

## Unanswered Questions part 2

After Deadline 9 there were still at least 10 unanswered questions so as soon as the main Interested parties had had their submissions posted I thought I would see whether any have been answered.

My submission to DL9 is here

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR020002/TR020002-004553-Barry%20James%20-%20Unanswered%20questions.pdf>

The questions were:

10 questions still unanswered

- Why have RSP denied the residents of Ramsgate the legitimate compensation they deserve?
- Why is the Ministry of Defence still in the dark over a significant Infrastructure facility?
- Why are the people most affected still in the dark about Night Flights?
- Why is there no verifiable evidence on the Beneficial Ownership of MIO (Belize) and HLX Nominees (Tortola)?
- Despite it being mandatory why are there no Public Safety Zones in RSP's plans?
- Why is this submission considering Compulsory Acquisition powers for the Northern Grass when it is unrelated to a Cargo Hub?
- Why is Cogent Land LLP being kept in the dark by RSP over their Manston Green planning permission?
- Why are the trustees of the Spitfire & Hurricane museum still in the dark about their historical museum?
- Why is it still unclear whether the application is an NSIP at all?
- Clearly this application does not meet the criteria to be considered as a "compelling case in the Public Interest"

### **Why have RSP denied the residents of Ramsgate the legitimate compensation they deserve?**

The ExA stated in their dDCO that they intended to utilise the 60 dB LAeq (16 hour) day time contour as follows

***"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."***

And Riveroak have responded as follows:

"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 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.

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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'.

It is not appropriate or necessary to extend the eligibility for noise insulation to the 60dB contour through the ExA's proposed new Requirement.

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]. "

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004437-Response%20to%20ExA's%20Second%20Draft%20DCO.pdf>

Although they object I strongly wish that the ExA would insist on this requirement as an absolute minimum. As per evidence submitted by other Interested parties those residents within the 57 LAeq 16hr should receive a minimum of £3000 towards sound proofing as per London City airport.

It also doesn't go far enough for those living at Smuggler's Leap who will be unable to live under the flightpath and will be relocated as per TDC's response.

### **Why is the Ministry of Defence still in the dark over a significant Infrastructure facility?**

I will not repeat the submissions from the DIO here

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004579-Defence%20Infrastructure%20Organisation%20-%20Deadline%209.pdf>

And Icenl for Cogent LLP here

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004564-Cogent%20Land%20LLP%20Manston%20DCO\\_Cogent%20Reps%20to%20Deadline%209\\_inc.%20Appendices.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004564-Cogent%20Land%20LLP%20Manston%20DCO_Cogent%20Reps%20to%20Deadline%209_inc.%20Appendices.pdf)

However I will highlight to statements from these submissions:

"In spite of the fact that the Applicant robustly and categorically refuted the point at the Hearing on 4th June 2019 "Site 1" is clearly located within the boundaries of the Manston Green Development (as evidenced by the contract referred to above). It is both regrettable and inexcusable that the Applicant has not at any time made the MoD aware of this development proposal nor in turn has it made Cogent Land LLP aware of the proposals to relocate the HRDF particularly as each of these proposals has the potential to have a significant impact on the other"

DIO

"We understand that the Ministry of Defence (MoD) owns a small area of land within the boundary of the former Manston Airport site which contains a High Resolution Direction Finder (HRDF). This is a nationally important piece of equipment, the purpose of which is to locate transmissions from emergency transponder beacons on aircraft (military and civilian) or any military aircrew that have bailed out of their aircraft. In this role the HRDF mast serves as an integral part of a UK wide network (the UK Diversion and Distress Facility) which is used to locate aircraft or personnel and direct rescue

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services. Maintaining the operational effectiveness of this technical installation is therefore critical to maintaining the UK emergency response capabilities for the management of air safety incidents.” And further

“Cogent were not made aware of the need to relocate the HRDF, nor the alternative locations proposed, despite two of these locations to the east of the Airport in close proximity to Manston Green and likely to impact upon the development. In fact, it was fortunate that Cogent had a representative present at the Hearing Session on 4th June 2019 when the MoD raised concerns of the potential impacts of the HRDF relocation, as the Applicant had not consulted with Cogent.”

And further

“We understand that, at no point during the discussions, were the MoD made aware of the existing planning permission associated with Manston Green, and as such also expressed concerns that the Applicant was unable to provide written evidence from the landowners confirming that the relocation of the HRDF on their land would be acceptable, (despite the Applicant claiming that discussions with the relevant parties had taken place (although we are aware this was not the case)).”

Both the DIO and Cogent have yet to have the situation anywhere near resolved which is in complete contrast to the statements made by Riveroak in their submission.

