

**From:** [REDACTED]  
**To:** [Manston Airport](#)  
**Subject:** Fwd: KCC & request for help: Manson night flights  
**Date:** 08 July 2019 18:07:28  
**Attachments:** [image001.png](#)

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Dear Examining Authority,

Please see below from Paul Carter, Leader of Kent County Council. Can you please acknowledge acceptance of this late submission.

Kind regards,  
Georgina Rooke

Sent from my iPhone

Begin forwarded message:

**From:** <[Paul.Carter@kent.gov.uk](mailto:Paul.Carter@kent.gov.uk)>  
**Date:** 8 July 2019 at 18:53:16 EEST  
**To:** [REDACTED]  
**Subject:** RE: KCC & request for help: Manson night flights

Dear Ms Rooke

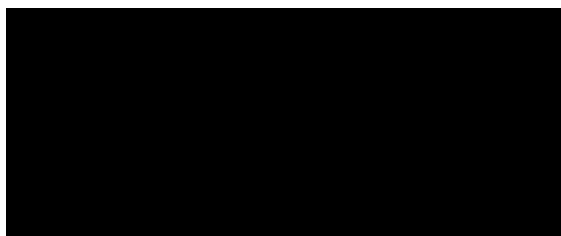
Thank you for your email dated 13 June 2019.

I note your concerns regarding the noise impacts of this application on local communities. I remain fully supportive of all efforts to reduce the noise impact of aviation on our communities and am in regular dialogue with Government Ministers on these issues. Officers of Kent County Council have now submitted their representations in response to Deadline 8 and these do include a reiteration of the previous request set out in the Local Impact Report; the scheme should be compliant with World Health Organisation guidelines on aviation and noise.

I have passed your Deadline 8 representations to my officers for their information and as you are no doubt aware, the publication of the Examining Authority's Fourth Written Questions is imminent.

Please may I also take this opportunity to thank you for taking the time to compliment the input from my officers at the Examination and I will ensure that your appreciation is relayed to the relevant individuals.

Yours sincerely



**Paul Carter, CBE**  
**Leader of Kent County Council**

*PS Since this response was drafted the position on Manston now looks different!!*

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**From:** Georgina Rooke [REDACTED]  
**Sent:** 13 June 2019 15:05  
**To:** Carter, Paul - LEADER <[Paul.Carter@kent.gov.uk](mailto:Paul.Carter@kent.gov.uk)>  
**Subject:** Re: KCC & request for help: Manson night flights

Dear Councillor Carter,

I would like to thank you and your team for KCC's most recent submissions to the Examining Authority in relation to plans to reopen Manston Airport as a cargo hub, and your team's presence at the recent Manston Hearings. Your team offered robust interrogation and questioning of the Applicant's transportation modelling and unrelenting insistence that the Applicant contribute to the cost of the Kent County Council Transportation Strategy.

The latter was very welcome to those of us concerned by this scheme. As you will be aware, the applicant claims to have £15M available to cover their up-front land acquisition and noise mitigation responsibilities. They claim they require £13.1M and that the remaining £1.9M can be deemed to be contingency.

We have raised serious concerns with the Examining Authority as to whether this sum is sufficient as there are a number of significant, currently un-costed items not contained in the Applicant's funding statement. The contribution to the KCC Transport Strategy is one such item. I find this particularly concerning in view of the Applicant's claim that this initiative will be funded entirely from the private sector. Clearly this will not be the case if they fail to contribute to the KCC Transport Strategy. Other un-costed items brought to the ExA's attention include, (and are not limited to) the list at the foot of this email, below.

I would also like to bring to your attention that residents have commissioned noise contour maps from the CAA. They take account of the topography of the area and most recent census data and show unequivocally that RSP is down-playing the impact of noise both on residents and the environment more broadly. Added to which RSP are only offering noise mitigation compensation from 63dB Leq16hr as opposed to the Government Guideline of 60dB Leq16hr, and responsible airport operators such as London City Airport that we were told by York Aviation offer compensation from 57dB Leq16hr.

This has a very significant impact locally. It means that at present RSP is offering to compensate 225 households and no schools where at the 60dB threshold this number would increase significantly to approx. 1800 households and c.8 schools. At 57dB 6,500 household could expect financial support to insulate their homes from the effects of this scheme. The only support RSP is currently offering for schools is a £50k annual contribution to a Community Fund which they say by year 20 will provide sufficient funding to insulate the worst affected schools. In the interim one can only assume that local children are expected to suffer constant interruptions to their lessons and a corresponding impact to their life chances?

