



RiverOak Strategic Partners

# **Applicant's Comments on the ExA's dDCO issued on 14 June 2019**

**TR020002/D9/DCOC  
Examination Document**

<b>Project Name:</b>	Manston Airport Development Consent Order
<b>Application Ref:</b>	TR020002
<b>Submission Deadline:</b>	<b>9</b>
<b>Date:</b>	28 June 2019

# MANSTON AIRPORT DEVELOPMENT CONSENT ORDER APPLICATION

## APPLICANT'S RESPONSE TO EXAMINING AUTHORITY'S SECOND DRAFT DCO

This document forms the Applicant's response to the Examining Authority's Second dDCO. The responses are set out in tabular format. Tables 1 to 4 correspond to the tables in Annex A to the ExA's Second dDCO document. There is also an additional table (Table A) which contains the Applicant's suggestions for further amendments to the Examining Authority's Second dDCO with reasons for those amendments provided.

<b>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</b>			
<b>Article, Requirement or Schedule</b>	<b>Proposed wording</b>	<b>Reason</b>	<b>Applicant's response</b>
Article 2	Delete definition:  ““associated development” has the same meaning as in section 115 (development for which development consent may be granted) of the 2008 Act”	-	The Applicant agrees with this amendment
Schedule 1	Delete:	-	The Applicant agrees with this amendment.

	“works to alter the course of, or otherwise interfere with a watercourse;” from the list of further Associated Development in Schedule 1.		
Requirement 22	<p>Add:</p> <p>“No part of the authorised development is to commence operation until Works Nos. 26 to 31 have been completed in accordance with article 11 (construction and maintenance of new, altered or diverted streets) of this Order.”</p>	-	<p>The Applicant agrees with the insertion of this Requirement but the wording of the Requirement needs to be amended as follows in order to avoid circularity:</p> <p><i>‘Works Nos. 26 to 31 must be completed in accordance with article 11 (construction and maintenance of new, altered or diverted streets) of this Order before any of Works Nos. 1, 2, 7, 12 or 15-20 commence operation.’</i></p> <p>This effect of this requirement is limited to those Works that have the potential to impact on the road network.</p>

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			
Article, Requirement or Schedule	Proposed wording	Reason	Applicant’s response

Article 2	<p>Add:</p> <p>“to the extent that is unlikely to give rise to any materially new or materially different environmental effects from those identified in the environmental statement” to the definition of “commence”.</p>	<p>To relate any works that can be carried out without complying with pre-commencement requirements to what has been assessed in the Environmental Statement (ES).</p>	<p>The Applicant would agree to the addition if amended as follows:</p> <p><i>‘to the extent that <u>those operations are unlikely to give rise to any materially new or materially worse environmental effects from those identified in the environmental statement</u>’</i></p> <p>The first amendment is intended to tighten up the drafting of the amendment.</p> <p>The second amendment is a more substantive drafting point. The intention of this wording, in this definition and elsewhere in the dDCO is to ensure that environmental effects do not exceed those assessed in the environmental statement. The Applicant’s amendment to the proposed wording ensures that the pre-commencement operations do not (a) have materially new effects (i.e. different types of effect); or (b) have materially worse effects (i.e. effects that are not new but have a worse impact) than those assessed in the environmental assessment. The wording proposed in the ExA’s second draft currently addresses both (a) and (b) but also captures effects that are not materially new but have a lesser effect (or greater benefit) than those assessed in the environmental statement, which the Applicant does not believe is the intended effect.</p>
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Article 25	Substitute the word “one” for the word “five” in (1)(a)(ii).	A change consequent on the proposed change in the time limit embedded in A21.	The Applicant agrees with this amendment
Schedule 1	Substitute the word “different” for the word “worse” in the preamble to the list of further Associated Development in Schedule 1.	To align the wording with that in the definition of “commence” in A2.	The Applicant objects to this amendment. The reasoning for this is similar to that given in connection with the ExA’s proposed change to the definition of ‘commence’ in Article 2 of the dDCO. The ExA’s proposed amendment will prevent associated development the effects of which have been assessed in the environmental assessment (i.e. they are not new) but which are materially less (or of greater benefit) than those assessed in the environmental statement. This cannot be the intended effect as it would prevent beneficial innovation and the Applicant consequently suggests that this amendment is not made.
Schedule 1	Substitute the word “different” for the word “worse” in (p) in the list of further Associated Development in Schedule 1.	To align the wording with that in the definition of “commence” in A2.	The Applicant objects to this amendment for the same reason given in respect of the proposed amendment to the preamble to the list of further Associated Development in Schedule 1.
Requirement 1	Add to ‘Interpretation’:  ““Bellyhold” means the cargo hold of a passenger aircraft used for freight.”  ““Cargo Air Transport Movement” means landings or take-offs of aircraft	Definitions consequent to proposed New R19a and R19b.	The Applicant agrees to the inclusion of these definitions (subject to comments on other amendments that require the definitions to be included in the dDCO).