*“A third issue has been raised by Cogent Land, namely the relocation of the HRDF and its potential to impact on Manston Green. The Applicant will ensure that the HRDF will not be relocated to a location that will prejudice the delivery of the Manston Green development.*

*iv. No, although the Applicant has provided Cogent Land’s agents with any information they have requested.*

*v. In the Applicant’s view there is nothing to negotiate. The Applicant’s project will not prejudice the Manston Green development.”*

Taken from CA.4.15

*“Site 1 was identified as a potentially suitable as a location for the HRDF. Following subsequent technical assessment of this area, a revised location 250m to the north west of this point was proposed by Aquila; this was accepted by RSP. These are not the only locations being considered as a possible location for the HRDF. A number of potential sites are being considered by Aquila, including*

*• An area on the Defence Fire Training and Development Centre; • An existing communications mast currently situated on Defence Fire Training and Development Centre; and • The roof of the proposed Air Traffic Control Tower.*

*The report by Aquila, the Ministry of Defence’s (MOD) Engineering Authority for the HRDF capability, is expected by 28 Jun 2019 and will confirm which relocation sites have been considered and their respective performance.*

*v. The figure below shows the original Site 1 centre point as explained in response to part iv above. The revised Site 1, the location being considered by Aquila, remains outside the Order Limits and outside the Manston Green site.*

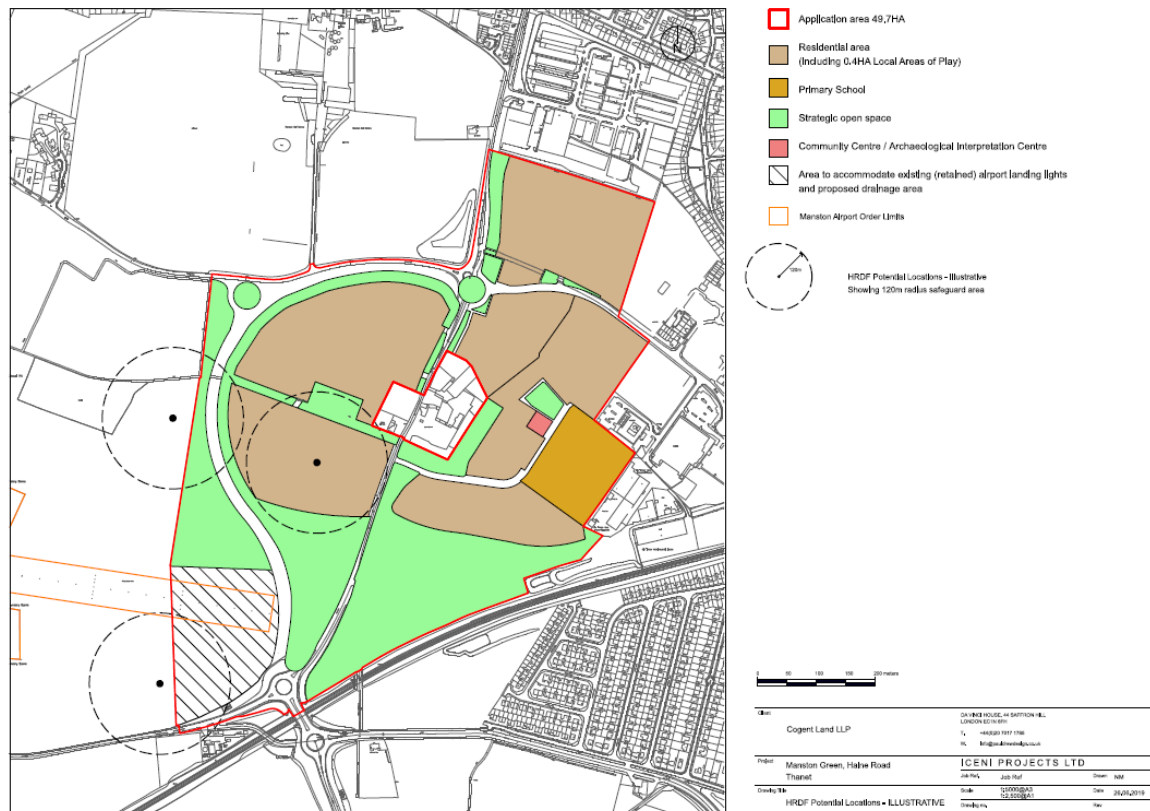
*The Applicant understands that the technical solution being considered by Aquila is not subject to the same safeguarding criteria as a traditional HRDF installation (this will be clarified by Aquila as part of any technical proposal). It equally means that potential locations (such as the Communications Mast*

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or the Air Traffic Control Tower) can be considered which would not have been suitable for a traditional HRDF installation. The Applicant will take Manston Green into account in the assessment of suitable sites.

vi. The Applicant has made extensive efforts to engage with the MoD on this issue over a period in excess of two years. As explained in response to CA.3.5, since April 2017 the Applicant has consistently sought contact details from the Defence”

Taken from CA.4.20



Consistently RSP have answered questions their way however at complete variance from the answers given by affected parties. The conclusion seems to be either they do not understand the word cooperation or they are deliberately committed to obfuscation.

### **Why are the people most affected still in the dark about Night Flights?**

The noise mitigation plan no longer mentions late arrivals i.e. planes that should have arrived before 11pm so what happens to any that find themselves in this position?

