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27 October 2019

Dear Sir

**RiverOak Strategic Partners (“the Applicant”)**

**Proposed Manston Airport Development (“Manston”)**

**Development Consent Order (“DCO”)**

**Rebuttal to the Applicant’s Overall Summary of Case: Environmental Statement**

**Rebuttal to the Applicant’s Overall Summary of Case: Environmental Statement**

**1. Environmental Statement: Flight Paths And Civil Aviation Authority and Public Safety Zones**

- 1.1.** The Applicant’s Overall Summary of Case<sup>1</sup> stated that its Environmental Statement assessed *‘likely significant effects’*; however, in the Applicant’s CAA Interface

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<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004668-A/pplicant's%20Overall%20Summary%20of%20Case.pdf>

Document<sup>2</sup> it states that at workshops with the CAA and within its Executive Summary that “*the DCO submission will be based on ‘worst credible’ scenarios* (in terms of environmental impact)”. Clearly these are two conflicting baselines.

**1.2.** In any event, the Applicant’s Environmental Statement **did not assess the likely significant effect and it did not base its DCO submission on the worst credible scenario**. Instead the Applicant presented the Environmental Statement using the best case scenario.

**1.2.1.** The Applicant’s Environmental Statement was based on a substantially fewer number of cargo Air Traffic Movements (ATMs) than the Applicant has forecast to deliver in its DCO application. The Environmental Statement is based on only 12,860 Jet (turbofan) ATMs of cargo aircraft per year<sup>3</sup>, (approximately 70% of its forecast), and 5,840 General Aviation movements, (13% of forecast).<sup>4</sup> Further if you take into account the associated works the Environmental Statement was based on a paltry 14% of the c.83,000 cargo aircraft movements than its actual DCO application.

**1.2.2.** The Applicant did not (and has not) adjusted its job forecasts to these actual ATM levels and without prejudice, York Aviation and amongst others provided overwhelming evidence that showed that the Applicant’s job forecasts were wildly inaccurate and over inflated<sup>5</sup>.

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<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-002460-7.5%20-%20CAA%20Interface%20Document.pdf>

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[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004568-Five10Twelve\\_Deadline%209%20-%20Comment%20on%20Requirement%2019a-%20Airport%20Operations%20-WITH%20APPENDICES.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004568-Five10Twelve_Deadline%209%20-%20Comment%20on%20Requirement%2019a-%20Airport%20Operations%20-WITH%20APPENDICES.pdf)

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<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004488-Five10Twelve%20-%20Comment%20on%20Examining%20Authoritys%20Second%20Draft%20Development%20Consent%20Order%20published%2014%20June%202019.pdf>

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[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004486-Stone%20Hill%20Park%20Ltd%20-%201.%20Comments%20on%20CA%20Hearing\\_27.06.2019.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004486-Stone%20Hill%20Park%20Ltd%20-%201.%20Comments%20on%20CA%20Hearing_27.06.2019.pdf)

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004455-Stone%20Hill%20Park%20Ltd%20-%20Manston%20-%20Urgent%20submission.pdf>

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004295-Stone%20Hill%20Park%20Limited%20-%20Socio-Economics%20Hearing\\_JM%20Comments%20Appendix.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004295-Stone%20Hill%20Park%20Limited%20-%20Socio-Economics%20Hearing_JM%20Comments%20Appendix.pdf)

