <p>The Applicant's response to second written question ND.2.13 [REP6-012] sets out that <i>"...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> <ul style="list-style-type: none"> i. Further justify this assertion. ii. Is it entirely feasible that a traditional express integrator could operate out of Manston that would require early morning delivery times that would affect the am peak? <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix 2 at Paragraphs 5.1.1 and 5.1.2 state:</p>

ExQ4	Question to:	Question:
		<p><i>"There are likely to be lower HGV movements in the peak periods and higher flows in the off-peak, as commercial operators will seek to avoid congested periods to avoid inefficiency. Any clustering of HGV movements is therefore not likely to coincide with peak traffic hours.</i></p> <p><i>Any clustering is unlikely to have a material impact on the transport network, e.g. a 50% uplift would result in an extra 5 HGVs in an hour".</i></p> <p>iii. Is this accepted by KCC and Highways England?</p>
Tr.4.8	KCC	<p>Manston-Haine Link Road</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] in Section 3 sets out that:</p> <ul style="list-style-type: none"> • <i>"KCC agreed that the deliverability of the link road is a matter for them and that a planning application for the road would need to be submitted including any necessary environmental impact assessment (EIA) and public consultation;</i> • <i>The draft Thanet Transport Strategy (TTS) is an aspiration and is not yet adopted in any Plan;</i> • <i>The emerging Thanet Local Plan indicates that the route is indicative and will depend on the final proposals for the Northern Grass site;</i> • <i>The Strategic Site Allocations Impact Thanet Local Plan Evidence Base, July 2018, Amey identifies that strategic housing developments in Thanet should contribute to the transport strategy at a level commensurate to their likely impact and does not include the airport;</i>

ExQ4	Question to:	Question:
		<ul style="list-style-type: none"> • KCC does not currently own any of the land in the Northern Grass that would be required to deliver the link road and nor is that land safeguarded for road development in any adopted or even emerging development plan; • KCC acknowledged that the route contained within the TTS has not been the subject of detailed testing, nor has it been the subject of environmental assessment, feasibility study or EIA screening; • The proposal is a Nationally Significant Infrastructure Project that should not be unnecessarily compromised by a transport strategy that is not secured and could be delivered via the alternative alignment proposed by the Applicant; • The Applicant has agreed to safeguard (for the duration of the Local Plan period) and transfer to KCC at nil cost, land alongside Manston Road to ensure that the alternative alignment can be delivered in the event that funding is secured for it. Alongside a number of other transport contributions, this is a generous contribution to the costs and deliverability of KCC's proposed link road; and • The Applicant believes that the inclusion of safeguarding of the land within the Section 106 agreement is the most appropriate mechanism given that it is unknown as to when KCC plan to deliver the link road and that there is no guarantee that the link road will be delivered". <p>Does KCC accept all of these points? If not, why not.</p>
Tr.4.9	The Applicant	<p>Manston-Haine Link Road - Financial Contribution</p> <p>The revised draft s106 Agreement [REP8-006] at Schedule 8 includes a financial contribution of £500,000 towards the construction of the link road.</p>

ExQ4	Question to:	Question:
		<ul style="list-style-type: none"> i. Provide a clear explanation of the need for this contribution. ii. How has it been calculated? iii. Does provision of the financial contribution contradict the views of the Applicant that has been set out in Section 3 of Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices (see previous question) and does the Applicant now accept that a financial contribution is necessary?
Tr.4.10	KCC	<p>Manston-Haine Link Road</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix ISH7 – 36 sets out a note on 'Safety and Security Issues with the Manston-Haine Link Road Transecting the Northern Grass Area'.</p> <p>Does KCC accept the Applicant's views on these matters?</p>
Tr.4.11	The Applicant KCC	<p>Alternative Manston-Haine Link Road</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Paragraph 3.12 notes that the Applicant:</p> <p><i>"...has already funded an initial feasibility design of the alternative Manston Haine link demonstrating that equivalent performance could be delivered without the need to take a central line through the Northern Grass. This information is in the public domain and has been shared with KCC. In addition, the Applicant has funded the Revised TA which demonstrated that the Manston-Haine Link in its alternative</i></p>

ExQ4	Question to:	Question:
		<p><i>alignment is deliverable and provides the same performance as the route through the Northern Grass".</i></p> <p>Further, Paragraph 3.15 states:</p> <p><i>"The Applicant highlighted that the alternative alignment as proposed by the Applicant is 100m shorter than the route identified by KCC. It also follows existing highway for part of its length therefore requiring considerably less land take than the KCC option".</i></p> <ul style="list-style-type: none"> i. Are these matters accepted by KCC? ii. Can the Applicant confirm that this initial feasibility study forms part of the examination evidence? iii. Is there sufficient evidence to suggest that there is a reasonable likelihood that the alternative link road can be delivered without significant environmental impacts?
Tr.4.12	The Applicant KCC	<p>Alternative Manston-Haine Link Road</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix ISH7 – 38 includes maps showing a wider corridor to be safeguarded for the alternative route.</p> <p>Further, KCC in their response to Deadline 8 [REP8-027] on Page 2 set out several concerns:</p> <p><i>"The road link is currently at a very early stage of development and is based on a two-dimensional design. Therefore, defining a precise area of land for safeguarding (based on this early stage design) offers insufficient flexibility to KCC, should it need</i></p>

ExQ4	Question to:	Question:
		<p><i>to react and accommodate possible minor changes in alignment and subsequent land requirements as the design progresses.</i></p> <p><i>Until potential land requirements are known in full and features such as drainage and archaeology are identified, it is essential that a level of flexibility is maintained to allow KCC to accommodate any changes that may be needed as a result, in a similar way to that sought by the applicant for the proposed development of the Northern Grass Area.</i></p> <p><i>The current safeguarding area provides no scope whatsoever for any minor realignment, provision of a turning head for the proposed Manston Road service road, or any form of junction at Spitfire Way, which is a significant risk from the Highway Authority perspective.</i></p> <p><i>Safeguarding must include all land between the existing highway (Manston Road) and the western side of the proposed link and all identified intervisibility areas on the eastern/southern side of the road to make the scheme acceptable”.</i></p> <p>i. Does the Applicant’s proposed wider safeguarding corridor overcome KCC’s concerns?</p> <p>ii. What is the view of the Applicant on these matters?</p>
Tr.4.13	KCC Historic England	<p>Alternative Manston-Haine Link Road</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix ISH7 – 38 provides an 'Explanatory Note addressing the implications of safeguarding a wider corridor for the proposed Manston-Haine link road'. The Applicant suggests that safeguarding a wider corridor</p>

ExQ4	Question to:	Question:
		<p>will not affect the performance of the radar and having a wider corridor means that any heritage impacts are more likely to be able to be avoided.</p> <p>Does KCC and Historic England accept these points?</p>
Tr.4.14	The Applicant	<p>Alternative Manston-Haine Link Road</p> <p>KCC in their response to Deadline 8 [REP8-027] on Page 2 state:</p> <p><i>"Land required to deliver a new Junction at Spitfire Way/B2050 Manston Road must also be included to enable the scheme to come forward ahead of physical delivery of the Spitfire Junction improvements".</i></p> <p>What is the Applicant's response?</p>
Tr.4.15	The Applicant	<p>Alternative Manston-Haine Link Road</p> <p>KCC in their response to Deadline 8 [REP8-027] set out on Page 3 that the safeguarded corridor:</p> <p><i>"must be subject to adequate i.e. enforceable provision to ensure that the Radar Protection Zone and landscaping buffer features, which the proposed road alignment may encroach on, will be secured in a manner that cannot prejudice the delivery of the link road scheme in the future. KCC submits to the Examining Authority that it must be entirely satisfied that this could not constitute an insurmountable constraint in the future. Whilst a certain level of informal clarification has been provided by the applicant in TR 3.2, KCC does not have the relevant expertise in relation to aviation radars to come to a firm view about deliverability, on the basis of the limited information provided. KCC therefore requests that the independent evidence that</i></p>

ExQ4	Question to:	Question:
		<p><i>informed the applicant's proposal in this regard, including any justification for the proposed approach, should be provided to the Examining Authority and the interested parties by the applicant in relation to this matter, so at the very least a view can be formed about deliverability".</i></p> <p>Provide this evidence.</p>
Tr.4.16	The Applicant	<p>Alternative Manston-Haine Link Road</p> <p>KCC in their response to Deadline 8 [REP8-027] set out on Page 3 that:</p> <p><i>"it is essential that KCC fully understands the financial implications of progressing an alternative alignment for the Manston to Haine Road Link. In order to do this, the applicant's suggested design must be subject to a separate cost estimate by a construction consultant (funded by the applicant). At the request of the applicant, KCC recently produced a draft commission brief for this work, which was subsequently sent to the applicant for their comment / approval. Since then, no further contact has been received from the applicant and as such, common ground in relation to this issue is now highly unlikely to be reached before the end of the Examination".</i></p> <p>i. What is the Applicant's response?</p> <p>The latest Applicant's Statement of Common Ground status table [REP4-106] states that:</p> <p><i>"The matters raised by KCC in its representations and Local Impact Report are expected to be addressed as part of the updated Transport Assessment There is no point in agreeing a SoCG with KCC until this is done, but it will be progressed as soon as possible afterwards."</i></p>

