

TO: THE EXAMINING AUTHORITY, MANSTON AIRPORT DCO  
FROM: COMMUTERS AGAINST THE CARGO HUB  
DATE: 9<sup>th</sup> July 2019 deadline 12

I write on behalf of Commuters Against The Cargo Hub

We wish to object to a comma.

It's the one in the following sentence the Applicant has asked to be included in the DCO.

*"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."*

The sentence is in Applicant's Answers to Fourth Written Questions at Ns 4.10 [see *attachment 1*]

The comma is located between the words "late-arriving" and "emergency".

The comma dislocates "late-arriving" from "emergency and humanitarian" and relates it directly to the word "flights". It thus reads: "late-arriving flights, emergency flights and humanitarian flights."

Without that comma, the sentence would be altruistic. With the comma, it is an act of self-interest. Two very different things.

With the comma it is a request to allow "late-arriving flights" of any description into the airport at any time of night. As RSP will effectively be policing themselves on this, it becomes a very dangerous comma indeed.

At the DCO hearings on 22 March 2019, RSP's Lead Counsel, Isabella Tafur, told the Examining panel: "There will be no flights, programmed charted or scheduled" between 11pm and 6am. She also said: "There will be no flights programmed although there may be some late arrivals that would be accepted at the airport."

Mr Broderick on the ExA panel responded: "To sum up: there is no ban on night flights is there?" [see *attachment 2, a highlighted pdf of Isle Of Thanet News report 24/03/19*]

The comma we object to does the same job as Ms Tafur: it leaves the door open to potential abuse by the Applicant who has long claimed that it does not wish the airport to accommodate or operate night flights.

Given the Applicant's track record during this DCO enquiry, what it says, claims or promises and what is actually true have often been proven to be two very different things. The recent letter from the MOD dated 13/06/19 [see *attachments 3, 4, 5*] are but one example of this: RSP Director Tony Freudmann says one thing on public record; the MOD prove what Mr Freudmann has said is not true. Twice.

For more examples of the Applicant not being accurate with the facts, please see our previous submission, Commuters Against The Cargo Hub Submission 10 for deadline 10.

For the above reasons we would like to request that this comma be rejected and struck from the DCO and Noise Mitigation Plan along with all other requests by the Applicant - direct, oblique, implied, late or suggested - to permit planes to land or take off from Manston between 11pm and 6am. The Applicant has long promised this, so there is no reason for them to reject this.

Night flights will have a very damaging effect on locals for all the reasons previously outlined in many submissions to this DCO. Residents have lived through them before under the same "late flight" policy which was abused by previous airport operators. One of those operators was RSP Director Tony Freudmann, who was, at the time, Senior Vice President of Wiggins/Planestation.

If the Applicant declines to remove this comma, we respectfully request that you reject the DCO in its entirety.

TR Fennell  
On behalf of Commuters Against The Cargo Hub.

is only expected to occur at times where routine maintenance has taken place. It will be for short periods of time and only during daytime hours.

Ns.4.10	The Applicant	<p><b>Quota Count Night Time</b></p> <p>The Applicant states in its Deadline 8 submission on page 6 states:</p> <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</i></p>
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**Manston Airport DCO - Responses to ExA's Fourth Written Questions**

		<p>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."</p> <p><b>Will the Applicant secure this commitment in the dDCO?</b></p> <p><b>Applicant's Response:</b></p> <p>The NMP (at TR020002/D9/2.4) has been amended to reflect this, at paragraph 1.8.</p>
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## Manston DCO: Hearing session results in wrangles over night flight ban

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Manston airport site Photo Paul Wells



A wrangle over whether a night flight ban would be an absolute ban took place during the latest hearing for a development consent order application for the Manston airport site.

The session held at Discovery Park on Friday (March 22) was to look specifically at noise and vibration associated with plans by RiverOak Strategic Partners to acquire the site through the DCO and create a cargo hub and aviation-related businesses.

The land belongs to Stone Hill Park which has lodged a masterplan application for housing, leisure, business and infrastructure on the site.