- 1.3. The Applicant used the outdated and superseded ECAC Doc.29, 3rd Edition, 2005 for producing its noise contours rather than the 4th Edition of ECAC Doc.29, endorsed and published in December 2016<sup>6</sup>.
- 1.4. Further, the Applicant used the outdated and superseded CAP1520<sup>7</sup> to inform its noise contours rather than CAP1616a which outlines the relevant methodologies for use in environmental assessments relation to airspace change<sup>8</sup>.
- 1.5. The Applicant submitted noise contour caps to the Examination<sup>9</sup> not consistent with the regulatory requirements of CAA CAP1129 Noise Envelopes<sup>10</sup>.
- 1.6. Natural England confirmed in its comments on the Report of the Implications for European Sites<sup>11</sup> that it has relied upon the Applicant's demonstration that "*the proposed flightpath is similar to that used by the previous Manston Airport*"<sup>12</sup>.
- 1.7. Five10Twelve commissioned and produced noise contours by the Environmental Research and Consultancy Department of the Civil Aviation Authority ("ERCD/CAA") with the same fleet mix and number of ATMs as the Applicant<sup>13</sup> - comparing apples with apples - based on the flightpath used by the previous Manston Airport<sup>14</sup>. Historical flight paths were confirmed in its brief to the ERCD/CAA to be a credible option under CAP1616 and FASI-S and confirmed by RSP in the agreement reached with Natural England.
- 1.8. Based on the 63 dB LAeq 16 hr (Significant Observed Affect Effect Level) the Applicant's Environmental Statement identified 115 properties versus 200 from

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[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004581-Five10Twelve%20to%20RSP%20re%20Noise%20Contours\\_WITH\\_APPENDICES.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004581-Five10Twelve%20to%20RSP%20re%20Noise%20Contours_WITH_APPENDICES.pdf)

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[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004253-REAC%20\(Clean\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004253-REAC%20(Clean).pdf)

<sup>8</sup> <https://publicapps.caa.co.uk/modalapplication.aspx?appid=11&mode=detail&id=8128>

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[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004253-REAC%20\(Clean\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004253-REAC%20(Clean).pdf)

<sup>10</sup> <https://publicapps.caa.co.uk/docs/33/CAP%201129%20Noise%20Envelopes.pdf>

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[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004583-Natural%20England%20comments%20on%20RIES\\_1Jul19.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004583-Natural%20England%20comments%20on%20RIES_1Jul19.pdf)

<sup>12</sup> *Ibid*

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<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004151-AS-%20Five10%20Twelve%2031052019.pdf>

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[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004163-AS-%20-%20Five10Twelve%20-%20CAA%20\(ERCD\)%20NOISE%20CONTOURS\\_Redacted%20Final.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004163-AS-%20-%20Five10Twelve%20-%20CAA%20(ERCD)%20NOISE%20CONTOURS_Redacted%20Final.pdf)

ERCD/CAA<sup>15</sup>. This increase is (a) a '*likely significant effects*'; (b) is an increase of **174% more properties** affected; (c) is a material and significant difference; and (d) clearly shows the Environmental Statement is inaccurate.

- 1.9.** The Environmental Statement failed to take into account the need for Public Safety Zones (“**PSZs**”) at all despite the 2017 regulations. Throughout the Examination, the Applicant continued to fail to take into account PSZs despite evidence submitted from many Interested Parties<sup>16</sup>. In the Applicant’s Overall Case Summary, the Applicant misconstrues the DfT PSZ Order. PSZs are required by looking at forecasts **not** as the Applicant proposes on reaching a target. This is not only policy but good common sense - you cannot build a house and/or occupy a house only to find that in a few years you would need to tear it down and/or for the occupants to move. Further, the Applicant fails to demonstrate the true picture of the PSZs in that it would cover the whole of Ramsgate town centre as well as many 1000’s of houses. In addition, the Applicant fails to appreciate that a cargo airport due to the type of craft used (older planes<sup>17</sup>) has bigger PSZs not smaller.

## **Conclusion**

The inaccurate Environmental Statement would materially and significantly affect all Interested Parties’ Statement of Common Grounds including but not limited to Public Health England, Natural England and Historic England as well as **all Local Impact Reports submitted** to the ExA pursuant to Sections 60 Planning Act 2008<sup>18</sup>.

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<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004443-A-Applicant's%20Responses%20to%20the%20Fourth%20Written%20Questions.pdf>

<sup>16</sup> For example at [REP1-019] [REP2-013] [REP2-014] [REP2-015] [REP4-035] [REP4-037] [REP4-041] [REP4-043] [REP4-049] [REP5-124] [REP5-074] [REP6-033] [REP6-038] [REP8-061] of the Examination Library

<sup>17</sup> For example at [REP5-074] [REP6-038] of the Examination Library

<sup>18</sup> This further impacts sections 104 and 105 of the Planning Act 2008.