ExQ4	Question to:	Question:
		<p>ii. Report on progress with the Statement of Common Ground between the Application and KCC; and</p> <p>iii. state when this will be submitted.</p>
Tr.4.17	The Applicant	<p>Alternative Manston-Haine Link Road</p> <p>KCC in their response to Deadline 8 [REP8-027] on Pages 7 and 8 state:</p> <p><i>"KCC requires a much longer safeguarding period to cover unforeseen delays in delivering this project, due to circumstances outside of its control. It is suggested that the safeguarding should be extended to twenty years, which will also facilitate future changes in circumstances (for example, a subsequent Local Plan review).</i></p> <p><i>Alternatively, the section 106 agreement should include necessary clause(s) to enable KCC to secure a deed of dedication for any land deemed necessary to deliver the all or part of the Manston to Haine road scheme ahead of planning consent being gained".</i></p> <p>What is the Applicant's response to both of these matters?</p>
Tr.4.18	The Applicant	<p>Alternative Manston-Haine Link Road</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Paragraph 3.17 sets out:</p> <p><i>"In response to the ExA Action 37 (a) the s.106 agreement is the mechanism which will secure the Applicant's commitments to making financial contributions, whereas the DCO secures non-financial commitments that often correspond to the contributions included in the s106 agreement. For example the submission of an Education, Employment & Skills Plan is secured by Requirement 20 of the DCO, and</i></p>

ExQ4	Question to:	Question:
		<p><i>the funding for this is provided in the s106 agreement. Similarly, the provision of bus services is included in the REAC which is secured by Requirement 7 of the DCO, and the funding is again secured by the s106 agreement”.</i></p> <p>On this basis, should the dDCO not secure the non-financial commitment to safeguard the alternative link road land that corresponds to the contribution now included in the revised draft Section 106 Agreement?</p>
Tr.4.19	<p>The Applicant</p> <p>RAF Manston History Museum</p> <p>RAF Manston Spitfire and Hurricane Memorial Museum</p>	<p>Alternative Manston-Haine Link Road</p> <p>Supporters of Manston Airport Committee in an additional submission [AS-199] raise a number of concerns with regard to the route of the alternative link road:</p> <ul style="list-style-type: none"> • That this main, Band A road passes too close to both museums which house some valuable, unique and sometimes fragile artefacts; • that the road widening will impact and encroach upon the museums land - as the opposite side of the road is MoD restricted Crown land; • it appears that the road would cut through part of the RAF Manston History Museum – or at least through part of the grounds; • the location of the access and entry points to the museums and car park; • any potential effects on visitor numbers; • the safety of visitors, particularly as the museums attract a lot of children and elderly people;

ExQ4	Question to:	Question:
		<ul style="list-style-type: none"> the vibration and pollution from the traffic which could potentially cause damage to the exhibition items; and any impact on any future large-scale commemorative events and flypasts. <p>The submission also states:</p> <p><i>"We were further surprised to learn that, before we spoke to a representative from one of the museums, they had no knowledge of this potential new road and had not been consulted on it.</i></p> <p><i>We raise these concerns in the knowledge that there is a very short period before this examination closes and that we are keen to ensure that the museums have a secure future going forward".</i></p> <ul style="list-style-type: none"> i. What is the Applicant's response? ii. What are the views of the RAF Manston History Museum and the RAF Manston Spitfire and Hurricane Memorial Museum on these matters?
Tr.4.20	The Applicant KCC	<p>Transport Assessment Update - Appendix ISH7 – 43 [REP8-017]</p> <p>Table 3.1 shows the junctions that have been assessed. For junctions 14, 19, 22 and 23 it states: <i>"Traffic Impact at the junction not sufficient to warrant assessment".</i></p> <ul style="list-style-type: none"> i. Provide clarification how has this been established. <p>Further, Table 3.1 also sets out that junctions 20, 21a and 21b do not require assessment based on the 'Manston Green Junction Layout'.</p>

ExQ4	Question to:	Question:
		<p>ii. What guarantee can there be that the Manston Green site will come forward?</p> <p>iii. If the Manston Green site did not come forward and the junction layout was not implemented, what effect would this on such an assertion and the need for assessment and mitigation?</p> <p>iv. Is KCC content with this approach?</p>
Tr.4.21	The Applicant KCC	<p>Modelling Approach in Original TA</p> <p>KCC in their response to Deadline 8 [REP8-027] (Pages 5 and 6) state:</p> <p><i>"As outlined within the KCC LIR, there is continued concern about the approach to modelling within TA1, as it provides inaccurate forecasts of future traffic conditions within the local highway network. TA1 is not informed by the Thanet Strategic Highway Model (TSHM), which provides the most accurate forecast of future growth and traffic conditions, as it is based upon local development proposals as set out within the Draft Thanet Local Plan and Transport Strategy (including planned highway infrastructure schemes) and provides dynamic distribution of trips within the study area.</i></p> <p><i>The spreadsheet model used to inform TA1 takes a blanket approach to growth using TEMPro growth factors, which KCC considers to be unsuitable. The applicant has suggested that this is a suitable approach to assessing the traffic impact, however KCC maintains the view that this is not an appropriate modelling tool for the reasons set out within the KCC LIR (which were reiterated at recent ISH 7).</i></p>

ExQ4	Question to:	Question:
		<p><i>The recently submitted TA Addendum (TA2) was informed by outputs from the TSHM (undertaken by KCC's consultants) and suggests that a reduced number of junctions require positive mitigation by the applicant (when compared to the conclusions drawn from TA1). The applicant has suggested that the appraisal within TA2 supports a conclusion that TA1 provides a robust set of mitigation proposals. KCC disagrees with the applicant's conclusion, as this methodology fails to recognise the benefits that are derived from the considerable number of highway infrastructure proposals included within the TSTM modelling scenario (which includes the Manston to Haine Road Link).</i></p> <p><i>In view of the above, KCC considers that a proportionate contribution towards strategic infrastructure is justified and the applicant should fund a further apportionment study work to ascertain the appropriate financial contribution in line with the emerging Thanet Local Plan. Until recently, there was a reasonably positive dialogue with the applicant in relation to this issue, which led to the production of a draft Commissioning Brief to KCC's consultancy team (prepared by KCC) for the applicant's comment/approval. Unfortunately, since the production of this brief, no further contact or undertaking with regard to costs has been received from the applicant. No agreement has therefore been reached to date with regard to this issue either.</i></p> <p><i>Whilst KCC welcomes a flexible approach to highway mitigation measures, it is essential that any contributions are informed by highway interventions that effectively mitigate the impacts of the development and do not in themselves create safety issues. The usual approach would be for the applicant to enter into relevant Highways Agreements under the Highways Act 1980. However, in this case, KCC is amenable to a contribution-based approach to ensure potential changes in local circumstances (such as future Local Plan review or large scale development proposals outside</i></p>

ExQ4	Question to:	Question:
		<p><i>currently planned growth) are able to be facilitated in future junction improvement / road network solutions.</i></p> <p><i>Separate to agreement on the quantum of the contributions, it is essential that a flexible approach to what the contributions secured under a section 106 agreement could be utilised for, provided of course that they are needed to alleviate the impact of the development.</i></p> <p><i>However, if either the quantum of the contributions or the required flexibility as to the schemes to which KCC may apply the contributions is not reached with the applicant, KCC objects to the proposed development on the basis that adequate mitigation has not been secured. At present KCC's position is that it fundamentally disagrees with parts of the mitigation proposed. Should no progress be made between now and the conclusion of the examination, if the Examining Authority is minded to grant the DCO, KCC requires that provision be put in place that any Highways works must be secured through Section 278 Highways Act agreements, with necessary changes to the section 106 agreement to reflect this position."</i></p> <ul style="list-style-type: none"> i. The Applicant must respond to each matter raised. ii. KCC has set out that the methodology fails to recognise the benefits that are derived from the considerable number of highway infrastructure proposals included within the TSTM modelling scenario (which includes the Manston to Haine Road Link). However, what guarantee is there that these will actually be delivered? <p>In addition, KCC in their response to Deadline 8 [REP8-027] (Page 8) state:</p>