	<p>engaged on the transport of freight or mail on commercial terms. All scheduled movements, including those operated empty and loaded charter movements are included, but passenger flights carrying bellyhold freight are not included.”</p> <p>““General aviation movement” means landings or take-off of all civil aviation operations other than scheduled air services and non-scheduled air transport operations for remuneration or hire. General aviation activities include but are not limited to training, business aviation, recreation, agriculture, transport of dangerously ill people and of urgently needed human organs, medical equipment and medicines, monitoring ground traffic movements from the air, civil search/rescue, law enforcement, aerial survey, pollution control and fire fighting, and flying displays.”</p> <p>““Passenger Air Transport Movement” means landings or take-offs of aircraft engaged on the transport of passengers on commercial terms. All scheduled movements, including those</p>		
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	<p>operated empty, loaded charter and air taxi movements are included.”</p> <p>““Scheduled” means planned according to a schedule and includes both scheduled and chartered flights.”</p>		
Requirement 1	<p>Add to ‘Interpretation’:</p> <p>““habitable” means a room used, or intended to be used for dwelling purposes including a kitchen but not a bathroom or utility room”</p>	Definitions consequent to proposed New R9b (below).	The Applicant agrees with the definition (but see comments below in respect of the associated requirement).
Requirement 6	<p>Add new (3):</p> <p>“Each part of the authorised development must be operated and maintained in accordance with the approved construction environmental management plan for that part.”</p>	To seek to ensure that each part of the Proposed Development as operated and maintained accords with the Construction Environmental Management Plan (CEMP) for that part.	<p>The Applicant does not agree with this amendment as currently drafted. The Construction Environmental Management Plan is intended to cover the period of construction of the authorised development and is not intended to cover the period of operation and maintenance. The Applicant would agree with the following wording:</p> <p><i>Each part of the authorised development must be constructed in accordance with the approved construction environmental management plan for that part.</i></p>

Requirement 7	“(2)(b) plans and policy documents”	The ExA has not amended the list of plans and documents under R7(2)(b) but notes that this list does not accord with the list set out in Table A2 in the Updated Register of Environmental Actions and Commitments [REP7a-012] and the ExA requires the Applicant to compare this list with the list set out at Table A2 and submit any consequential and necessary changes to the dDCO.	The Applicant has provided a revised list at Annex 1 to this response. It is proposed that this list is inserted at R7(2)(b).
Requirement 7(2)(b)(ix)	Delete:  “(ix) Method Statement for Environmental Monitoring”	Proposed new R23 (below) is designed to secure a more robust monitoring regime and the deletion of this sub sub-paragraph will avoid duplication.	The Applicant agrees with this amendment.
New Requirement 9a	Add:  “and 9” after “in sections 2, 3, 4, and 5,” to new R9a.	To seek to secure the establishment of the Community Trust Fund as set out in Section 9 of the revised draft Noise Mitigation Plan before the commencement of the Proposed Development.	The Applicant agrees with the amendment.
New Requirement 9b	Add new R9b:  “Residential properties with habitable rooms within the 60dB LAeq (16 hour) day time contour will be eligible for	The ExA is proposing this revised daytime threshold in order to align the daytime noise threshold with current and emerging policy including the Government’s proposed changes currently the subject of consultation.	The Applicant objects to the insertion of the new Requirement.  SOAEL is not something for the Applicant or the ExA to define. It is defined by policy and based on evidence of the levels at which significant effects occur. The 63dB contour that the Applicant has