So the implications of RSP's noise contour mapping and noise mitigation policy are far-reaching and extremely damaging to the local community.

I note that in KCC's Local Impact Report at Deadline 3 your team requested the Examining Authority to they require the Applicant to adhere to the latest WHO Environmental Noise Guidelines 2018 (attached below). This report provides the most up-to-date scientific evidence of adverse aircraft noise thresholds and impact in terms of, for example, mental health, cardiac health, respiratory diseases etc. These guidelines can be considered 'best in class' and one would hope that in the case of a NSIP where the Applicant seeks to rival East Midlands Airport 20 years

from now, just 4km from a densely populated residential area, that they would at least have the decency to future-proof their operations by paying regard to the most up-to-date scientific data and adhering to the associated guidance. This is not currently the case. If you concur, could you team please reiterate your earlier request of the Examining Authority to require the Applicant to comply with these guidelines?

Thanking you once again for your ongoing involvement and support.

Kind regards,  
Georgina Rooke

Additional un-costed items included in my Deadline 8 submission to the Examining Authority (see Conclusion in the pdf attached, and below)

- Costs to include acquisition of freeholds and other rights and powers of **all** in-scope plots, with associated 'hope value' as appropriate. There are at least 26 plots over which the Applicant intends to acquire the freehold (SEE GR COMMENTS UNDER FR3.6). The current provision of £7.5M appears to be attributable to SHP land only

E.g. Defence Infrastructure Organisation Letter – D7a

CA.3. 3 Crown Land: MoD Lands.

There are two principal freehold sites that the Applicant has indicated that it wishes to acquire from the MoD (the Motor Transport Unit and the Aerial Farm – land parcel numbers 026 and 038 respectively), in addition to which there are in excess of 50 further sites over which the Applicant wants the MoD to release such legal interests as it may have in the land parcels. The Motor Transport Unit is still operational (serving the Defence Fire and Rescue Establishment opposite) and the MoD wishes to retain this facility in its current location. It is understood that the Aerial Farm is redundant although the relevant internal confirmation of this is still awaited. It should be noted that there is also a 150m exclusion zone around the Aerial Farm.

## 2. CA 2.4 HRDF

RSP take the view that it has not included any provision within the dDCO to specifically cover the HRDF as they intend to relocate the HRDF outside the Order Limits. Strictly speaking, this may be the case but **for the MoD and the Planning Inspectorate the question of the funding for any relocation of the equipment must be a relevant consideration. The cost of relocating this and any other costs relating to the MOD's interests does not appear to have been included in the figure for compulsory purchase acquisition submitted by the Applicant.**

E.g. Savills, Agents to St John's College, Cambridge who in their response to Third Written Questions write:

CA.3.20 – The applicant has correctly referred to the letter dated 23 February 2018. The applicant had previously confirmed that they had no design details relating to the proposed landing lights and neither were they able to confirm whether they would be looking at a freehold or leasehold acquisition. [...] **As mentioned above the Applicant's letters made no attempt to address the points of concern they were simply repetitious attempts to persuade the landowner to negotiate a voluntary acquisition by the Applicant. Therefore the College are unable to take a view on this matter.**

E.g. RAF Manston Spitfire and Hurricane Memorial Museum who in their response to

Third Written Questions state: “Concern was expressed that the museum in question (CA.3.27) is referred to as a “lessee or tenant”. **We are, in fact, the freeholder of the site we occupy. [...]**

The Trustees have mutually agreed with the applicant (RSP) the following objectives:

- [...]
- **RiverOak will make a significant financial contribution to the capital costs of establishing a relocated museum on the Northern Grass, as well as to the necessary fit-out and removal costs;** the parties will work together to secure additional funding from third party sources.

**Furthermore, we have a verbal agreement from Tony Freudman that the Museum would be re-gifted its freehold as soon as the DCO is secured by RSP.”**

- Costs associated with the implementation of Public Safety Zones to be included, shown by SHP in OP.3.10 of their response to Third Written Questions to be required by year 4 when 1,500 ATMs are expected per month and when 2,500 ATMs are expected within 15 years.

