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The Rt Hon Grant Shapps
The Secretary of State for Transport
Department for Transport
Zone 1/18, Great Minster House
33 Horseferry Road
London SW1P 4DR

BY EMAIL:

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Cc: Rob.Pridham@dft.gov.uk

23 December 2019

Dear Sir

RiverOak Strategic Partners ("the Applicant")
Proposed Manston Airport Development ("Manston")
Development Consent Order ("DCO")

PUBLIC COST AND REPUTATIONAL RISK

The Applicant is a start-up company with no track record, majority owned offshore with anonymous shareholders. The Applicant's founding director has a 26 year history of high profile failure - often at great public and reputational cost, including previous airport and airline operations that resulted in questions raised in the House of Commons¹.

¹ Select Committee on Transport Minutes of Evidence: Supplementary memorandum submitted by the Civil Aviation Authority, Briefings on EUJet Ops Ltd, 24 November 2005
<https://publications.parliament.uk/pa/cm200506/cmselect/cmtran/636/5110212.htm>

Further, the Applicant confirmed during the Examination that its forecasts and business case was produced without² any regard as to viability whilst York Aviation and others provided an overwhelming body of evidence to show that the Applicant's plans were in fact not viable.

The Applicant claimed repeatedly - and wrongly - during the Examination that since the aspiration was for the development to be funded privately there would be no public cost. Further, responding to the lack of evidence of any finance or viability, the Applicant claimed in its own Overall Summary of Case that:

"if the project does not succeed, the adverse impacts of which objectors have complained ...will not materialise".

We reject and refute these claims. Respectfully, we are also deeply concerned of the risk that if the hidden - yet significant - public costs, national risks and reputational risks to the government inherent in this application are not fully taken into account, the Secretary of State may be minded to give this startup operator "a shot", in much the same way as the Minister's predecessor took a risk on Seaborne Freight - and potentially with similar results.

In fact, whilst the lack of evidence of any viability or funding certainly points to a significant risk that none of the alleged benefits of the development will materialise, a significant cost will still be sharply felt regardless, both locally and nationally, as detailed below.

OPERATION STACK/ BROCK MANSTON

1. As you will recall, the immediate costs to the nation of the impact of Operation Stack in 2015 were around £2 million per day³.
2. From 4 August 2015 arrangements for Operation Stack were amended to include the use of the former Manston Airport site, in the district of Thanet, as an interim lorry park for Dover-bound traffic⁴.

² At the oral evidence given by the Applicant/Azimuth at the Need and Operations Issue Specific Hearing of 21 March 2019 confirmed that the Azimuth Report upon which the entirety of the Need Case for Manston relies has no realistic foundation as a basis for predicting the extent to which Manston might actually be used.

³ <https://publications.parliament.uk/pa/cm201617/cmselect/cmtrans/65/6506.htm>

⁴ https://publications.parliament.uk/pa/cm201617/cmselect/cmtrans/65/6505.htm#_idTextAnchor012

3. This was extended by the Town & Country Planning (Manston Airport) Special Development Order 2019 as a solution for holding goods vehicles post-Brexit (Operation Brock).
4. If Brock Manston is active, non-compliant HGVs wishing to exit the UK will be diverted to a holding area at Manston Airfield and if Phase 2 (M20) becomes full, lorries heading for Port of Dover will be directed to Manston Airfield⁵. At Phase 2, compliancy checks will be undertaken.
5. Operation Brock Manston has the support of the Road Haulage Association with Richard Burnett stating:

*"It's clear that Transport Secretary, Grant Shapps and his team have **grasped the importance of a contingency plan to tackle congestion in Kent, post-Brexit,***

"The plans for Manston Airport and the implementation of border readiness checks to ensure drivers comply with Operation Brock are of course encouraging⁶."

6. Operation Brock Manston has the support of Highways England with project director John Kerner stating that:

"Operation Brock strengthens this resilience even further and offers a safe, scalable response to disruption that can be used to **queue up to 11,000 lorries heading for mainland Europe, while keeping other traffic flowing for people living, working and travelling in and around Kent⁷."**

7. In addition to the Town & Country Planning (Manston Airport) Special Development Order 2019 several other pieces of legislation associated with Operation Brock Manston were passed in preparation for the 31 October 2019 exit from the EU for example the Heavy Commercial Vehicles in Kent (No. 1), the Heavy Commercial Vehicles in Kent (No.2) and the Heavy Commercial Vehicles in Kent (No. 3) Order 2019.
8. As you will be aware, we did not leave the EU on 31 October 2019 and are set to do so on 31 January 2020. The transition period will expire at the end of December 2020.