	<p>noise insulation and ventilation detailed in Noise Mitigation Plan.”</p>	<p>The Aviation Policy Framework (2013) paragraph 3.17 states that:</p> <p>“We will continue to treat the 57dB LAeq 16 hour contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance.”</p> <p>The Civil Aviation Authority’s (CAA) recent findings on Aircraft Noise and Annoyance (February 2018) refers to UK policy in relation to an ‘annoyance threshold’ and highlights 57dB LAeq (16 hour) as marking the approximate onset of significant community annoyance. The third 3 paragraph page 6 states that:</p> <p>“The government published their Response to their Airspace Consultation in 2017 and acknowledged the evidence from the SoNA study, which showed that sensitivity to aircraft noise has increased, with the same percentage of people reporting to be highly annoyed at a level of 54 dB LAeq,16hr as occurred at 57 dB LAeq,16hr in the past.”</p> <p>Paragraph 3.122 of Aviation 2050 The future of UK aviation (December 2018) Cm 9714 states that:</p>	<p>used as the qualifying criteria for noise insulation and ventilation is based on the SOAEL and is consistent with extant government policy on the matter (Aviation Policy Framework, para 3.39). This reflects the level at which significant effects on health and quality of life are observed and the Applicant has based eligibility for insulation under the Noise Mitigation Plan on that SOAEL contour.</p> <p>The Green Paper, ‘Aviation 2050’ is a consultation document. It may or may not be adopted as government policy in the future. It proposes (at paragraph 3.122) ‘to extend the noise insulation policy threshold beyond the current 63dB LAeq 16hr contour to 60dB LAeq 16hr’.</p> <p>It is not appropriate or necessary to extend the eligibility for noise insulation to the 60dB contour through the ExA’s proposed new Requirement.</p> <p>The Applicant’s more detailed reasoning for its opposition to the alteration of its SOAEL to 60dB (and the accompanying change to the noise insulation contour) was set out in its evidence given at ISH6 [see REP8-015 for a summary].</p>
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		<p>“The government therefore proposes the following noise insulation measures:</p> <ul style="list-style-type: none"> <li>• to extend the noise insulation policy threshold beyond the current 63dB LAeq 16hr contour to 60dB LAeq 16hr.”</li> </ul>	
New Requirement 9c	<p>“(a) The airport will be subject to an annual noise quota of [numeric] between the hours of 0600 and 0700.</p> <p>(b) Any aircraft which has a quota count of 8 or 16 cannot be scheduled to take-off or land at the airport between the hours of 0600 and 0700.”</p>	<p>This proposed new Requirement is designed to secure the relevant commitments in paragraphs 1.6 and 1.7 of the revised draft Noise Mitigation Plan [REP7a-021] through the dDCO whilst taking into account the implications of the restrictions on flights between the hours of 23.00 and 06.00 introduced at R19b.</p> <p>The relevant paragraphs the revised draft Noise Mitigation Plan [REP7a-021] were drafted without cognisance of new R19b and state that:</p> <p>“1.6 Any aircraft which has a quota count of 8 or 16 cannot take-off or land at the airport between</p> <p>the hours of 2300 and 0700.</p> <p>1.7 The airport will be subject to an annual quota between the hours of 2300 and 0700 of 3028.”</p>	<p>The Applicant has amended the Noise Mitigation Plan submitted at Deadline 9 to reflect the commitments given in the ExA's draft requirements.</p> <p>The quota applied to the 0600 to 0700 period in the Noise Mitigation Plan is now 2000.</p> <p>The Applicant has extended the effect of the ExA's requirement (b) to any aircraft with a quota count of 4 and above.</p> <p>The Applicant is content that requirements mirroring the Applicant's Noise Mitigation Plan commitments are introduced to the DCO.</p>

