



# Manston DCO

INTERESTED PARTY RESPONSE TO REQUEST FOR FURTHER  
INFORMATION

Barry James | Manston DCO | Saturday, January 18, 2020

## Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by RiverOak Strategic Partners Limited (“the Applicant”) for an Order granting Development Consent for the reopening and development of Manston Airport in Kent.

### REQUEST FOR COMMENTS AND FURTHER INFORMATION

The Secretary of State would be grateful if the Applicant and other affected parties where highlighted in bold could provide further information or comments on the matters set out below

- **14.** The Secretary of State invites the Applicant and **other Interested Parties** to comment on revised wording in relation to requirement 19 (airport-related commercial facilities) for inclusion in any DCO that might be granted in due course:
- *“Works Nos 15,16 and 17 must only be developed and used where the local planning authority has agreed in writing that those works have a direct relationship to and support the operation of Works Nos. 1 to 11 and 13”.*
- **15.** The Secretary of State seeks the views of the Applicant, Thanet District Council (who would have responsibility under any made DCO of discharging such a Requirement) and **other Interested Parties** in relation to the definition of “airport related” in article 2 for inclusion in any DCO that might be granted in due course. This would read:
- *““airport-related” development means development directly related to and required to support operations at Manston Airport including, but not limited to freight distribution centres, including freight forwarding and temporary storage facilities”.*
- ***Is this not a DCO for Cargo or not?***
- **18.** The Secretary of State seeks the comments of the Applicant and **other Interested Parties** on the new requirement 21(4) for inclusion in any DCO that might be granted in due course. This would read: “(4) No passenger air transport departures will take place between the hours of 20.00 and 21.00. There shall only be one passenger air transport arrival between the hours of 16.00 and 17.00; only

- two passenger air transport departures between the hours of 18.00 and 19.00; and only one passenger air transport departure between the hours of 19.00 and 20.00.”
- ***Oddly I had assumed the DCO was for 10000 Cargo ATM’s and also assumed there would be NO flights during the Night Time hours od 11pm to 7AM***
  - **19.** The Secretary of State seeks the views of the Applicant, MOD (The Defence Infrastructure Organization) and **other Interested Parties** on the wording of new requirement 24 (High Resolution Direction Finder) for inclusion in any DCO that might be granted in due course:
    - *“(1) No part of the authorised development is to commence until a detailed mitigation scheme to provide an alternate High Resolution Direction Finder, prepared by the undertaker and agreed in writing by the Ministry of Defence, has been submitted to, and approved in writing by, the relevant planning authority. The detailed mitigation scheme must include siting location(s) for the alternate High Resolution Direction Finder, full specification for the equipment and infrastructure proposed, the technical performance data necessary to establish safeguarding criteria to protect its subsequent operation and a timetable for its implementation.*
    - *(2) The installation of the alternative High Resolution Direction Finder must be carried out in accordance with the scheme approved pursuant to sub-paragraph (1), unless otherwise agreed in writing by the Ministry of Defence and the relevant planning authority.*
    - *(3) None of the authorised development is permitted to be constructed within the zone protected by the Ministry of Defence (Manston) Technical Site Direction 2017 while the safeguarding direction is in force without the consent of the Secretary of State for Defence.*
    - *(4) No part of the authorised development is to commence unless and until a programme for the decommissioning and removal of the existing High Resolution Direction Finder, prepared by the undertaker and submitted to and agreed in writing by the Ministry of Defence, has been submitted to, and approved in writing by, the relevant planning authority. The decommissioning and removal of the existing High Resolution Definition Finder equipment must be carried out strictly in accordance with the details approved.”*
  - ***This has been ongoing for 2 years without a conclusion being reached and as the HRDF will need at least 2 years of testing even assuming that a solution can be reached there is little chance of any flights from Manston before 2015***
  - **20.** The Secretary of State seeks views from Network Rail and **other Interested Parties** on the new Protective Provisions at Annex C to this letter to be included in the draft DCO, if made.

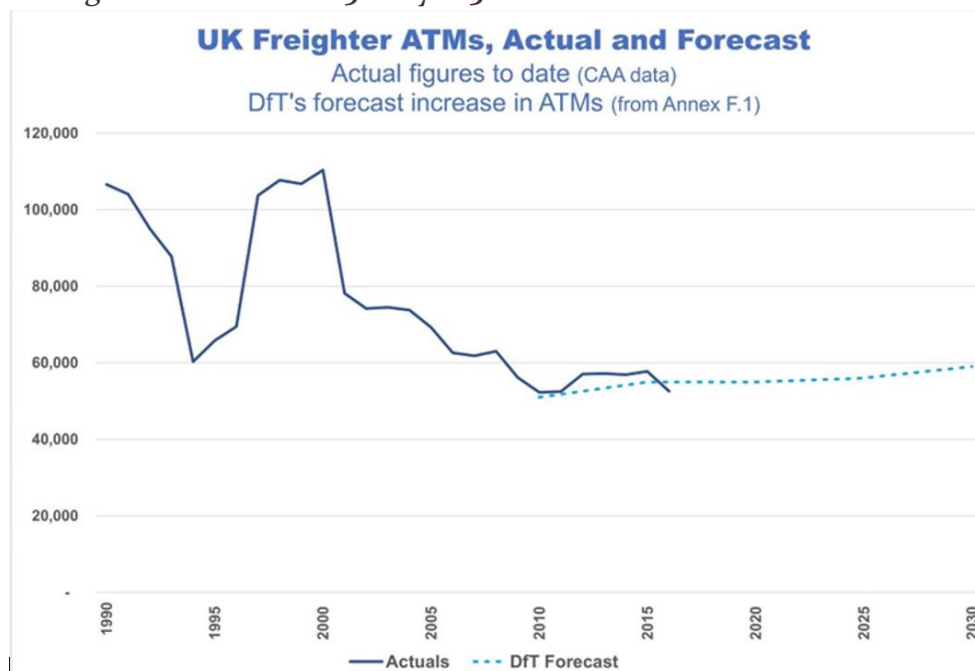
- *This is a local planning issue which Thanet Council will have to deal with. Should Network Rail not object then that is for them to move to a conclusion*
- **Late Representations**