E.g. Thanet District Council in its response to Third Written Questions state: “The designation by the Civil Aviation Authority of a 1 in 100,000 PSZ would have significant implications for planning policy in the district, and would need to be addressed in the proposed review of the Local Plan, in the event that the DCO is granted. On the basis of the submitted information, **2 sites allocated for housing development in Ramsgate in the Draft Local Plan would be affected by the boundaries shown in OP.2.7. One of these sites has current planning permission and has been substantial built out (Lorne Road), whilst the other site has planning permission for 6 dwellings and an additional 16 allocated but not covered by a planning permission. (Seafield Road/Southwood Road). As well as these specific allocations, the draft plan makes provision for windfall sites (within the urban confines) to come forward with approximately 2,500 homes by 2031 across the whole district.**

- Noise mitigation compensation to make provision for homeowners that have acquired their properties since the airport closed five years ago, the rationale for this being a potential law suit under ECHR Articles 8 and 13 (see Hatton & Others v United Kingdom that shows these articles to be engaged in case of aircraft noise)
- Noise mitigation compensation to make provision for schools, including outdoor teaching spaces
- Noise mitigation compensation to make provision for the 775 properties arbitrarily de-scoped by the Applicant upon increasing the compensation amount for the 225 properties worst affected

In its response to Third Written Questions Ns3.5 the Applicant estimates the total population impacted by night noise to be 35,667 based on noise level >40 dB Laeq8hr (consistent with WHO guidelines 2018). **How can just 225 properties be considered for noise mitigation compensation on this basis? Where is the funding to compensate /**

**insulate the properties of all impacted residents prior to construction of this project?**

Year of maximum forecast capacity	Windows open	Annual average insulation <sup>2</sup>	Windows closed
Total population exposed to night noise level >40 dB L <sub>Aeq,8hr</sub>	35,667		
Estimated total number of aircraft noise induced awakenings across the population	12,734	10,917	7,492
Estimated total number of spontaneous awakenings without the proposed development (baseline)	856,008		
Aircraft noise induced awakenings as a percentage of the baseline	1.49	1.28	0.88

- Noise mitigation compensation to make provision for an accurate, updated list of residential properties eligible for noise insulation once the noise contour maps have been updated and accurately reflect the fleet mix aligned to the air cargo sector
- Compensation to make provision for local businesses required to close and/or relocate as a consequence of this project
- Compensation to make provision for caravan owners to relocate as noise insulation cannot be installed
- Funding to make provision for KCC requirement for a financial contribution under section 106 of the Town and Country Planning Act 1990 towards the Thanet Transport Strategy, plus costs to complete a revised apportionment exercise by KCC's specialist consultants (SEE KCC's response to second written question Tr.2.2)
- Funding to make provision for KCC requirement for necessary monitoring (and implementation if deemed necessary) of a controlled parking zone around the site (SEE KCC TR.3.44).
- Funding to be allocated to cover SHP compensation for costs incurred in defending the DCO, claimed under DCLG, Awards of costs: examinations of applications for development consent orders. Guidance'
- Funding to be allocated to cover other Interested Parties costs incurred in defending the DCO, claimed under DCLG, Awards of costs: examinations of applications for development consent orders. Guidance'.

- Funding to address the requirements of Historic Buildings. In its response to Third Written Questions Historic England states: “1.5 Historic England has taken the view that because inadequate survey of such buildings and features has been undertaken at Manston it has not been possible to determine whether the individual features or groups of features have strong individual or associational importance; however it is plausible that some of them will be found to have such importance following further survey and analysis. Therefore, **we think that the applicant has been too dismissive of the potential importance of historic buildings.** [...]1.8 We think it is premature of the applicant to say that their loss can be adequately mitigated by recording of the structures. **No clear and convincing justification has been offered, 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 their conservation could make to the character of the place and public appreciation.

On 30 May 2019, at 11:47, [Paul.Carter@kent.gov.uk](mailto:Paul.Carter@kent.gov.uk) wrote:

Dear Ms Rooke,

Thank you for your email dated 25 April 2019.

In the representations submitted by Kent County Council (KCC) officers in response to Deadline 6, reference was duly made to the 2015 Position Statement. As I understand, these representations will be published on the National Infrastructure Planning (NIP) website shortly.