		The ExA will propose and consult on more detailed wording for this proposed Requirement in its Fourth Written Questions following its consideration of any relevant submissions at Deadline 8.	
New Requirement 9d	<p>Add New R9d:</p> <p>“The area enclosed by the 50dB(A) Leq16hr (0700-2300) contour shall not exceed 35.8 sq.km, and the area enclosed by the 40dB(A) Leq8hr (23.00-07.00) contour shall not exceed 47.4 sq. km.”</p>	This proposed new Requirement is designed to secure the relevant commitments in paragraph 2 of the revised draft Noise Mitigation Plan [REP7a-021] through the dDCO.	The Applicant agrees with this amendment.
Requirement 18	Substitute the phrase “must be commenced” for the phrase “is to begin operation” in (1).	To seek to secure the establishment of the Community Consultative Committee as set out in Section 8 of the revised draft Noise Mitigation Plan [REP7a-021] before the commencement of the Proposed Development.	The Applicant agrees with this amendment.
Requirement 19a – Airport operation	<p>Modify R19a to read:</p> <p>“(1) The operation of the airport is subject to—</p> <p>a) a total annual cargo air transport movement limit of 17,170;</p>	In order to more closely align this Requirement with the balance of air transport movements assessed in the ES.	<p>As stated during ISH8 the Applicant is content for Requirement 19a to be modified but prefers the following formulation:</p> <p><i>(1) The operation of the airport is subject to-</i></p> <p><i>(a) a total annual air transport movement limit of 26,468;</i></p>

	<p>b) a total annual passenger air transport movement limit of 9,298; and</p> <p>c) is subject to a total annual General Aviation movement limit of 38,000.”</p>		<p><i>(b) a total annual passenger air transport movement limit of 9,298; and</i></p> <p><i>(c) a total annual General Aviation movement limit of 38,000.</i></p> <p>The resultant wording would have the desired effect of limiting the proportion of passenger air transport movements (and their comparatively greater impacts on road traffic) while, at the same time, allowing the Applicant the commercial flexibility to take up the annual air transport limit with cargo aircraft.</p> <p>The effect that an increase in the proportion of cargo air transport movements (and corresponding change in fleet mix) might have on the noise impacts of the development will be addressed by the proposed noise contour cap which will ensure that noise levels cannot exceed those addressed in the environmental statement.</p>
Requirement 19b	<p>Modify R19b to read:</p> <p>“No aircraft can take-off or be scheduled to land at night between the hours of 2300 and 0600.” – replacing the word “timetabled” with the word “scheduled”.</p>	To reflect more common usage in the aviation sector.	The Applicant agrees with this amendment.



New Requirement 19c	<p>Add New R19c:</p> <p>"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."</p>	<p>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.</p>	<p>The Applicant does not agree with the drafting of this requirement.</p> <p>As stated in its revised Noise Mitigation Plan [REP8-004] submitted at Deadline 8 the Applicant is content to commit to a prohibition on passenger flight departures between 0900 and 1130 but not between 0900 and 1200. The extension of this period by half an hour will be detrimental to the expected operation of the passenger offering at the airport. In the absence of a ban on passenger flight departures between the hours of 1130 and 1200 the effects associated with passenger flight departures will not exceed those assessed within the Transport Assessments.</p> <p>The Applicant opposes the imposition of a ban on passenger ATM arrivals between the hours of 0700 and 0800 in its entirety. There is no justification for this prohibition as the effects have been assessed in the Transport Assessments and no significant effects arise.</p>
New Requirement 23	<p>Add New R23:</p> <p>"No part of the authorised development is to begin operation until a monitoring, auditing and reporting plan for the register of environmental actions and commitments has been submitted to,</p>	<p>In order to reinforce the establishment of a robust monitoring, auditing and reporting regime for the Proposed Development in line with Schedule 4, Section 7 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p>	<p>The Applicant agrees with this amendment.</p>

	and approved in writing by, the relevant planning authority, following consultation with the highway authority, the Environment Agency, Historic England, the Civil Aviation Authority and Natural England to the extent that it relates to matters relevant to their function.”		
Schedule 10 – Documents to be certified	Delete: “Construction Environmental Management Plan: TR020002/APP/2.6:1”	The “Outline Construction Environmental Management Plan” is already listed in this Schedule with the same document reference number and this is the nomenclature used in the provisions in the dDCO.	The Applicant agrees with this amendment.