### **Why is there no verifiable evidence on the Beneficial Ownership of MIO (Belize) and HLX Nominees (Tortola)?**

As yet other than a statement about HLX Nominees being a wholly owned subsidiary of Helix no written verifiable evidence has been produced.

### **Despite it being mandatory why are there no Public Safety Zones in RSP's plans?**

Applicant's Response:

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*“i. The Applicant agrees that PSZs are based upon risk contours modelled looking fifteen years ahead and are generally remodelled every seven years. 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. The Applicant’s forecast is for 26,468 ATMs by year 20 and 5,840 general aviation movements (which are not technically ATMs but still affect the decision to create a PSZ). The decision on whether to declare a PSZ does not lie with the Applicant. It will ultimately be a decision for the DfT, Thanet DC and the CAA outside of this DCO process.*

*ii. The Noise Mitigation Plan contains a cap of **26,468 ATMs and 38,000** ( editor’s comment that is over 5000 a month. What part of 1500 to 2500 don’t RSP get?” general aviation movements. It is therefore unlikely that a PSZ may need to be introduced before year 15; but possible by year 20. However, a forecast, on updated information, post the initial operational date, might indicated to the DfT that an earlier assessment of any PSZ might be made.*

*iii. The Applicant has provided PSZs drawings which provide an impression (editor’s comment: why not actually do the risk contours then you wouldn’t need to do an “impression”) of what a PSZ at Manston could look like (editor’s comment Where?). There are a range of factors which influence the size and shape of the PSZ, such as aircraft types operated, number of movements for each type and worldwide accident data. By the time Manston is predicted to have crossed the current thresholds for introducing PSZs, regulations on PSZs could have changed, detailed Manston operational data will be available and worldwide aviation safety will have changed (in all likelihood improved); all these factors could influence the size of any PSZ (if still required). It is not possible at this stage to identify the final detail of any PSZ. The final decision as to whether a PSZ should be declared does not lie with the Applicant but with the DfT.”*

**So yet again the need for a PSZ is being fudged so I would ask that this be made a condition should the ExA be minded to accept the DCO.**

### **Why is this submission considering Compulsory Acquisition powers for the Northern Grass when it is unrelated to a Cargo Hub?**

**After the events this week with RSP stating Stone Hill Park have sold the site to Riveroak part of this has been answered however there remains the question as to whether the DCO should deal with unrelated construction which is nothing to do with achieving 10000 Cargo Atms.**

### **Why is Cogent Land LLP being kept in the dark by RSP over their Manston Green planning permission?**

See above

*Further Cogent confirm that there are still issues with their approach road and noise mitigation “The text within the Table 18.4 also states that the Applicant will work with the developers of the Manston Green site (i.e. Cogent) 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 no attempt by the Applicant to engage with Cogent to discuss this matter further and provide clarity, and the Applicant remains dismissive of these concerns and the responses received to date in relation to this have been unsatisfactory.”*

And further

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*“Taking into account the limitations within the noise assessment and noise contours produced by Applicant the robustness of the noise contours and assessment is therefore questionable. The noise contours produced do not consider the worst-case scenario and in our view are likely to have underestimated the impact of the DCO Scheme on the Manston Green development.”*

It is clear, once again, that RSP is fudging the issue of Manston Green, no doubt this is because it has no wish to meet its obligations to protect people living under the noise.

### **Why are the trustees of the Spitfire & Hurricane museum still in the dark about their historical museum?**

Riveroak's response

“Applicant's Response:

*i.- iii. The Applicant accepts that owing to commitments it has now made, the museums should no longer be within the scope of compulsory acquisition powers. They will therefore be removed from the final version of the Book of Reference.*

*The Applicant is still seeking the freehold of the RAF Manston History Museum from Stone Hill Park Ltd, parcel 047 (leaving its leasehold interest intact). Parcel 047 is part of a larger land holding currently owned by Stone Hill Park. Junction improvement works will need to be undertaken on part of the land. The remaining part of the land would not be of any practical use to SHP divorced from the rest of the Northern Grass land.*

*iv. The future plans for the museums are up to the museums themselves and are not either part of this application nor for the Applicant to determine. The Applicant has simply indicated that it will seek to accommodate the wishes of the museums in so far as it is possible to do so. “*

Whether this is sufficient to allay concerns is not clear however the dismissal contained in this response is clear.

### **Why is it still unclear whether the application is an NSIP at all?**

Concerns over the route Dr Dixon chose to achieve 10000 atm's are still unresolved. Using cargo loads nearly 50% (under 20 tones) of an HGV (38 tonnes) seems odd seeing as aircraft are more that 4x more polluting than an HGV.

### **Clearly this application does not meet the criteria to be considered as a “compelling case in the Public Interest”**

This application, if granted, will create a precedent and if used by other aviation concerns will breach the Government's zero Carbon commitment.

### **Conclusion**

Bar the purchase of 742 acres of brownfield from Stone Hill Park and their removal from the DCO process little progress has been made towards resolving these outstanding questions.

The people of Ramsgate are still living under the threat of blight and this will continue until the SoS makes the decision.