Prior to the latest set of representations made in response to Deadline 6, submissions to the Examining Authority were last made by officers at Deadline 3, the image included in your email identifies these. It is important to note that the requests from the Examining Authority at each Deadline will not always be relevant to the County Council, and resources have to be directed accordingly given the number of Nationally Significant Infrastructure Projects which officers are actively engaged with.

Thank you also for providing me with a copy of the 2003 judgment in *Hatton and Others v. The United Kingdom*. I have provided a copy of the judgment to officers for their information.

Yours sincerely,

<image003.jpg>

**Paul Carter, CBE**  
**Leader of Kent County Council**

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**From:** Georgina Rooke

**Sent:** 25 April 2019 18:01

**To:** Carter, Paul - LEADER <[Paul.Carter@kent.gov.uk](mailto:Paul.Carter@kent.gov.uk)>

**Subject:** Re: KCC & request for help: Manson night flights

Dear Councillor Carter,

Many thanks for taking the time to respond to my mail. Your reply does indeed help to address my concerns. I am reassured to know that KCC remains of the opinion that RiverOak has failed to produce a convincing business plan, and that local need for sustainable jobs to drive greater prosperity in East Kent is best met by the current legal owner's plan. As you know demonstration of 'need' is fundamental to the DCO process so it is very reassuring to know that KCC is of this view.

I note with interest your comment in relation to aviation noise, and it not being a statutory nuisance. Without meaning to question this view, I hope you will nevertheless be interested to know that there is case law precedent to suggest that Articles 8 & 15 of the European Human Rights Convention (EHRC) are engaged in cases of aviation noise (*Hatton & others v HMRC*). This places clear responsibility on the Applicant to demonstrate 'need' for their project, and responsibility on the Examining Authority (and ultimately the Secretary of State for Transport) to show proportionality in any decision to proceed with this application. I attach the case law in question should it be of interest to you and your team for this and/or other aircraft noise related issues affecting Kent residents.

I note your points regarding stronger representation but would have two requests of you and your team in this regard:

1. Nowhere to my knowledge are the points you make below made explicitly to the Examining Authority. Can I respectfully ask that KCC make this position known to them directly. I refer specifically to the following, which I will quote in my Deadline 6 submission but I think would be stronger coming directly from yourselves:

For completeness and transparency I would like to make it clear that the County Council has never offered its support in principle to the Development Consent Order application submitted by RiverOak Strategic Partners as the position statement concludes (see p. 12):

***"RiverOak has not managed to convince Thanet District Council that there is a viable business plan. We believe the new owners have got a credible plan and the financial ability to create substantial numbers of new jobs which will bring prosperity and economic growth to East Kent"***

2. Can you please confirm that the written submissions of KCC Officers to which you refer are shown in the screen print below. Please note that the latest KCC submission uploaded by PINS was 23 February (Deadline 3) and we are now nearing Deadline 6.

Thanking you once again for your reply. Your email has raised the spirits of a number of us fighting this application.

Kind regards,  
Georgina Rooke  
West Cliff Road, Ramsgate

<image006.png>

On 23 Apr 2019, at 14:59, <[Paul.Carter@kent.gov.uk](mailto:Paul.Carter@kent.gov.uk)>  
<[Paul.Carter@kent.gov.uk](mailto:Paul.Carter@kent.gov.uk)> wrote:

Dear Ms Rooke

Thank you for your email of 25 March regarding Manston and night flights.

Thank you for your comments about the Authority's published Position Statement 'Manston Airport under private ownership: The story to date and the future prospects' (March 2015). For completeness and transparency I would like to make it clear that the County Council has never offered its support in principle to the Development Consent Order application submitted by RiverOak Strategic Partners as the position statement concludes (see p. 12):

*"RiverOak has not managed to convince Thanet District Council that there is a viable business plan. We believe the new owners have got a credible plan and the financial ability to create substantial numbers of new jobs which will bring prosperity and economic growth to East Kent"*

Thank you for your further comments in relation to our position on noise at Gatwick. In relation to Manston, in terms of matters and issues relating to noise, under the Environmental Protection Act 1990 it is the local authority (i.e. Thanet District Council) which has the duty. I should point out that aviation noise is not considered a statutory nuisance and is therefore not controlled in the same manner as other sources of noise. However, please be assured that Officers from Kent County Council have consistently commented on noise in their responses to the various consultations on the Manston Development Consent Order. In doing so, they have duly emphasised the evidence available regarding the potential impacts of aviation noise on communities around the site, should it reopen. As you have noted, these responses draw upon the County Council's experience with Gatwick Airport, where Officers and Members work with the Airport through various forums, including a Noise Management Board, and Noise and Track Monitoring Action Group.