Table 3 - Table of Changes Proposed by the Applicant on which comments are requested by the ExA			
Article, Requirement or Schedule	Proposed wording	Reason	Applicant’s response
Article 2	The inclusion of “advertisements” and “any other temporary building” in the definition of “commence”.	The ExA requires the Applicant to justify the inclusion of these two exclusions in the definition of “commence” stating the nature of both advertisements and of temporary	Installation of a site compound will require the erection of temporary buildings. These include, but are not limited to, site welfare facilities and offices associated with the erection of the site

		buildings that the Applicant intends to be covered by these categories.	<p>compound. One of the first activities on site will be to set up a contractor's compound to ensure that safe and warm facilities are available, in part to comply with Health and Safety responsibilities.</p> <p>Contractor's signage and signage associated with site fencing is the most obvious example of advertisement which accompanies site compounds. Examples are provided at Annex 2 to this note. Advertisement by contractors is routinely associated with Health and Safety Notices and site/scheme information.</p>
Article 2	<p>““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;”</p>	<p>The issue of Associated Development was examined at the Compulsory Acquisition Hearing held on 4 June 2019 and at the dDCO ISH held on 7 June 2019.</p> <p>At those hearings, the ExA discussed whether the definition of “airport related” (which refers to Work Nos. 15, 16 and 17 in Schedule 1) was too wide in including types of use such as flight catering, car hire activities and business aviation facilities which were not directly related to the category of the Nationally Significant Infrastructure Project (NSIP) set out in s23(5)(b) of the Planning Act 2008 (PA2008) – namely “to increase by at least 10,000 per year the number of air transport movements of cargo aircraft for which the</p>	<p>The Applicant's position is as stated at ISH8 into the draft Development Consent Order and summarised in [REP8-016].</p>

		<p>airport is capable of providing air cargo transport services” under which the Applicant stated that the Proposed Development is a NSIP.</p> <p>The ExA requests further submissions on the justification of these inclusions referencing the legislation and showing where these activities have been assessed in the ES.</p>	
Article 19	<p>Delete:</p> <p>“(3) The undertaker will treat the Crichel Down Rules as applying to land acquired by it under this article it as if it were a UK government department. [DCO ISH 07-06-19]</p> <p>(4) In this article ‘Crichel Down Rules’ means the rules contained in ‘Guidance on Compulsory purchase process and the Crichel Down Rules’ published by the Ministry of Housing, Communities and Local Government in February 2018 or any successor to such rules.”</p>	<p>The Applicant proposed inserting new sub-paragraphs (3) and (4) into A19 (see left).</p> <p>At the dDCO ISH held on 7 June 2019 [EV-023], the Applicant stated that it was withdrawing this proposed addition to the dDCO.</p> <p>The ExA requests further submissions from all Affected Persons and Interested Parties.</p>	<p>The Applicant sets out its position in connection with the possible inclusion of sub-paragraphs (3) and (4) and other related provisions proposed by Stone Hill Park Limited in its response to the ExA’s Fourth Written Question DCO.4.12.</p>
Requirement 4	<p>Deletion of Work No. 19 (“The construction of new or improved facilities to create an airport fuel farm on</p>	<p>The Applicant is requested to confirm or otherwise whether this deletion is designed to avoid duplication with Requirement 5.</p>	<p>The Applicant confirms that this is the case.</p>

	the site of an existing fuel storage facility") from (1).		
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<b>Table 4 - Table of Changes Proposed by the other parties on which comments are requested by the ExA</b>			
<b>Article, Requirement or Schedule</b>	<b>Proposed wording</b>	<b>Reason</b>	<b>Applicant's response</b>
Article 6	<p>Proposed by Historic England</p> <p>Insert a new sub-paragraph (3):</p> <p>"In the light of further heritage assessment, Heritage Constraint Areas in which deviations are restricted will be identified by the applicant in consultation with Kent County Council, and if appropriate Historic England, before they are submitted to the Secretary of State for approval."</p>	<p>The Response to the Examining Authority's Second Written Questions by the Historic Buildings and Monuments Commission for England (Historic England) [REP6-042] states the need to reduce the risk to heritage assets that might arise from the proposed limits of deviation.</p> <p>The Applicant has proposed alternative wording [REP7a-017] (see R3 proposed by the Applicant below) in order to seek to address this issue. This issue was examined in the ISH on the dDCO held on 7 June 2017 [EV-023].</p>	<p>The Applicant has carefully considered Historic England's suggested wording. However, the Applicant believes that it is inappropriate to include provisions for the protection of Heritage Assets in Article 6 (limits of deviation).</p> <p>It is also unclear to the Applicant how the proposed restriction on deviations from the works plans and engineering drawings would offer protection for heritage assets on site. The Applicant therefore considers that protection for heritage assets should be provided for by amendments to Requirement 3.</p>