⁵ <https://highwaysengland.co.uk/OperationBrock/>

⁶ <https://www.itv.com/news/meridian/2019-09-04/extra-20m-for-kent-to-prepare-roads-ports-for-brexit/>

⁷ <https://www.kentlive.news/news/kent-news/what-operation-brock-7-questions-3473722>

9. Operation Brock Manston will either need to be extended post-Brexit, during and post-transition, in line with leaving the EU and in line new trade deals/ World Trade Organization terms; or Operation Brock Manston will need to be disbanded with no alternative.
10. In the event of disbanding Operation Brock Manston pre-Brexit and pre-transition the cost to the public is in monies spent by the public purse and the cost of congestion in Kent, post-Brexit, during and post-transition.
11. As you will recall, the immediate costs to the public of the impact of Operation Stack in 2015 were around £2 million per day⁸ and there is no evidence to indicate that the cost to public without Operation Brock Manston will be any less.
12. In any event, this is a cost to the public purse and reputational risk to the Government.

PUBLIC SAFETY ZONES

13. As of 28 January 2019, Thanet District Council was under a Local Plan Intervention by the Secretary of State for Housing, Communities and Local Government.
14. The Secretary of State for Housing, Communities and Local Government states in the penultimate paragraph of his letter that (bold added for emphasis) :
*“[He is] also, for the avoidance of doubt, now putting on public record my concerns about the **low level of housing supply and delivery in Thanet.** [He] expect[s] planning decision-takers to have regard to these concerns as **a material consideration** when deciding local planning applications⁹”.*
15. As you will be aware Public Safety Zones fall under the DfT Circular 01/2010 in which it clearly states that Public Safety Zones are based upon risk contours modelled looking fifteen years ahead.
16. As Manston Airport is closed and has been for over 5 years then it must look to 15 years ahead and the number of proposed/forecast ATMs.
17. The ATMs proposed by the Applicant are of the number that are caught by the Public Safety Zone requirement.

⁸ <https://publications.parliament.uk/pa/cm201617/cmselect/cmtrans/65/6506.htm>

⁹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/776028/Local_Plan_intervention_-_Secretary_of_State_letter_to_Thanet_District_Council.pdf

18. According to Thanet District Council,

*“Public Safety Zones [in relation to the reopening of Manston Airport], 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. 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**. TDC would need to consider whether a precautionary policy linked to potential future PSZ designation would be appropriate, to identify an exclusion zone for new housing or housing conversions through such a policy, to be effected in the event that a PSZ is designated. In addition, the Council would have to consider whether an Article 4 Direction to restrict permitted development rights allowing conversion to residential use in the identified area might be appropriate in due course¹⁰”.*

19. The impact of Manston Airport reopening on the low level of housing supply and delivery in Thanet is a public cost.

LEGAL CHALLENGES: EUROTUNNEL LE SHUTTLE FREIGHT

20. The Government paid out Eurotunnel £33m in an agreement to settle a lawsuit over extra ferry freight services in the event of a no-deal Brexit¹¹ (Seaborne Freight).
21. Eurotunnel Le Shuttle Freight is the most convenient and cost-effective way to transport freight between the UK and continental Europe¹².
22. Eurotunnel Le Shuttle Freight provides the quickest way to cross the Channel with a truck.
23. Electric locomotives that generate a low level of atmospheric pollution and only marginal greenhouse gas emissions.

¹⁰ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004125-Thanet%20District%20Council%20-%20response%20to%20ExQ3.pdf>