The examination process, which includes hearings and site visits, is due for completion in July. A decision on the application will then be made by the Secretary of State,

One issued raised was whether the night time ban on flights actually constituted a full ban.

According to the latest noise mitigation plan submitted by RSP there will be a total annual air transport movement limit of 26,468 with a General Aviation movement limit of 38,000. The proposal is for an annual quota during the Night Time Period (11pm-7am) of 3028 movements.

The site would have an overall operating capability of 83,220 movements per annum.

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June 2018

May 2018

April 2018

March 2018

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January 2018

December 2017

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## Night flights

RSP data predicts 33 Air Transport Movements (ATMs) and approximately 16 non ATMs on a typical busy day in all years. In Year 20 there is predicted to be 72 ATMs during a typical busy day and 7.6 ATMs on a typical busy night.

However, RSP Lead Counsel, Isabella Tafur said: "There will be no flights, programmed charted or scheduled" between 11pm and 6am. She then added that delayed flights might land within those hours but there would be no take offs.

Tony Freudmann, of RSP, said delayed flights would be primarily passenger ones that could be scheduled to be back by 10pm but would gain an hour UK time. He used Luton and Stansted as examples.

However, Louise Congdon, of York Aviation LLP and on behalf of SHP, said his timings were wrong and Luton would allow flights to land as late as 11pm until 1am – saying that meant there would be a need for Manston to offer the same service.

Isabella Tafur also admitted inbound freighter flights, with a noisier quota count of 4, could also run late to schedule although no quota 8 and 16 flights – making the most noise – would be allowed to take off or land during the night time period. Flights would be able to operate between 6am-7am – still technically night time hours.

She said: "The will be no flights programmed although there may be some late arrivals that would be accepted at the airport. There will be no departures under any circumstances.

The explanation did not satisfy examining committee lead member who said: "To sum up, there is no ban on night flights, is there?"

Isabella Tafur again reiterated the 'programmed' ban on flights between 11pm and 6am.

September 2017

August 2017

July 2017

June 2017

May 2017

April 2017

March 2017

February 2017



Thanet council questioned the 3,028 night flight quota and whether late freight arrivals would include 747 craft – with a 4QC.

Isabella Tafur, told the committee: “Restrictions on night flights are a recent addition to the deadline 4 environmental assessment.” She added that a forecast of how many 747s might arrive late could not be made although the RSP team said it would take away proposals for recording late flights..

During the 6am to 7am period the committee was told any take offs recording over 82 decibels would be subject to fines starting at £750.

## **Measuring noise disturbance**

Measurements in the RSP report say a significant adverse noise level is measured at 63db (decibels) during the day flying period, 55db at night or 80db for more than 18 nightly events.

Anything 69db and over is labelled as an unacceptable level. Aircraft noise is measured by a quota count of Effective perceived noise in decibels (EPNdB).

Lowest is 84 – 86.9 EPNdB with a 0.25 quota count whilst the top end is 96 – 98.9 EPNdB with a quota count of 4; 99 – 101.9 EPNdB quota 8 and anything greater than 101.9 EPNdB equalling a count of 16.

Questions were raised about how potential noise impacts had been measured with RSP basing data on a 16 hour daytime period with Thanet council suggesting 30 minute periods would give a clearer overall picture.

Thanet council said there should be a lower noise threshold as isle residents would be unused to aircraft noise after almost five years of closure.

RSP’s panel responded by saying the measurements were made using the appropriate model.



## Thanet council or the Secretary of State?

The issue also led to a dispute over who should be the approving body for agreed noise restrictions. Iain Livingston of Thanet council insisted the local authority should be at the reins whilst RSP said, based on previous actions by TDC, its performance at the House of Commons transport committee in 2014/15 and the current status of the draft Local Plan, the deciding body should be the Secretary of State.

This was questioned by the examining panel who asked whether the the democratic process should be representation of local people by a local authority.

Isabella Tafur said the RSP position was unchanged and TDC could represent local people as a consultee. She added: "Our preference is that the Secretary of State be the discharging body."