		At that hearing the ExA requested the Applicant and Historic England to suggest a mutually agreeable form of wording.	
Article 6	<p>Proposed by Historic England</p> <p>Insert a new sub-paragraph (4):</p> <p>“The external appearance and dimensions of any element of Works that has the potential to affect a Heritage Constraint Area should be subject to consultation with Kent County Council, and if appropriate Historic England, before it is submitted to the Secretary of State for approval.”</p>	<p>The Response to the Examining Authority’s Second Written Questions by the Historic Buildings and Monuments Commission for England (Historic England) [REP6-042] states the need to reduce the risk to heritage assets or their settings that might arise from the size of and design of proposed structures.</p> <p>The Applicant has proposed alternative wording [REP7a-017] (see R3 proposed by the Applicant below) in order to seek to address this issue. This issue was examined in the ISH on the dDCO held on 7 June 2017 [EV-023].</p> <p>At that hearing the ExA requested the Applicant and Historic England to suggest a mutually agreeable form of wording.</p>	See above response.
Requirement 3	<p>Proposed by Historic England</p> <p>Add New (4):</p> <p>“Before the Master Plan is submitted the Applicant should commission further assessment of the historic</p>	<p>The Response to the Examining Authority’s Second Written Questions by the Historic Buildings and Monuments Commission for England (Historic England) [REP6-042] states that sign-off of the Master Plan should be dependent on</p>	The Applicant has continued to engage with Historic England and has proposed amendments to sub-paragraph (3) of Requirement 3 which address this point. Please see the response below for further detail.

	<p>character of the airfield and model the options for increasing the proportion of land in non-harmful land-uses in response to the result of heritage surveys”</p>	<p>adequate provision having been made for heritage surveys, options modelling and preservation.</p> <p>The Applicant has proposed alternative wording [REP7a-017] (see R3 proposed by the Applicant below) in order to seek to address this issue. This issue was examined in the ISH on the dDCO held on 7 June 2017 [EV-023].</p> <p>At that hearing the ExA requested the Applicant and Historic England to suggest a mutually agreeable form of wording.</p>	
Requirement 3	<p>Proposed by the Applicant</p> <p>Add New (3):</p> <p>“(3) Before a masterplan is submitted under sub-paragraph (1) the undertaker must—</p> <p>(a) carry out an archaeological survey;</p> <p>(b) consider options for minimising impacts on archaeological assets which may involve a smaller development footprint; and</p>	<p>The Response to the Examining Authority’s Second Written Questions by the Historic Buildings and Monuments Commission for England (Historic England) [REP6-042] states that sign-off of the Master Plan should be dependent on adequate provision having been made for heritage surveys, options modelling and preservation.</p> <p>The Applicant has proposed alternative wording [REP7a-017] (see left) in order to seek to address this issue. This issue was examined in the ISH on the dDCO held on 7 June 2017 [EV-023].</p>	<p>As described above, the Applicant has continued to engage with Historic England and has proposed the following amendments to sub-paragraph (3) of Requirement 3:</p> <p>Sub-paragraph 3(a)</p> <ul style="list-style-type: none"> <li>- Sub-paragraph (3)(a) currently provides that the undertaker must carry out an archaeological survey before a masterplan is submitted for approval.</li> <li>- However, the Applicant proposes to expand sub-paragraph (3)(a) to provide that the undertaker must also commission a further assessment of the historic character of the airfield and an historic</li> </ul>