In relation to your point about stronger representation, in accordance with advice published by the Planning Inspectorate, the Representation only presented a summary of the main issues to inform the Inspectors in their initial assessment of the principal issues for Examination. A series of further written representations were submitted by officers of the County Council, elaborating upon the issues raised, including night flights. These are all available to view via the National Infrastructure Planning website.

I do hope this answers your concerns and you find this useful.



Yours sincerely,  
<image004.jpg>

**Paul Carter, CBE**  
**Leader of Kent County Council**

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**From:** Georgina Rooke <[REDACTED]>  
**Sent:** 25 March 2019 21:31  
**To:** Carter, Paul - LEADER <[Paul.Carter@kent.gov.uk](mailto:Paul.Carter@kent.gov.uk)>  
**Subject:** KCC & request for help: Manson night flights

Dear Counsellor Carter,

Please forgive the direct approach however as a resident of Ramsgate concerned by the current proposals to reopen Manston Airport, I have been heartened by your 2015 Position Statement, "Manston Airport under private ownership: The story to date and future prospects" (attached). This document strikes me as setting out a balanced view of Manston's past and future whilst recognising the considerable investment on the part of KCC to attempt to support previous operators, as well as the challenges posed by a start-up company seeking to reopen it.

I would also like to pay tribute to the proactive way in which your team has stood up for the interests of West Kent residents when Her Majesty's Government was formulating its preferred approach to address passenger capacity constraints facing London Airports. The position on night flights to/from Gatwick is particularly reassuring.

I write to request a similarly robust position in relation to Manston, currently undergoing examination as a Nationally Strategic Infrastructure Project. Whilst KCC is unquestionably responsive to the demands of the current process and clearly promoting adoption of best practice, it would be heartening to see the Council take a similarly forceful position on the impact this project will have on residents in East Kent; the likely viability of the project; and a clear statement on night flights.

Whilst I appreciate that the numbers of night flights at Gatwick amount to 40-50 per night, versus 8 we are told at Manston, Ramsgate residents are between 1.5km - 3km from the runway. Where I live, cargo planes are estimated to fly just 200m from my roof. I am one of many to have bought my home after Manston closed in 2014, and I find the prospect of this situation extremely alarming. It is made worse by the unreliable noise contour maps presented by the Applicant and the consequential implications for compensation.

KCC's LIR makes reference to airspace design in partnership with local residents (see p5 of the attached document, filename starting TR020002). I am concerned that the options available in this regard will be severely restricted as compared to such a remedy suggested for West Kent residents in relation to Gatwick. This is due to our very close

proximity to Manston restricting such options.

I am also concerned that reference made to the World Health Organisation Environmental Noise Guidelines and the request to adhere to these guidelines if a DCO is approved was somewhat lost in the KCC document and that the relevant section of the WHO document was not clearly cited. Indeed, this reference has been redacted by the Examining Authority making it even less visible to readers of KCC's LIR.

Lastly, I imagine I speak for many of us currently giving up our time to research and participate in this process when I say that a stronger presence from KCC would be very much welcomed in view of the overtly biased support of local MPs. The individuals in question insist that they were elected on a Manston ticket and as far as we know Mr Gale, for example, has not engaged directly with the current legal owner to understand how their plans for the site could benefit the local community. Many of us feel un-represented by local public servants here - and specifically the Conservative Party - in our attempt to protect the respect for our homes, to which we are entitled. To have the clear support from Kent County Council would help redress this imbalance and a mounting feeling that East Kent is of lesser importance to other parts of the County.

Lastly, I should mention that in the interests of transparency I intend to share this email and attachments with the Examining Authority as part of my Deadline 5 submission, because I believe KCC's position on Manston can be better understood within the wider context of KCC's position on Gatwick.

I would welcome your confirmation of receipt of this mail and ongoing support that you and your team can provide.

Kind regards,  
Georgina Rooke



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