ExQ4	Question to:	Question:
		<p><i>"As outlined at the recent ISH7, KCC considers that an appropriate contribution towards the emerging Inner Circuit Route Improvement Strategy should be included within the section 106 agreement. However, the modelling/study work to calculate the monetary value of this has not been completed, due to delays in obtaining an undertaking from the applicant to cover costs associated with completing this piece of work, which cannot be reasonably expected to be borne by the Highways Authority".</i></p> <p>iii. What is the Applicant's response?</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices' at Paragraph 2.7 states:</p> <p><i>"The Applicant highlighted that a standard spreadsheet traffic modelling methodology used in the original TA is a conventional approach applied in numerous planning applications and appeals without controversy and has been accepted by KCC for a number of recent planning applications, including Land off Haine Road OPA (planning reference OL/TH/18/0261)".</i></p> <p>iv. What is KCC's response?</p>
Tr.4.22	The Applicant KCC	<p>Junction 1: A256 / Sandwich Rd</p> <p>KCC in their Local Impact Report (LIR) [REP3-143] state:</p> <p><i>"It is not considered that the proposed scheme of mitigation for the A256 / Sandwich Road roundabout will deliver practical benefits to the capacity of the junction. There is a known tendency for the ARCADY and PICADY modelling software to exaggerate the impact of minor amendments to kerb radii, flare lengths etc, which do not in reality provide meaningful capacity gains".</i></p>

ExQ4	Question to:	Question:
		<p>i. What is the Applicant's response?</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices at Appendix ISH7 - 43 [REP8-017] at Paragraph 3.2.9 states that <i>"this junction improvement scheme has not been subject to a Stage 1 Road Safety Audit (RSA) as the change is minor"</i>.</p> <p>ii. Is this view accepted by KCC?</p>
Tr.4.23	The Applicant KCC	<p>Junction 2: A299 / A256 / Cottington Link Rd</p> <p>Appendix TR3.24 [REP7a-003] of the Applicant's response to third written questions includes a further Stage 1 Road Safety Audit following the design response and the provision of swept path analysis. The audit concludes that there are no outstanding matters.</p> <p>KCC in their response to Deadline 8 [REP8-027] set out that it is their understanding that instigated by the Road Safety Audit a change to the mitigation scheme has been made which includes the signalisation of the roundabout. The response goes on to set out that in the absence of the revised junction model, KCC cannot assess the impact and operation of the proposed mitigation scheme. Further, in the absence of junction model, there are prima facie concerns over the potential effectiveness of the proposed signalisation of this junction; primarily due to the limited stacking space that is available within the circulatory lanes. The most obvious conclusion is that this may lead to an increase in vehicle conflict through inappropriate lane changing and potential blocking back of junctions to the detriment of the free flow of traffic and Highway Safety on the A299.</p>

ExQ4	Question to:	Question:
		<p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices at Appendix ISH7 - 43 [REP8-017] at Paragraph 4.4 states:</p> <p><i>"The Applicant acknowledged that the Designers Responses to the Road Safety Audits (RSAs) had resulted in changes to the mitigation schemes for Junctions 2, 4 and 6. As such, the Applicant has submitted a Technical Note as Appendix ISH7-44, which provides the junction capacity models for those schemes (responding to the ExA's action point 44)".</i></p> <ul style="list-style-type: none"> i. What is the Applicant's response to these concerns? ii. Does the junction capacity model provided for Junction 2 overcome KCC's concern? <p>The mitigation scheme for Junction 2 is based on the modelling in the revised TA and the Stage 1 RSA has been conducted on this basis.</p> <ul style="list-style-type: none"> iii. Will the junction mitigation scheme suitably mitigate the impacts of the development based on the modelling in the original TA and/or Transport Assessment Update - Appendix ISH7 – 43 [REP8-017], especially as the original TA (at Table 7.8) identifies a greater level of impact on this junction, particularly in the am peak than Table 6.3 of the revised TA? iv. What is the view of KCC on this matter?
Tr.4.24	The Applicant KCC	<p>Junction 4: A299 / B2190 (Four-Arm Standard Roundabout)</p> <p>Appendix TR3.25 [REP7a-003] of the Applicant's response to third written questions includes a further Stage 1 Road Safety Audit following the designer's response and the</p>

ExQ4	Question to:	Question:
		<p>provision of swept path analysis. The audit concludes that there are no outstanding matters.</p> <p>KCC in their response to Deadline 8 [REP8-027] set out that it is their understanding that instigated by the Road Safety Audit a change to the mitigation scheme has been made which includes the signalisation of the roundabout. The response goes onto set out that in the absence of the revised junction model, KCC cannot assess the impact and operation of the proposed mitigation scheme. Further, in the absence of junction model, there are prima facie concerns over the potential effectiveness of the proposed signalisation of this junction; primarily due to the limited stacking space that is available within the circulatory lanes. The most obvious conclusion is that this may lead to an increase in vehicle conflict through inappropriate lane changing and potential blocking back of junctions to the detriment of the free flow of traffic and Highway Safety on the A299.</p> <p>Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices at Appendix ISH7 - 43 [REP8-017] at Paragraph 4.4 states:</p> <p><i>"The Applicant acknowledged that the Designers Responses to the Road Safety Audits (RSAs) had resulted in changes to the mitigation schemes for Junctions 2, 4 and 6. As such, the Applicant has submitted a Technical Note as Appendix ISH7-44, which provides s the junction capacity models for those schemes (responding to the ExA's action point 44)".</i></p> <ul style="list-style-type: none"> i. What is the Applicant's response to these concerns? ii. Does the junction capacity model provided for Junction 4 overcome KCC's concern?

ExQ4	Question to:	Question:
		<p>KCC in its response to Deadline 8 (Page 6) [REP8-027] also state:</p> <p><i>"KCC as Highway Authority is surprised that the safety audit has not set out any observations in relation to the revised scheme produced by the applicant. The design appears to make no reference to the existing egress point from the adjacent Smuggler Leap development, which was highlighted in the RSA1 for the outgoing 3 lane scheme proposal. At this point in the Examination, KCC considers that similar issues would arise in respect of the proposed signal scheme. In addition, there are prima facie safety concerns relating to limited circulatory stacking space, which could lead to blocking back and inappropriate lane switching to the detriment of Highway Safety, which KCC considers has not been adequately addressed by the Safety Audit Team".</i></p> <p>iii. What is the Applicant's response?</p> <p>The mitigation scheme for Junction 4 has been refined based on the modelling in the revised TA and the Stage 1 RSAs have been conducted on this basis.</p> <p>iv. Will the junction mitigation scheme suitably mitigate the impacts of the development based on the original TA and/or Transport Assessment Update - Appendix ISH7 – 43 [REP8-017], especially as the original TA (at Table 7.15) and Table 3.7 of the Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] identify a greater level of impact on some arms of this junction than Table 6.7 of the revised TA?</p> <p>v. What is the view of KCC on this matter?</p> <p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Table 3.7 identifies that on the B2190 (N) arm of the junction a significant reduction in queues</p>

ExQ4	Question to:	Question:
		<p>(59) will occur in the pm peak as a result of the updated assessment 'revised traffic' when considered against 'original traffic'. However, Table 2.3 shows that 14 additional vehicles will use this junction in the pm peak.</p> <p>vi. Provide further justification for the improvement.</p>
Tr.4.25	The Applicant KCC	<p>Junction 6: A299 / Seamark Rd / A253 / Willetts Hill (Monkton Roundabout)</p> <p>Appendix TR3.26 [REP7a-003] of the Applicant's response to third written questions includes a further Stage 1 Road Safety Audit following the design response and the provision of swept path analysis. The audit concludes that there are no outstanding matters.</p> <p>KCC in their response to Deadline 8 [REP8-027] set out that it is their understanding that instigated by the Road Safety Audit a change to the mitigation scheme has been made which includes the signalisation of the roundabout. The response goes on to set out that in the absence of the revised junction model, KCC cannot assess the impact and operation of the proposed mitigation scheme. Further, in the absence of junction model, there are prima facie concerns over the potential effectiveness of the proposed signalisation of this junction; primarily due to the limited stacking space that is available within the circulatory lanes. The most obvious conclusion is that this may lead to an increase in vehicle conflict through inappropriate lane changing and potential blocking back of junctions to the detriment of the free flow of traffic and Highway Safety on the A299.</p> <p>Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices' at Appendix ISH7 - 43 [REP8-017] at Paragraph 4.4 states:</p>