¹¹ <https://www.bbc.co.uk/news/business-47414699>

¹² <https://www.eurotunnelfreight.com/uk/about/>

24. In December 2018, Eurotunnel Le Shuttle Freight transported 130,510 trucks in December 2018, 2% more than in December 2017.
25. Eurotunnel Le Shuttle Freight recorded a new all-time record for the year 2018 with almost 1.7 million trucks transported. Le Shuttle Passenger traffic increased by 1% compared to December 2017 with 235,588 passenger vehicles transported. Since the start of January, more than 2.7 million passenger vehicles have crossed the Channel with Le Shuttle¹³.
26. In November 2019, Eurotunnel Le Shuttle Freight carried 130,952 trucks, a decrease of 13% compared to November 2018, due both to the effect of stock piling in October in preparation for Brexit and to an unfavourable calendar. Since the beginning of the year, almost 1.5 million trucks have crossed with Eurotunnel Le Shuttle Freight, a decrease of 6% compared to the same period in 2018. In November 2019, Passenger Shuttles carried 142,106 passenger vehicles, down 13% compared to November 2018, due to uncertainty in the United Kingdom caused by the elections. Since 1 January 2019, 2,418,827 million passenger vehicles have crossed the Channel with Le Shuttle, a decrease of 2% compared to 2018¹⁴.
27. The impact of Manston Airport reopening on Eurotunnel Le Shuttle Freight (nor the impact of Eurotunnel Le Shuttle Freight on Manston Airport forecasts¹⁵) was not considered by the Applicant and/or during the DCO Examination.
28. In the event the DCO is granted, a legal challenge by Eurotunnel is a reasonably foreseeable public cost.

NATIONALLY STRATEGIC BODIES AND GOVERNMENT BODIES

29. The Ministry of Defence has objected to the proposed Manston DCO stating in its submission of 9 July that:

“insufficient information has been submitted to provide any positive indication that potential harm to safeguard operational defence assets can be overcome or readily mitigated¹⁶”.

¹³

<https://www.eurotunnelfreight.com/uk/2019/01/shuttle-traffic-for-december-2018-new-all-time-record-for-le-shuttle-freight/>

¹⁴ <https://www.eurotunnelfreight.com/uk/2019/12/shuttle-traffic-for-november-2019/>

¹⁵ At the oral evidence given by the Applicant/Azimuth at the Need and Operations Issue Specific Hearing of 21 March 2019 confirmed that the Azimuth Report upon which the entirety of the Need Case for Manston relies has no realistic foundation as a basis for predicting the extent to which Manston might actually be used

¹⁶

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004714-AS%20DIO%20Planning%20Inspectorate%20-%209.7.19.pdf>

30. Network Rail has stated that:

*“the compulsory acquisition powers sought by [the Applicant] would **create a serious detriment to the continued safe, efficient and economic operation of the railway**¹⁷” .*

31. In the event the DCO is granted, a legal challenge by Network Rail is a reasonably foreseeable public cost.

32. In the event the DCO is granted, the impact to national strategic defence assets is a public cost, risk to the nation’s security and reputational risk to the Government.

HIGHWAYS ENGLAND

33. It is of note that the Transport Strategy for the South East as of October 2019 vision is that:

“By 2050, the South East of England will be a leading global region for net-zero carbon, sustainable economic growth where integrated transport, digital and energy networks have delivered a step-change in connectivity and environmental quality”.

34. Transport Strategy for the South East as of October 2019 makes no mention of Manston Airport.

35. The DCO Examination did not assess the cost of and impact on the impact of Manston Airport reopening on the national Highways England/ road surface access.

36. You will recall that Manston Airport if reopened would be solely reliant on road surface access for HGVs, fuel tankers, workers and passengers.

INWARD INVESTMENT

37. We and many other organisations and community groups all provided evidenced submissions detailing the negative impact of Manston Airport reopening on Ramsgate, the wider Thanet and Kent throughout the DCO Examination.

38. These groups include but are not limited to Ramsgate Town Council, Ramsgate Town Team, Ramsgate Neighbourhood Plan Steering Group, Ramsgate Society, Kent County Council¹⁸,

¹⁷

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004571-Network Rail - Response to Fourth Written Question.pdf>

¹⁸

https://www.kent.gov.uk/_data/assets/pdf_file/0003/29541/Manston-Airport-position-statement.pdf

Thanet District Council¹⁹ and other businesses²⁰ and campaigners and community groups. Details and evidence of submissions made to the Examining Authority can be viewed in the Examination Library²¹.

39. All of the above local groups, councillors and organisations have expressed reasonable concerns, based on direct experience and knowledge of the local area, that the recent upsurge in inward investment, individuals and businesses relocating and investing in the area since the former airport was closed in 2015 is highly likely to be reversed in the event that the airport is re-opened. These concerns are based around the reasonable and rational conclusion that businesses and individuals are unlikely to want to buy or invest in property or businesses in the area in the event that development is granted that results in cargo planes overflying properties at altitudes of 200-600 feet.
40. This is a high cost to Ramsgate if the DCO is granted, even in the event that the Applicant does not build an airport for whatever reason - for example failure to find funding. The loss of confidence in the area and the risk of air cargo operations commencing at some point in the future will continue to hang over the town regardless, which will have a continued negative impact on inward investment.
41. The Applicant is a start up company with no track record. The founding director of the Applicant, Tony Freudmann, only has a record of significant and costly failure - often at great public cost - over a period of more than 26 years. As you will be aware, even in the case of established companies 6 out of 10 DCOs granted are not developed.