	<p>(c) consult Kent County Council and Historic England on the options before submitting the masterplan for approval.”</p>	<p>At that hearing the ExA requested the Applicant and Historic England to suggest a mutually agreeable form of wording.</p>	<p>buildings survey and must assess the heritage significance to heritage assets and their settings.</p> <p>Sub-paragraph 3(c)</p> <ul style="list-style-type: none"> <li>- Subparagraph (3)(c) currently provides that before a masterplan is submitted for approval the undertaker must consult Kent County Council and Historic England on the options for minimising the impacts on archaeological assets which the undertaker is required to consider under sub-paragraph (3)(b).</li> <li>- The Applicant proposes to expand this wording, as suggested by Historic England, to provide that before a masterplan is submitted under sub-paragraph (1) of Requirement 3, the undertaker must consult the relevant planning authority, Kent County Council and Historic England more generally (i.e. not just on the options for minimising the impacts on archaeological assets) and report on the consultees' recommendations when submitting the masterplan.</li> </ul> <p>The Applicant has provided these proposals to Historic England and Kent County Council and is awaiting a response.</p>
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Table A – Further amendments proposed by the Applicant		
Article, Requirement or Schedule	Proposed wording	Reason
Schedule 1	Move Work No.12 from the category of 'associated development' to 'nationally significant infrastructure project.	Reasons for amendment are explained in the Applicant's response to question CA.4.2. and in the Summary of the Applicant's Oral Case made at ISH8 [REP8-016].
Requirement 4	Amend Requirement 4(1) to read:  'No part of the authorised development may commence until details of the siting, design, external appearance, lighting, <u>site access (including emergency access)</u> and dimensions of any element of Works Nos.'...	In order to secure approval of access provision, including that of emergency access, in the DCO.
Requirement 7(2)(b)	Addition of item:  <i>'Lighting Strategy substantially to meet requirements set out in the Draft Lighting Strategy'</i>	TDC and the Applicant agreed to support this amendment prior to Deadline 8 and this is referenced in Thanet District Council's submission at Deadline 8 [REP8-029].

Requirement 10	<p>Insert new paragraph (3):</p> <p><i>'A landscaping scheme referred to in sub-paragraph (1) must be substantially in the form of the landscaping plan elements of the outline masterplan'</i></p>	TDC and the Applicant agreed to support this amendment prior to Deadline 8 and this is referenced in Thanet District Council's submission at Deadline 8 [REP8-029].
Schedule 10	<p>Addition of certified document:</p> <p>'Draft Lighting Strategy'</p>	Consequential to addition of item to Requirement 7(2)(b).
Schedule 10	<p>Rename certified 'masterplan' document as 'outline masterplan' and make consequential amendment in Requirement 3(2)(d)</p>	To avoid confusion between masterplans submitted and approved in Requirement 3 and the certified masterplan submitted as part of the application.

## **ANNEX 1**

### **REVISED SCHEDULE 2, REQUIREMENT 7(2)(B)**

- i) Airport Management Strategy
- ii) Carbon Minimisation Action Plan
- iii) Car Park Management Strategy
- iv) Climate Change Adaptation Strategy
- v) Communications Plan
- vi) Complaints Investigation Procedure
- vii) Drainage Strategy
- viii) Emergency Response and Post-Crash Management Plan
- ix) Environmental Spillage Plan
- x) Habitat Management Plan
- xi) Landscape Masterplan
- xii) Lighting Strategy substantially to meet requirements set out in the Draft Lighting Strategy
- xiii) Long Grass Policy
- xiv) Method Statement for Environmental Monitoring
- xv) Mitigation and Habitat Creation Plan
- xvi) Noise Mitigation Plan
- xvii) Operational Emergency Plan
- xviii) Operation Traffic Management Plan
- xix) Pollution Incident Control Plan
- xx) Public Rights of Way Management Strategy
- xxi) Safety Health and Environment Plan
- xxii) Site Waste Management Plan
- xxiii) Surface Access Strategy
- xxiv) Surface Water Monitoring Strategy
- xxv) Training Plan
- xxvi) Travel Plan
- xxvii) Tree Survey and Protection Plans
- xxviii) Wildlife Hazard Management Plan

## ANNEX 2

### EXAMPLES OF SITE COMPOUND ADVERTISEMENTS