ExQ4	Question to:	Question:
		<p><i>"The Applicant acknowledged that the Designers Responses to the Road Safety Audits (RSAs) had resulted in changes to the mitigation schemes for Junctions 2, 4 and 6. As such, the Applicant has submitted a Technical Note as Appendix ISH7-44, which provides s the junction capacity models for those schemes (responding to the ExA's action point 44)".</i></p> <ul style="list-style-type: none"> i. What is the Applicant's response to these concerns? ii. Does the junction capacity model provided for Junction 6 overcome KCC's concern? <p>The mitigation scheme for Junction 6 has been refined based on the modelling in the revised TA and the Stage 1 RSAs have been conducted on this basis.</p> <ul style="list-style-type: none"> iii. Will the junction mitigation scheme suitably mitigate the impacts of the Proposed Development based on the original TA and/or Transport Assessment Update - Appendix ISH7 – 43 [REP8-017], especially as the original TA (at Table 7.22) and Table 3.10 of the Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] identify a greater level of impact on some arms of this junction than Table 6.11 of the revised TA. iv. What is the view of KCC on this matter? <p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Table 3.10 identifies that on the A253 Canterbury Rd (186 vehicles) and A299 (North) (65 vehicles) arms of the junction there is a significant increase in average queue lengths in the pm peak as a result of the updated assessment 'revised traffic' when considered</p>

ExQ4	Question to:	Question:
		<p>against 'original traffic'. However, the proposed mitigation for the junction appears to be the same.</p> <ul style="list-style-type: none"> v. Will the proposed mitigation scheme fully mitigate the impacts of the Proposed Development as set out in Table 3.10? vi. If so, provide the detailed modelling to illustrate this. vii. Why is the data in Table 3.11 set out differently to Table 3.10? viii. What is the view of KCC on these matters?
Tr.4.26	The Applicant KCC	<p>Junction 7: A299 / A28 (St Nicholas Roundabout)</p> <p>KCC's response to third written question TR.3.27 states:</p> <p><i>"There is a concern with a potential increased likelihood of side swipe collisions at this roundabout. The proposal for vehicles travelling between the A299 (west) approach and the A299 (south-east) exit to use either lane on the roundabout circulatory has the potential to cause collisions with vehicles making opposing manoeuvres (e.g. from the A299 (south-east) approach to the A28 (north-east) exit), whose drivers may not appreciate that they intend to continue past their exit. Therefore, KCC is not content with the findings of the Safety Audit".</i></p> <ul style="list-style-type: none"> i. What is the Applicant's response? <p>Appendix TR3.27 [REP7a-003] of the Applicant's response to third written questions includes a further Stage 1 Road Safety Audit following the designer's response in terms road markings and signage. The audit concludes that there are no outstanding matters in relation to these matters.</p>

ExQ4	Question to:	Question:
		<p>ii. Is this accepted by KCC?</p> <p>The mitigation scheme for Junction 7 has been refined based on the modelling in the revised TA and the Stage 1 Road Safety Audits have been conducted on this basis.</p> <p>iii. Will the junction mitigation scheme suitably mitigate the impacts of the development based on the original TA and/or Transport Assessment Update - Appendix ISH7 – 43 [REP8-017], particularly as the original TA (at Table 7.26) Table 3.12 of the Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] identify a greater level of impact on some arms of this junction than Table 6.13 of the revised TA?</p> <p>iv. What is the view of KCC on this matter?</p>
Tr.4.27	The Applicant KCC	<p>Junction 8: A28 / Park Ln / Station Rd</p> <p>Based on the findings of the original TA, KCC's response to first written question TR.1.26 disagrees with the Applicant's view that no mitigation measures are needed for Junction 8. Further, KCC's LIR [REP3-143] states:</p> <p><i>"An inconsistent approach is taken to the justification of capacity mitigation requirements. For example, mitigation is proposed to the Shottendane Road / Manston Road / Margate Hill junction, yet the impact of the proposed development is seen to be of a similar order of magnitude at the A28 / Park Lane / Station Road junctions, where mitigation is claimed to be unnecessary. This is not accepted".</i></p> <p>i. What is the Applicant's response?</p>

ExQ4	Question to:	Question:
		<p>ii. Why has mitigation been proposed for Junction 10 but not for Junction 8 where the impacts are comparable?</p>
Tr.4.28	The Applicant KCC	<p>Junction 10: Shottendane Rd / Manston Rd / Margate Hill</p> <p>i. Are KCC content with the mitigation scheme proposed for this junction?</p> <p>ii. Does it result in a nil detriment mitigation scheme?</p> <p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.40 sets out that the mitigation scheme has not been subject to a Stage 1 RSA as the change is minor.</p> <p>iii. Do KCC accept this point of view?</p>
Tr.4.29	The Applicant KCC	<p>Junction 12: Manston Road / B2050 / Spitfire Way (Four-Arm Staggered Priority Junction (Spitfire Junction))</p> <p>KCC has expressed a view that a roundabout layout would be preferable.</p> <p>i. If it can be demonstrated that a signalised junction is suitable in highway capacity and safety terms, would KCC's preference for a roundabout layout be a reason to impede the delivery of the proposed development?</p> <p>KCC in their response to Deadline 8 [REP8-027] state:</p> <p><i>"The outcome of the RSA1 does not have a bearing on the opinion of KCC in relation to this scheme and they remain as per the KCC written response to this question. The</i></p>

ExQ4	Question to:	Question:
		<p><i>applicant has indicated a desire to work with KCC to identify a mutually acceptable scheme, which is welcomed, however there are ongoing concerns over the ability to reach common ground given the lack of progress to date and the pressing time constraints remaining within the examination timetable.</i></p> <p><i>The lack of progress on this issue, which was highlighted a considerable time ago and in fact as far back as prior to the commencement of the formal Examination, is extremely disappointing. It is not considered that this issue can be addressed through detailed design, as a potential solution may have a bearing on land take within the site”.</i></p> <p>ii. What is the Applicant’s response?</p> <p>KCC’s response to third written question TR.3.28 notes that:</p> <p><i>“The incorporation of uncontrolled right turns within the junction intersection could result in forward visibility for right turning drivers becoming obstructed by vehicles making the opposing right turn, with the potential for collisions with oncoming traffic. Further, KCC is concerned that neither this issue nor the issue of the inter-visibility splay between Manston Road (north) and Manston Road (west) crossing third party land have been identified by the Road Safety Audit”.</i></p> <p>iii. What is the Applicant’s response and why did the Stage 1 RSA not pick up on such matters?</p> <p>iv. If further assessment is required, what is the timeline for this?</p>

ExQ4	Question to:	Question:
		<p>v. Does Figure 7.5 of the revised TA show the inter-visibility line departing from the highway boundary on the northern edge of the junction?</p> <p>vi. Does this small area of land outside of the highway boundary fall within the DCO boundary as shown on land plan [APP-016] Sheet 3?</p> <p>vii. If not, how can suitable inter-visibility be ensured and would this benefit from permitted development rights?</p> <p>viii. Is there also a large tree in this location that would obscure views (shown on aerial map within the Stage 1 Road Safety Audit)? Is the tree subject to a tree preservation order?</p> <p>ix. What is the view of KCC on these concerns?</p> <p>Appendix TR3.28 [REP7a-003] of the Applicant's response to third written questions includes a further Stage 1 Road Safety Audit following the design response and the provision of swept path analysis. The audit concludes that there are no outstanding matters. The Design response states (Page 953):</p> <p><i>"The Swept Path Analysis work has been undertaken on a slightly revised version of the design, upon final review it was noted an element of the previous design for the northern Manston Road arm had strayed into a plot of land that needed to be avoided. As such the length of two-lane carriageway approaching the junction on this arm has been reduced and a small section of pavement needs to be width restricted for a small distance to a minimum of 1.26m".</i></p> <p>x. What area of land needed to be avoided any why?</p>

ExQ4	Question to:	Question:
		<p>xi. Was this to avoid the footprint of the RAF museum building?</p> <p>xii. Do KCC have any comments on the revised mitigation scheme?</p> <p>The mitigation scheme for Junction 12 has been refined based on the modelling in the revised TA and the Stage 1 Road Safety Audits have been conducted on this basis.</p> <p>xiii. Will the junction mitigation scheme suitably mitigate the impacts of the development based on the original TA and/or Transport Assessment Update - Appendix ISH7 – 43 [REP8-017]?</p> <p>xiv. What is the view of KCC on this matter?</p>
Tr.4.30	The Applicant KCC	<p>Junction 13 - Manston Court Road / B2050</p> <p>KCC's LIR [REP3-143] states:</p> <p><i>"The proposed scheme of mitigation for the B2050 / Manston Court Road junction is considered inadequate. It is the opinion of the Highway Authority that Manston Court Road would act as a key route to the site from much of Thanet; however it is currently not of an appropriate standard to fulfil this function, due to its traffic calmed nature and constrained geometry".</i></p> <p>i. What is the Applicant's response?</p> <p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.51 sets out that the mitigation scheme has now had a Stage 1 Road Safety Audit undertaken on it. This is provided at Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices at Appendix ISH7 – 44. This also</p>