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<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-003135-Thanet%20District%20Council%20-%20Local%20Impact%20Report%20Manston%20Airport.pdf>

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[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004730-AS%20-%20Five10Twelve%20Ltd%20REGISTER%20OF%20ENVIRONMENTAL%20ACTIONS%20REP8-018%20SOCIO-%20ECONOMIC%20\(2\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004730-AS%20-%20Five10Twelve%20Ltd%20REGISTER%20OF%20ENVIRONMENTAL%20ACTIONS%20REP8-018%20SOCIO-%20ECONOMIC%20(2).pdf)

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[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004730-AS%20-%20Five10Twelve%20Ltd%20REGISTER%20OF%20ENVIRONMENTAL%20ACTIONS%20REP8-018%20SOCIO-%20ECONOMIC%20\(2\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004730-AS%20-%20Five10Twelve%20Ltd%20REGISTER%20OF%20ENVIRONMENTAL%20ACTIONS%20REP8-018%20SOCIO-%20ECONOMIC%20(2).pdf)

42. Historically the airport has repeatedly failed, the question must be asked what happens if the DCO is granted and history repeats itself²²? Extant evidence commissioned by TDC Officers and submitted to the DCO Examination namely the Avia Solutions report, stated that:

*"... airport operations at Manston are **very unlikely to be financially viable in the longer term**, and almost certainly not within the period to 2031²³".*

43. The development is a black cloud hanging over us. We are losing and we will continue to lose inward investment opportunities because of this proposal.

44. If the DCO is granted it will halt or contract the private inward investment to Ramsgate. This is a cost to the public.

DRAFT LOCAL PLAN

45. Thanet District Council's draft Local Plan Policy SP02 - Economic Growth²⁴ states (bold added for emphasis):

"Policy SP02 - Economic Growth

A minimum of 5,000 additional jobs is planned for in Thanet to 2031. The aim is to accommodate inward investment in job creating development, the establishment of new businesses and expansion and diversification of existing firms. Sufficient sites and premises suited to the needs of business are identified and safeguarded for such uses. Manston Business Park is the key location for advanced manufacturing and large scale job creating development. Land is identified and allocated to accommodate up to 53.5ha of employment space over the period to 2031. Land and premises considered suitable for continued and future employment use will be identified and protected for such purpose. Within the urban area, and the confines of villages as defined on the

²² Formerly a military airport, RAF Manston in Thanet, Kent in the South East, was sold by the MoD in 1998. Since then, three different owners, Wiggins/Planestation Infratil and Lothian Shelf, have tried unsuccessfully to operate commercial passenger and air freight services from Manston until its closure in 2014, having made losses of £40m - £50m during the preceding nine year period. Source - Manston Airport under private ownership, Kent County Council 2015

https://www.kent.gov.uk/_data/assets/pdf_file/0003/29541/Manston-Airport-position-statement.pdf

²³

https://www.thanet.gov.uk/wp-content/uploads/2018/03/Final-Report-for-TDC-Manston-Airport-Viability-2016_2.pdf

²⁴ <https://consult.thanet.gov.uk/consult.ti/TLPMODS/view?objectId=11186100#11186100>

policies map, proposals for employment generating development on non-allocated sites will be supported in principle, subject to meeting the requirements of other policies in the Plan.

*Thanet's town centres are priority areas for regeneration and employment generating development, including **tourism and the cultural and creative industries** which will be supported.*

***The growth of the Port of Ramsgate** is supported as a source of employment and as an attractor of inward investment.*

*New tourism development, which would extend or upgrade the range of tourist facilities particularly those that **attract the staying visitor, increase the attraction of tourists to the area and extend the season**, will be supported.*

Development is supported that enhances the rural economy subject to protecting the character, quality and function of Thanet's rural settlements and natural environments”.

46. There is evidence to confirm that these growth sectors identified in the Thanet Local Plan will - at best - be negatively impacted in the event that the air cargo hub DCO is granted, or indeed, that the air cargo hub is entirely inconsistent with these growth development plans.
47. It is of note that the draft Local Plan does not mention Manston Airport reopening in the SP02 Economic Growth.