Mr Livingstone retaliated with: "We made our position clear, TDC is more than able to discharge the requirements put forward."

The next stage of the examination process is deadline 5, on March 29, for submission of documents including written summaries of the most recent hearings.

Public hearings resume in June.



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13<sup>th</sup> June 2019

Dear Sirs

**Your reference: TR02002**

**Application by River Oak Strategic Partners for an Order granting Development Consent**

Following the Compulsory Acquisition Hearing 2 held on 4<sup>th</sup> June relating to the above I am writing to provide a summary of the matters I referred to during oral evidence with additional information where it is considered to be appropriate. I will also comment on some of the responses made by the Applicant to the ExA's third questions.

**A. Oral Evidence given at the Hearing**

## **A. Oral Evidence given at the Hearing**

### **1. Site proposed by RiverOak (RSP) for the re-location of the HRDF**

In March 2018, a presentation was given by Osprey (on behalf of RSP) to representatives of the MoD concerning the proposed relocation of the HRDF. As part of that presentation an aerial photograph was included on which three sites had been marked as possible alternative sites for the relocation of the HRDF to the east of the former airport. A copy of this page of the presentation is attached. Of the three sites shown, Site 1 was Osprey's preferred option and it was the MoD's clear understanding that this site was the one that was being referred to Aquila for their technical assessment. The MoD had also understood this to be the position when discussing the content of the Statement of Common Ground, the latest draft of which refers to "Site" in the singular.

Attached is a copy of the Cogent LLP site plan on which I have superimposed Sites 1 and 3 from the Osprey presentation. From this it can be clearly (and unambiguously) seen that Site 1 is located within the area known as the Manston Green Development. When I made this point in oral evidence at the Hearing it was categorically refuted by Mr Freudmann of RSP who stated "if I can just correct that, because it is completely wrong" and went on to say "the suggested location is not, repeat not, on the Manston Green site". The factual evidence does not support these statements.

Also attached is a copy of the Cogent LLP indicative layout plan which shows the potential layout of the development. The Manston Green Development was granted outline planning consent on 16<sup>th</sup> July 2016 for 785 houses and associated development and neither at the time of the Osprey presentation (nearly two years after outline consent had been granted) nor at any time since have RSP made the MoD aware of the planned Manston Green Development, the presence of which is likely to have a considerable impact on the operational capability of the HRDF (even if it were to be located outside the development area). Neither, it seems, from comments made at the Hearing by Cogent's representative, have RSP made Cogent LLP aware of the proposals to relocate the HRDF. This

If, as suggested by Mr Freudmann, Site 1 is not now the site and an alternative site or sites are being considered (or site 1 is now in a different location) then the MoD has no knowledge of where these are.

The MoD has also consistently expressed concern about the fact that no written evidence has been provided by RSP from the landowner on whose site it is proposed to locate the HRDF that such a proposal would be acceptable. In the Summary of the Applicant's Oral Submissions at the January 2019 Hearings dated 18<sup>th</sup> January 2019 on page 3 under item 2.8 it states the following:

"TF [Tony Freudmann] explained that all sites for relocation of the HRDF were beyond the eastern boundary of the Order limits on land near to where the existing landing lights are located. The landowner of the sites in question had already consented to the HRDF being located on that land."

As far as Site 1 is concerned the landowner could not unilaterally have consented to the HRDF being placed there, and the necessary freehold land sold to achieve this, as this proposal would also have needed the consent of Cogent Land LLP who until 4<sup>th</sup> June were unaware of the proposal. Although Site 3 is owned by the Steed family (who it has been suggested verbally are supportive of the project), Site 2 is owned by an unconnected company, C J Montgomery Limited and there is no evidence (verbal or otherwise) of any discussions or consultation by RSP with that Company.

## 2. The Role of Aquila

The point I made at the hearing in regard to the role of Aquila is that in terms of the technical feasibility assessment of the proposed alternative site for the relocation of the HRDF, the contract for preparing this feasibility assessment