ExQ4	Question to:	Question:
		<p>includes the designer's response and confirmation that, following this, there are no outstanding issues.</p> <p>ii. Does KCC have any comments on the information provided and does it overcome KCC's concerns?</p> <p>The designer's response under Problem 3.4 (Potential for carriageway condition to lead to collisions) states:</p> <p><i>"Road will be resurfaced within the extent of the junction as it is a part of the proposed scheme".</i></p> <p>iii. Does the junction fall within the DCO boundary and form part of the work plans?</p> <p>iv. If not, how can this be correct and how will this be secured and delivered?</p> <p>The designer's response under Problem 3.5 (Lack of inter-visibility with bridleway) states:</p> <p><i>"It is not proposed as a result of proposals at the junction that the currently intervisibility for the bridleway will be changed. The land surrounded by hoardings that is the main impediment to the visibility is not part of the Manston Airport proposals".</i></p> <p>v. The Applicant has suggested elsewhere that such works would constitute permitted development. If this is the case, why has the designer's response not set this out?</p>

ExQ4	Question to:	Question:
		<p>vi. Based on the designer's response does the Applicant accept that suitable mitigation can not be achieved without acquiring additional land?</p> <p>vii. If so, should this have formed part of the Proposed Development and the land included as part of the DCO boundary?</p> <p>viii. How does the Applicant intend to rectify this before the end of the examination?</p>
Tr.4.31	The Applicant KCC	<p>Junction 15: Manston Rd / Hartsdown Rd / Tivoli Rd / College Rd / Nash Rd (Coffin House Corner Junction)</p> <p>KCC response to second written question TR.2.42 raised concern that the proposed scheme of mitigation (in the revised TA) results in significantly increased queue lengths on the College Road approach to the junction. The Applicant's response to third written question TR.3.29 sets out that:</p> <p><i>"The issue of queue lengths on College Road can be addressed by minor modifications to the signal timings if reductions in queuing on this arm is a priority".</i></p> <p>i. Provide evidence to show this would be the case.</p> <p>ii. Is this accepted by KCC?</p> <p>The Applicant's response also sets out the revised TA shows a significant improvement to the junction performance as a whole with major reductions in queues on all arms in both peaks except for College Road in the AM peak when compared to the 2039 baseline scenario.</p>

ExQ4	Question to:	Question:
		<p>iii. Is this accepted by KCC?</p> <p>Appendix TR3.29 [REP7a-003] of the Applicant's response to third written questions includes a further Stage 1 Road Safety Audit following the designer's response and the provision of swept path analysis. The audit concludes that there are no outstanding matters.</p> <p>iv. Is this accepted by KCC?</p> <p>KCC's response to second written question TR.2.42 [REP6-045] set out that:</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>v. Is this the case for the mitigation proposed in the revised TA?</p> <p>vi. If so, how can it be concluded that this is a viable scheme of mitigation, as it cannot be guaranteed that the other developments will be implemented?</p> <p>The Applicant's response to third written question TR.3.29 [REP7a-002] states:</p> <p><i>"The mitigation proposed by the Applicant in the original TA excluded the Nash Road closure and demonstrates that a scheme of mitigation can be delivered with or without other road link infrastructure proposed by KCC. The improvement scheme comprised an additional signal head and adjustments to the signal timings to allow greater throughput on the College Road and Hartsdown Road arms which successfully mitigated the impact of the development traffic".</i></p>

ExQ4	Question to:	Question:
		<p>Further, the Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.56 sets out that:</p> <p><i>“the mitigation proposal is a new signal head and stage sequence, as well as new white lining, to maximise the capacity at this junction. The scheme drawing is unchanged from that presented in the DCO (original) TA provided as Figure 7.9 and has not been subject to a Stage 1 RSA as the change is minor”.</i></p> <p>vii. Which scheme of mitigation is the Applicant proposing and which one has been costed and included in the revised draft Section 106 Agreement?</p> <p>viii. Is KCC content that a Stage 1 Road Safety Audit is not required for the mitigation scheme proposed in the original TA?</p> <p>ix. Is KCC content with the mitigation scheme proposed in the original TA?</p>
Tr.4.32	The Applicant KCC	<p>Junction 16: Ramsgate Rd / College Rd / A254 / Beatrice Rd</p> <p>KCC’s response to second written question TR.2.43 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>In response the Applicant has set out:</p>

ExQ4	Question to:	Question:
		<p><i>"The proposed arrangement which is included in both the original TA [APP-060] and the revised TA has been subjected to an independent Road Safety Audit (Stage 1) and inter-visibility was not raised as a material issue at this junction. The existing signalled scheme is subject to limited inter-visibility due to the built-up nature of the junction and as such is also considered to be evidenced as a departure from standard. This is not uncommon for signalled schemes located in built up urban environments. Based on discussions between the Applicant and KCC, it is understood that KCC acknowledges that there are constraints to further improvement at this junction and has suggested that there could be acceptance of the level of impact at the junction'.</i></p> <ul style="list-style-type: none"> i. Can KCC confirm this is the case? ii. Are the mitigation schemes in the original TA and the revised TA identical? iii. If not, how can it be concluded that the proposed scheme of mitigation in the original TA is appropriate in the absence of the link road and can be delivered by KCC? <p>KCC in its response to third written question TR.3.30 [REP7a-034] stated that it is not content with the findings of the Stage 1 Road Safety Audit, in that it has not identified the unconventional nature of the proposed junction layout and the lack of inter-visibility between stop lines as potential hazards.</p> <ul style="list-style-type: none"> iv. What is the Applicant's response and why did the Stage 1 RSA not pick up on such matters? v. On a related matter, should the Applicant have undertaken a revised Stage 1 RSA following the designer's response?

ExQ4	Question to:	Question:
Tr.4.33	The Applicant KCC	<p>Junction 17: Ramsgate Road / Poorhole Lane / Margate Road / Star Lane</p> <p>KCC's LIR [REP3-143] states that:</p> <p><i>"It is not considered that the proposed scheme of mitigation for the Ramsgate Road / Poorhole Lane / Margate Road / Star Lane roundabout will deliver practical benefits to the capacity of the junction. There is a known tendency for the ARCADY and PICADY modelling software to exaggerate the impact of minor amendments to kerb radii, flare lengths etc, which do not in reality provide meaningful capacity gains".</i></p> <p>i. What is the Applicant's response?</p> <p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.65 sets out that:</p> <p><i>"The proposed mitigation scheme at Junction 17 is limited in terms of options which can be delivered within the existing highways constraints. The proposed scheme is to provide minor widening and updated white lining to maximise the available capacity. The Scheme design is unchanged from the DCO TA which was Figure 7.11 and has not been subject to a Stage 1 RSA as the changes are minor".</i></p> <p>ii. Is KCC content that a Stage 1 Road Safety Audit is not required for the mitigation scheme proposed?</p>
Tr.4.34	The Applicant KCC	<p>Junctions 20 A and B: A256 / Manston Road</p> <p>The original TA includes a proposal for mitigation at these junctions.</p>

ExQ4	Question to:	Question:
		<p>i. Why are they not included in the revised draft Section 106 Agreement?</p> <p>ii. If this is on the basis that the Manston Green development will be improving the junctions, what certainty is there that this development will be delivered?</p> <p>iii. Would the identified impacts of the proposed development be suitably mitigated if the Manston Green site did not come forward as envisaged?</p> <p>KCC's LIR [REP3-143] states:</p> <p><i>"The proposed scheme of mitigation for the A256 / Manston Road junctions is not considered appropriate. It would introduce a major signalised junction on the A256 Haine Road, where roundabouts are currently the predominant junction form. Moreover, it is apparent that there are potential highway safety issues with the proposed junction layout, arising from the need for 'ahead' traffic in the outside lane to merge to the left within the junction intersection. It is considered that the outside lanes on the northern and southern Haine Road approaches to the junction should be allocated to right turning traffic and the LinSig assessment updated accordingly".</i></p> <p>iv. What is the Applicant's response?</p>
Tr.4.35	The Applicant KCC	<p>Junctions 21 A and B: Canterbury Road / Haine Road & A299 / A256 / Sandwich Rd / Canterbury Rd East</p> <p>Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.69 states:</p>

ExQ4	Question to:	Question:
		<p><i>"In the initial DCO (original) TA the proposed committed scheme for the Manston Green Development was not taken into account. However, this has formed the basis for this assessment. The scheme proposals are for the route though the Manston Green development to be the primary route north on the A256 corridor to Junction 20 and downgrading of the old Haine Road".</i></p> <p>On this basis, it is now considered by the Applicant that a mitigation scheme is not required at this junction.</p> <ul style="list-style-type: none"> i. Is this based on a robust assessment as set out in Table 3.31 of the Transport Assessment Update - Appendix ISH7 – 43 [REP8-017]? ii. Why is a direct comparison not been made to the 2039 baseline, as has been undertaken for other junctions? iii. Is this accepted by KCC? iv. Would the identified impacts of the proposed development at this junction be suitably mitigated if the Manston Green site did not come forward as envisaged? v. Given the Applicant's position, why is a financial contribution for this junction improvement secured in the revised draft Section 106 Agreement [REP8-006]? <p>In the event that a mitigation scheme is considered necessary, KCC's LIR [REP3-143] sets out that:</p> <p><i>"It is evident that there would be interaction between the A299 / A256 / Sandwich Road / Canterbury Road East roundabout and the adjacent Canterbury Road / Haine</i></p>