Tourism

Five10Twelve and tourism businesses²⁵ and Thanet District Council²⁶ provided evidence to the DCO Examination which clearly demonstrated that the Applicant's proposed cargo development would **adversely affect** Ramsgate's and the wider Thanet's Tourism Economy.

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[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004649-Five10Twelve%20Ltd%20-%20REGISTER%20OF%20ENVIRONMENTAL%20ACTIONS%20REP8-018%20SOCIO-%20ECONOMIC%20\(3\)-%20Tourism.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004649-Five10Twelve%20Ltd%20-%20REGISTER%20OF%20ENVIRONMENTAL%20ACTIONS%20REP8-018%20SOCIO-%20ECONOMIC%20(3)-%20Tourism.pdf)

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Cultural and Creative Industries

48. As of 4 July 2019, Kent and Medway's inward investment agency, Locate in Kent, partnered with Arts Council England and Heritage Lab CIC for a major research project to support the growth of Ramsgate as a creative business hub.
49. The digital and creative industries have been highlighted by the Government as a priority for growth with the aim for the UK to become a world leader in this area. **Thanet district is already putting down a marker with businesses in this sector growing by an impressive 84% in the four years to 2017.**
50. Creative Industries in Historic Buildings and Environments, Colliers, October 2018, report has confirmed that ambience is the key driver for creative businesses to relocate. Severe impact on ambience in the area is likely in the event that the DCO is granted, resulting in cargo planes overhead at altitudes of 200ft - 600ft.
51. Ramsgate is one of the only Heritage Action Zones (HAZ) in the UK and is home to over 450 listed buildings. Many of these buildings are in poor condition, underused or remain empty but once restored will provide increased footfall and spend to support further regeneration.
52. Gavin Cleary, CEO, Locate in Kent, said:

*"We know that many creative industries and start ups are concentrated in areas with a high heritage density. With over 450 listed buildings, and only 63 minutes to London by train, **Ramsgate is ideally placed for continued growth in the creative sector and is a prime location for those wanting to invest or relocate in Kent.**"*

Port of Ramsgate and Royal Harbour (owned by Thanet District Council)

53. As you will be aware on 24 October 2019, the contract for a feasibility study for Ramsgate port and Royal harbour was awarded to consultant WSP UK Limited by Thanet District Council. Part of the feasibility study is a residential plan to look at waterfront homes, and leisure uses such as space for larger yachts than can presently be accommodated in Ramsgate, hotel and conference facilities, berthing for small cruise ships and shops. Ideas for a maritime village development at Ramsgate port and Royal harbour will look at mixed use development with waterfront homes, shops, restaurants and cafes and commercial units. The Ramsgate port and Royal harbour is also directly under the proposed flight swathe at altitudes of 300-600 feet, which would serve as a significant deterrent to any potential development of Ramsgate's port and Royal Harbour.

FIRST AVIATION DCO

54. As you will be aware this is the first aviation DCO.
55. In the coming year DCO applications will be examined for Heathrow, Gatwick, Luton and - possibly - Stansted, pending the result of its judicial review.
56. Airport expansion is highly controversial and decisions to support airport expansion are increasingly very much in the public eye and tracked in national media. With increasing understanding by the public as to the rising climate crisis, environmental consumer choices and flight shaming, it is therefore perhaps of even greater importance that the DCO examination process is shown to be transparent, robust, anchored in law and - above all - fair.
57. This is especially true of this first airport DCO. Given the Applicant's lack of track record, the founding director's career history, the lack of evidence of viability and substantive other material and significant deficiencies in the application, it is not unreasonable to suggest that granting of a DCO in this case would be likely to raise levels of distrust, suspicion and incredulity on a par with the recent public and media storm surrounding the awarding of ferry contracts to Seaborne Freight.

CONCLUSION

We have shown above that whilst the Applicant has repeatedly claimed that this is a private venture that comes at no cost or risk to the public, there is in fact a very significant cost - both reputationally and financially - that may result from granting the DCO, irrespective of whether or not the development is delivered as planned or proves to be unviable, as expected.

There is a significant risk that such costs may be felt nationally and they will most certainly be felt locally. Whilst we are confident that common sense will prevail and the DCO will be refused, given the significant deficiencies in the application, local campaign groups and organisations have nevertheless been fundraising and preparing for a Judicial Review in the event that the DCO is granted.