ExQ4	Question to:	Question:
		<p><i>Road roundabout in the PM peak following the implementation of the proposed scheme of mitigation, with enhanced queue lengths on the A256 arm arising from the proposed development. This is not acceptable to the Local Highway Authority and must be addressed, with the two junctions assessed within a network model".</i></p> <p>vi. What is the Applicant's response?</p>
Tr.4.36	The Applicant KCC	<p>Junction 25: Tesco Access (Three-Arm Standard Roundabout)</p> <p>Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Table 3.34 shows a worsening of queues and RFC values on the B2050 Manston Road West arm of the junction. Paragraph 3.2.76 goes on to state:</p> <p><i>"With the addition of the development traffic scenario traffic the operation of the junction continues to be at an over just over capacity situation as in the base 2039 scenario. However, in both peaks the increase in queue and delay is minimal and as such it is considered that no mitigation proposals are required".</i></p> <p>i. To the Applicant: Provide further justification for this position, particularly as other junctions (for example 10) do have mitigation schemes proposed for similar impacts?</p> <p>ii. Does KCC agree with this position?</p>
Tr.4.37	The Applicant KCC	<p>Junction 26: Newington Road / Manston Road & Junction 27: Newington Road / High Street</p> <p>Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.79 states:</p>

ExQ4	Question to:	Question:
		<p><i>"The DCO (original) TA identified a scheme which comprised a signalised T junction. A Stage 1 RSA has been undertaken which identified issues with lane widths. Further consideration has been given to the need for an improvement scheme given the land constraints at the junction and the quantum of development traffic. On the basis that there are only 35 vehicles at the junction in the PM (and 45 vehicles based on R7 in the AM peak, or 38 vehicles based on the amended traffic generation), it is concluded that there is limited opportunity to improve the junction and the scale of development traffic does not result in a severe impact".</i></p> <ul style="list-style-type: none"> i. Provide more detail in relation to 'land constraints' at the junction. ii. Could a suitable mitigation scheme be delivered if additional land was secured? iii. If so, how will this be rectified before the end of the examination? iv. Justify the assertion that an additional 30 vehicles in the average queue length (an increase of 25%) on the Manston Road Arm of the junction in the pm peak does not result in a severe impact. v. Why does the revised draft Section 106 Agreement [REP8-006] include a financial contribution for mitigation at this junction, if mitigation is not achievable? vi. What is the view of KCC?
Tr.4.38	The Applicant KCC	Junction 27: Newington Road / High Street (Three-Arm Mini Roundabout)

ExQ4	Question to:	Question:
		<p>Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.82 states:</p> <p><i>“The DCO (original) TA identified a scheme which comprised minor road widening by the removal of existing splitter islands on the southern and western arm and additional lane markings. A Stage 1 RSA has been undertaken which identified issues with lane widths. Further consideration has been given to the need for an improvement scheme given the land constraints at the junction and the quantum of development traffic. On the basis that there are only 35 vehicles at the junction in the PM (and 45 vehicles based on R7 in the AM peak, or 38 vehicles based on the amended traffic generation), it is concluded that there is limited opportunity to improve the junction and the scale of development traffic does not result in a severe impact”.</i></p> <ul style="list-style-type: none"> i. Provide more detail in relation to ‘land constraints’ at the junction. ii. Could a suitable mitigation scheme be delivered if additional land was secured? iii. If so, how will this be rectified before the end of the examination? iv. Justify the assertion that an additional 23 vehicles in the average queue length (an increase of 22%) on the Newington Road North of the junction in the pm peak does not result in a severe impact. v. Why does the revised draft Section 106 Agreement [REP8-006] include a financial contribution for mitigation at this junction, if mitigation is not achievable?

ExQ4	Question to:	Question:
		vi. What is the view of KCC?
Tr.4.39	KCC	<p>Junction 28: Wilfred Rd / A255 /Grange Rd (Four-Arm Signalised)</p> <p>Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.84 notes that with the inclusion of the Proposed Development flows, the Junction continues to operate within theoretical capacity with minimal queues and delays. It is therefore concluded that no physical mitigation works are required at this junction.</p> <p>i. Does KCC accept that no mitigation is required at this junction, given some of the DoS values in Table 3.37?</p> <p>ii. If KCC disagree what mitigation would it like to see at the junction?</p>
Tr.4.40	The Applicant	<p>Highway Safety Schemes</p> <p>The Applicant's response to third written question TR.3.6 i) notes that:</p> <p><i>"...there are two junctions where mitigation works outside the highway boundary are identified. These are Manston Court Road/Manston Road and Alland Grange Road/Spitfire Way junctions. In both cases the junctions currently underperform in highway safety terms, as set out in the original TA and revised TA. The applicant states that it is not for them to resolve pre-existing problems on the highway network. The Project will increase traffic levels in the vicinity of those junctions and as such improvement works have been identified and the Applicant will fund those works with appropriately timed contributions as described in the draft Section 106 Agreement (at Appendix Tr.3.1 - part b)".</i></p>

ExQ4	Question to:	Question:
		<p>i. Does the Applicant agree that the Proposed Development would exacerbate the existing highway safety problems and therefore mitigation <u>is</u> required?</p> <p>ii. If not, why is the Applicant suggesting that it will be providing funding to address these impacts?</p> <p>iii. If so, where in the revised Section 106 Agreement [REP8-006] is this secured?</p>
Tr.4.41	The Applicant KCC TDC	<p>Permitted Development Rights</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices' at Appendix ISH7 – 32 [REP8-017] at Paragraph 4.1 states:</p> <p><i>"The Applicant explained that highway improvements that are part of the mitigation package could be associated development, however, this does not mean that they have to be 'associated development' secured via the DCO. The only appropriate circumstances warranting their inclusion in the DCO might be if they did not otherwise have consent. Since such improvements are within or adjacent to the highway boundary, they benefit from permitted development rights and hence have planning permission. As noted in the Applicant's answer to Tr.3.8, under Class A of Part 9 of the Town and Country Planning (General Permitted Development) Order, the highway authority can undertake the works under permitted development rights. The proposed highway improvements do not fall within any of the thresholds for 'EIA development' within Schedule 1 or Schedule 2 to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and article 3(10) of the Town and Country Planning</i></p>

ExQ4	Question to:	Question:
		<p><i>(General Permitted Development) Order 2015 does not apply to remove permitted development rights”.</i></p> <p>i. Is this accepted by KCC and TDC?</p> <p>KCC response to Deadline 8 [REP8-027] on page 9 states:</p> <p><i>“Section 55 of the Town & Country Planning Act 1990 (TCPA) states that the starting point for considering this issue is whether the works are development within the meaning of the TCPA, that require planning permission. Section 55(2)(b) provides that the following does not involve the development of land requiring planning permission:</i></p> <p><i>-</i></p> <p><i>“the carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment”</i></p> <p><i>Where the works proposed are required for the maintenance or improvement to the road and do not have significant adverse effects on the environment, they do not require planning permission and as such are considered to fall under permitted development rights.</i></p> <p><i>Where the applicant’s proposals will require acquisition of land or acquiring rights over third party land e.g. to improve visibility sightlines (for example Alland Grange Lane / Spitfire Way & Manston Court Road / Manston Road), it is the opinion of KCC that these would not fall within the exceptions to section 55(2)(b) and Part 9, Class A of the GPDO and must be included in the draft DCO. The purpose of the DCO process is</i></p>

ExQ4	Question to:	Question:
		<p><i>to avoid piecemeal decision making and ensure streamlined decision making to enable the development granted consent to proceed.</i></p> <p><i>If the applicant were to deliver the Highways improvements by way of a section 278 Highways Act 1980 agreement, the same considerations apply, in so far as planning permission, where required, would still need to be obtained by the applicant in order to implement an associated works under a section 278 agreement.</i></p> <p><i>If the DCO does not grant the required planning permission for the Highways works, it would need to be obtained subsequent to the grant of the DCO. In circumstances, where the proposed development relies on such mitigation to make it acceptable in planning terms, it would be inappropriate to grant the DCO, if there is uncertainty about whether planning permission to deliver the highways improvements could in fact be separately secured”.</i></p> <p>ii. What is the Applicant’s response?</p> <p>iii. The Applicant must provide further and detailed justification (for each specific junction) where third party land is required for mitigation schemes why it believes that permitted development rights apply.</p>
Tr.4.42	KCC	<p>Junctions 9, 25 and 28</p> <p>KCC response to Deadline 8 [REP8-027] on page 4 raises concerns (as a result of the Applicant’s response to third written question TR.3.15) in relation to mitigation schemes for Junctions 9, 25 and 28 being omitted from the draft Section 106 Agreement.</p>

ExQ4	Question to:	Question:
		However, does the original TA consider that mitigation is required at these junctions?
Tr.4.43	KCC	<p>Additional Junction Assessments</p> <p>Appendix TR.3.16 [REP7a-003] of the Applicant's response to third written questions includes an assessment of Junctions 1, 25 and 28 based on the modelling in the revised TA.</p> <ul style="list-style-type: none"> i. Is KCC content that the additional assessment is robust and that no mitigation schemes are required at these junctions? ii. If not, what would KCC request that the Applicant does to rectify this matter?
Tr.4.44	The Applicant KCC	<p>Site Accesses</p> <p>Appendix TR3.23 [REP7a-003] of the Applicant's response to third written questions includes a further Stage 1 Road Safety Audit for the site accesses following the designer's response. The audit for each access concludes that there are no outstanding matters.</p> <ul style="list-style-type: none"> i. Is this accepted by KCC? ii. There are revised schemes for the Cargo Access and the Northern Grass Area West Access set out in Appendix TR3.23. Are these materially different to those initially proposed? iii. Do KCC have any views on these amended access schemes?

ExQ4	Question to:	Question:
		<p>iv. Have any changes been made in Appendix TR3.23 to the Passenger Terminal Access and Northern Grass Area South Access?</p> <p>KCC in their response to second written question Tr.2.36 set out that:</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>The Applicant in their response to third written questions TR.3.23 has confirmed that this can be achieved.</p> <p>v. What work has been done to allow the Applicant to confirm this?</p> <p>KCC has previously raised concerns with regard to the proposal to implement a linked signalised junction arrangement for the Northern Grass southern access and the passenger terminal access. In response to third written question Tr.2.36 the Applicant has set out that:</p> <p><i>"It is understood that KCC would prefer a priority junction arrangement due to the maintenance costs of signals. The Applicant has considered a staggered priority junction option at the passenger terminal and NGA accesses; however, a signal arrangement is preferred as it enables control of traffic along each of the arms and provides pedestrian crossings".</i></p> <p>vi. Is this accepted by KCC?</p> <p>vii. Do KCC contend that the signalised approach is unacceptable or less preferable?</p>

ExQ4	Question to:	Question:
		<p>KCC has previously raised concerns that no speed data was provided in relation to the Terminal and Northern Grass access junction and as such, the audit team was unable to make fully informed recommendations in relation to scheme safety. In response to third written question Tr.2.36 the Applicant has set out that:</p> <p><i>"Speed surveys were not undertaken on this section of Manston Road. These were not considered to be necessary as the Project will result in alterations to the character of Manston Road that are not reflective of the existing situation. This includes road widening, the provision of footways and through the development of the NGA and the Airport, and the creation of signal junctions at Spitfire Way and the site accesses, all of which will change the character of the road and traffic speeds along the route. Therefore, speed data of the current conditions would not be relevant".</i></p> <p>viii. Is this accepted by KCC?</p> <p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Section 3.3 considers the site access junctions.</p> <p>ix. Is KCC content with its findings?</p>
Tr.4.45	The Applicant	<p>Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017]</p> <p>The diagrams on Pages 177, 248 and 283 of this document have gone off the page.</p> <p>Provide corrected copies.</p>
Tr.4.46	The Applicant	Off-Site Junction Mitigation Costs

ExQ4	Question to:	Question:
	KCC	<p>Appendix ISH7 – 42 of the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] sets out how the costs for each off-site junction mitigation scheme, as set out in the revised draft Section 106 [REP8-006] has been estimated.</p> <ul style="list-style-type: none"> i. Is KCC content with the methodology applied to estimate the costs? ii. Are the exclusions listed in paragraph 1.2.5 justified? iii. Do KCC accept the estimated costs for each junction mitigation scheme?
Tr.4.47	The Applicant KCC	<p>Timing of Off-Site Junction Mitigation</p> <p>Appendix ISH7 – 42 of the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] shows evidence of when each junction mitigation scheme will be required.</p> <ul style="list-style-type: none"> i. Is KCC content with the methodology applied? ii. Is the use of a 100 vehicle movement threshold appropriate? iii. Do KCC accept the estimated timing of delivery for each junction mitigation scheme?
Tr.4.48	The Applicant KCC TDC	<p>Revised draft Section 106 Agreement</p> <p>The Applicant has provided a revised draft Section 106 Agreement [REP8-006]. Schedules 5, 8 and 10 refer to maps.</p>

ExQ4	Question to:	Question:
		<p>i. Provide these maps.</p> <p>The revised draft Section 106 Agreement in Schedule 10, Paragraph 3 states:</p> <p><i>"In the event that the above junction improvements are not necessary, the payments may be put towards other highway improvements as the County Council deems necessary provided that such improvements are required for the purpose of mitigating the effects of the Development".</i></p> <p>ii. To the Applicant, KCC and TDC: Do you consider this to be compliant with CIL Regulation 122?</p> <p>iii. What is KCC's view on this matter?</p> <p>The Section 106 Agreement is in draft.</p> <p>iv. Will it be agreed and signed by all parties and submitted to the ExA before the end of the Examination?</p> <p>KCC in its response to Deadline 8 [REP8-027] on Page 7 set out:</p> <p><i>"KCC notes with some concern that the applicant submitted this first draft of the section 106 agreement without any discussion about the headline terms at the very least with KCC potential, which would be the expected way to proceed and secure agreement between the relevant parties. In fact, to date, there has still been no engagement from the applicant with regard to agreeing the headlines in the section 106 agreement, let alone any detailed drafting points".</i></p> <p>v. Why has the Applicant not engaged with KCC on the draft Section 106 Agreement?</p>

ExQ4	Question to:	Question:
		<p>vi. When will such engagement take place?</p> <p>vii. Given the lack of such engagement, what significance does the Applicant consider the ExA should afford this draft?</p>
Tr.4.49	The Applicant KCC	<p>Emergency Accesses</p> <p>Appendix ISH7 – 45 of the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] provides a technical note on emergency site accesses.</p> <p>i. Is KCC content with the information provided?</p> <p>Paragraph 2.1.15 sets out that the final position of the emergency gates will need to be determined as part of the airports overall emergency response procedures.</p> <p>ii. Show where this is suitably secured in the dDCO?</p> <p>iii. Is this an appropriate approach that will ensure that there would be no unacceptable impacts on highway safety?</p>
Tr.4.50	KCC	<p>Car Parking Provision</p> <p>Appendix ISH7 – 50 of the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] provides a technical note on passenger parking provision. This considers the modal share assumptions and targets used in the Transport Assessments. This shows that there is a need for 81 less parking spaces.</p> <p>i. Is KCC content with such findings?</p>

ExQ4	Question to:	Question:
		<p>In terms of the overflow passenger parking, Paragraph 2.3.2 of Appendix ISH7 – 50 states:</p> <p><i>“As set out in the Car Parking Management Strategy, the space for “overflow parking” will ensure that there are no issues with overspill parking onto surrounding areas, which addresses concerns expressed by KCC regarding the risk of ‘flyparking’. In addition, it will enable flexibility of size of spaces: blue badge parking and electric vehicle parking have larger dimensions than standard size spaces”.</i></p> <p>ii. Is this explanation accepted by KCC?</p>
Tr.4.51	The Applicant KCC TDC	<p>Car Park Management Strategy</p> <p>Appendix ISH7 – 52 of the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] includes a revised Car Park Management Strategy.</p> <p>i. Is KCC content with the changes proposed, especially with regard to: blue badge and electric vehicle spaces (Section 2.4); and staff car park management (Section 3.3)?</p> <p>ii. Do any subsequent changes need to be made to the Airport Surface Access Strategy?</p> <p>The revised draft Section 106 Agreement [REP8-006] includes provision for an annual contribution to TDC towards Controlled Parking Zones.</p> <p>iii. Why is this not referred to in the revised Car Park Management Strategy?</p>

ExQ4	Question to:	Question:
		<p>iv. How much will this be, how will it be calculated and when will this be confirmed?</p> <p>v. What are the views of KCC and TDC on this matter?</p>
Tr.4.52	The Applicant KCC	<p>Framework Travel Plan</p> <p>The Applicant has provided a revised Framework Travel Plan [REP8-017]. This includes a number of additional measures to help achieve the objectives of the Plan, in terms of walking/cycling, public transport and car park management and the provision of a mitigation plan (Table 6.2).</p> <p>i. Is KCC content with the Framework Travel Plan?</p> <p>ii. There is a reduction in the target for passengers accessing the airport by public transport from 25% in the previous draft to 20% in Year 20. Is this justified?</p> <p>iii. Show where and how Plan's commitments are suitably secured in the dDCO?</p> <p>iv. Do any subsequent changes need to be made to the Airport Surface Access Strategy?</p> <p>The revised draft Section 106 Agreement [REP8-006] includes provision for an annual contribution of £1,667.00 to KCC for travel plan monitoring.</p> <p>v. How has this been calculated?</p> <p>vi. Is KCC content with this figure?</p>

ExQ4	Question to:	Question:
		vii. Is this planning obligation compliant with CIL Regulation 122?
Tr.4.53	The Applicant KCC	<p>Freight Management Strategy</p> <p>The revised Framework Travel Plan [REP8-017] at Appendix B includes a Preliminary Freight Management Strategy.</p> <ul style="list-style-type: none"> i. Does the proposed HGV routeing affect the HGV distribution modelled in both the original TA and the revised TA? ii. Is KCC content with the proposed local routeing set out in Figure 2.2? iii. Is KCC content with the proposed strategic routeing set out in Paragraphs 2.3.4 to 2.3.7? iv. Are the measures included sufficient to enforce the strategy? v. Will the measures be suitably secured in the dDCO? <p>The Preliminary Freight Management Strategy at Paragraph 3.4.1 sets out:</p> <p><i>"It is important to provide clear routeing signage to ensure HGV drivers use appropriate roads to reach the Proposed Development. In consultation with Kent County Council, the existing road signs will be reviewed and replaced where required".</i></p> <ul style="list-style-type: none"> vi. Who will fund such a task? If it is the Applicant, should such a contribution be secured in the draft Section 106 Agreement? <p>The Preliminary Freight Management Strategy at Paragraphs 3.6.1 and 3.6.2 state:</p>

ExQ4	Question to:	Question:
		<p><i>"HGV movements out of the Cargo Airport will be restricted during the AM and PM peak hours of 08:00 to 09:00 and 17:00 to 18:00 to minimise the impact of the local road network. HGV movements will be managed through the cargo gatehouse.</i></p> <p><i>At this stage for the cargo facility it is considered that there would not be more than 10 two way HGVs in the peak hours. This will be monitored and reviewed in consultation with KCC'. However, Paragraph 1.2.5 of the strategy states 'As set out in the Transport Assessment, in the peak year, Year 20, the Proposed Development will generate the following:... Total AM Peak HGV Traffic Generation (08:00 – 09:00) - 18 arrivals and 18 departures; and Total PM Peak HGV Traffic Generation (17:00 – 18:00) - 21 arrivals and 21 departures".</i></p> <p>vii. Why do these figures not correlate?</p> <p>viii. Does KCC accept the proposed restrictions?</p> <p>ix. Should restrictions apply to HGVs associated with the northern grass area and passenger terminal?</p> <p>x. Overall, is KCC content with the Preliminary Freight Management Strategy?</p>
Tr.4.54	The Applicant KCC	<p>Manston Village Pedestrian Links</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix 2, Paragraph 13.1.1 states:</p> <p><i>"The draft S106 Obligation includes funding for improvements to PRow TR10 which is considered an acceptable and appropriate means of connecting to Manston Village and the expanding population to the east due to the Manston Green development. This is</i></p>

ExQ4	Question to:	Question:
		<p><i>in line with PRow Officer comments requests for a contribution and completion of an upgrade to the link".</i></p> <p>Further Paragraph 13.1.2 sets out:</p> <p><i>"The population of Manston is small (100 houses or less), and the potential usage by residents of a footway alongside the B2050 from the village to the Airport is limited. The improvement of TR10 has the potential to attract higher usage as it will provide a connection to the Manston Green development, comprising 800 homes, as well as Manston Village and the western outskirts of Ramsgate".</i></p> <p>i. Does this overcome the concerns of KCC with regard to pedestrian links with Manston Village?</p> <p>The revised draft Section 106 Agreement [REP8-006] at Schedule 5 includes provision for a financial contribution for £90,000.</p> <p>ii. How has this been calculated?</p> <p>iii. Is KCC content with this figure?</p> <p>iv. Is this planning obligation compliant with CIL Regulation 122?</p> <p>The definition of 'PRow Contribution Purposes' in the Revised draft Section 106 Agreement states: <i>"means the ongoing maintenance of that part of public right of way TR10 as shown on the PRow Plan".</i></p> <p>v. Should this therefore be an annual contribution rather than a one-off payment?</p>

ExQ4	Question to:	Question:
Tr.4.55	The Applicant KCC	<p>Provision of Bus Services</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix 2, Paragraphs 14.1.1 to 14.1.6 state:</p> <p><i>"The Transport Assessment assumes that 10% of passenger trips will be by bus and rail and bus and 6% of staff trips will be by bus by Year 20. These are targets that are included in the Travel Plan and will be regularly monitored through surveys and reviewed.</i></p> <p><i>The Applicant will provide buses for passengers which will include a shuttle service between the proposed Thanet Parkway (or Ramsgate Station) with services timed to coincide with flight arrivals/departures and train arrivals and departures.</i></p> <p><i>The Applicant will provide buses for staff with routeing and timing to be based on staff home locations and shift patterns.</i></p> <p><i>There are KCC funded bus services which route along Manston Road and it may be appropriate for there to be enhancement of these, such as increased frequency and early/late start and finish times, if they are still operating when the Airport becomes operational.</i></p> <p><i>As bus plans and timetables are not typically planned years in advance, meaningful engagement with KCC and bus operators at this stage is not applicable.</i></p> <p><i>Discussion will be held at an appropriate point in the future to identify the optimum provision".</i></p>

ExQ4	Question to:	Question:
		<p>i. Show where and how such provisions/commitments are suitably secured in the dDCO?</p> <p>ii. Is KCC content with this response?</p> <p>The Revised draft Section 106 Agreement [REP8-006] at Schedule 9 includes provision for an annual financial contribution for £150,000.</p> <p>iii. How has this been calculated?</p> <p>iv. Is KCC content with this figure?</p> <p>v. Is this planning obligation compliant with CIL Regulation 122?</p> <p>The Revised draft Section 106 Agreement [REP8-006] at Schedule 9 includes provision for a Manston Airport Bus Service Scheme to be agreed in writing by KCC.</p> <p>vi. Should this form a Requirement in the dDCO?</p> <p>KCC in its response to Deadline 8 [REP8-027] on Page 8 state:</p> <p><i>"No specific discussions have been held between the applicant and KCC in relation to Public Transport Strategy for the development, so the scope and value of contributions are not agreed/identified.</i></p> <p><i>To date, KCC is unaware of any specific discussions taking place between the applicant and any local bus operator. If agreement is/has been reached then it may be necessary for the bus operator to be included as a party to the section 106 agreement, so that relevant obligations between the two parties can be secured. At this point and given the lack of information, KCC does not agree to act as a conduit for</i></p>

ExQ4	Question to:	Question:
		<p><i>public transport contributions, as there is a significant risk that the contributions offered by the applicant will simply remain unspent as they are not implementable.</i></p> <p><i>Until a defined Public Transport/Bus Strategy has been developed, it is not possible to define the Fifth Schedule with required clarity. In addition, the applicant has recently expressed its intention to provide a bespoke shuttle bus service between the site and either Thanet Parkway Rail Station (when delivered) or Ramsgate Rail Station. To date, details of what this service consists of (for example including hours of operation, frequency and the type of vehicle) have not been clarified by the applicant. Details should be clarified by the applicant and appropriate changes made to the Fifth Schedule”.</i></p> <p>vii. What is the Applicant’s response?</p>
Tr.4.56	The Applicant	<p>Register of Environmental Actions and Commitments (REAC)</p> <p>The amended REAC provided at Deadline 8 [REP8-018] includes mitigation for Junctions 2, 4, 6, 7, 12, 13, 15, 16, 20 and 21. However, the Revised draft Section 106 Agreement [REP8-006] includes Junctions 1, 2, 4, 6, 7, 10, 13, 15, 16, 17, 21, 26 and 27.</p> <p>i. Why are these not consistent?</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix 2, paragraph 15.1.1 states: “<i>The REAC has been submitted to account for the additional comments from ExA (e.g.) 10% electric charging provision</i>”. However, the amended REAC provided at Deadline 8 [REP8-018] does not appear to include such provision.</p>

ExQ4	Question to:	Question:
		ii. Clarify if further changes are required to the REAC in this regard.
Tr.4.57	The Applicant	<p>Construction Traffic</p> <p>In the absence of the delivery of the Manston-Haine Link Road, the Applicant has set out that the original TA provides a suitably robust assessment.</p> <p>Does the potential to revert back to the modelling in the original TA have any implication in terms of the assessment of construction traffic and its impacts?</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