23. The Secretary of State invites the Applicant and **other Interested Parties** to submit any comments they have on two late representations from Five10Twelve Limited dated 17 October 2019 and 27 October 2019, which it states are an evidenced Rebuttal to the Applicant's Overall Need Case

From Five10Twelve's letter

*"We respectfully remind the Secretary of State that York Aviation made clear to the UK Planning Inspectorate days before the close of the Examination: "Due in part to the recent development in the case and the lack of time available, Stone Hill Park have necessarily not instructed [York Aviation] to prepare a commentary on the responses to the Examining Authority's Fourth Written Questions received at Deadline 9. However, [York Aviation] wish to put on record that [York Aviation] strongly refute the criticism of [its] work made by the Applicant in its written answers. [York Aviation] consider that [it has] provided substantial and well evidenced responses throughout the process5".*

York Aviation, The Dept for Transport and other aviation related have pointed out many times that the strategy that RSP are following is based on a flawed business plan. 10000 ATM's for cargo is based on a decreasing market in the UK for cargo only flights. The DoT has predicted Flight only Cargo aircraft (which has halved in the last 20 years from 110K to just over 50K by 2016 and the trend is still down) will average out to less than 58k by 2030.



*To base the reopening of Manston on a figure of 10000 cargo only ATM's is ambitious in the extreme because to go from a figure of zero to one fifth of the entire UK market within 7 years of reopening competing with other cargo based airports is foolhardy.*

*There comes a point when ambition becomes not only wasteful but suspect. The point of the DCO is to increase the capacity of the UK, not take business and replace better placed ventures with another airport. The reasons why it is unsuitable are many and include:*

- 1. Geography – Manston failed because it is situated in North Kent*
- 2. Poor road communications – Manston is 38 miles from the M25*
- 3. Not on direct fuel pipeline – Fuel bowsers from Essex would be needed increasing refueling costs*
- 4. No infrastructure – unlike East Midlands and Heathrow there is no freight forwarding and warehousing available at Manston nor indeed is there any railfreight depot.*
- 5. Unlike other airports Manston has a town of 40K people less than a mile from the runway and directly under the flightpath*

*Further 2/3rds of all airfreight entering and leaving the UK comes in the belly of passenger planes via Heathrow. This is an increasing market owing to the much lower costs of belly freight. RSP are on record as stating they will not be looking to compete with Heathrow so at a stroke they are discounting 67% of the market place they are planning to work in.*

*As Fiveotwelve correctly points out any increase in airfreight capacity will be belly hold in long haul flights and the best avenue for this increase will be at Heathrow which already handles 67% of that market.*

*“Specifically, the Government sees the 3rd runway at Heathrow as: **“expected to lead to more long haul flights and connections to fast-growing economies, helping to secure the UK’s status as a global aviation hub, and enabling it to play a crucial role in the global economy”** (Airports NPS, para. 3.18).*

*Further “Primary reasons for rejection of Manston Airport as a viable option to address capacity issues was summarised in the Future Development of Air Transport in the UK - South East report for the DfT, (2002), which concluded that **“key constraints are its geographic position in relation to the major sources of demand and noise impacts over the nearby town of Ramsgate”**. Needless to say, the geography has not changed since 2002 and will not do so in the period to 2050.”*

*Further RSP and Dr. Sally Dixon have stated there is a lack of capacity for freight (constraints) at “regional” airports such as Gatwick, Stanstead, and East Midlands etc. Each of these airports have denied they have such constraints rather they are all planning to increase their offering and Stanstead have also stated they plan to increase their bellyhold offering much as Gatwick have done in the last 10 years.*



*It bears repeating that RSP have (deliberately) misinterpreted the work of York Aviation on many occasions and to reinforce the point made by Fiveiotwelve in their response I repeat the point made,*

*“Extraction from York Aviation February 2019 at para 2.37:*

*“Trucking of air freight is not a new phenomenon. The work by Steer Davies Gleave for the Department for Transport (DfT) in 2010 estimated that over 50% of air freight leaving the UK for Europe was trucked rather than using the bellyhold of passenger aircraft. In other words, airlines are using trucks rather than aircraft to distribute freight arriving on and connecting to their global passenger (bellyhold) and freighter operations. At the time of this analysis, Manston was still operational. If it was more economical to use a pure freighter service from Manston rather than trucking over the Channel, this would have been happening in 2010 but it was not. Other than the potential additional border checks as a consequence of Brexit, the Applicant/Azimuth advance no reasons why freight would switch from the cheaper trucking/bellyhold model to expensive pure freighter operations. We believe that the economics of air freight will continue to favour the use of bellyhold freight, other than for a minority of consignments, to and from the UK even if there is a lengthy trucking leg”. ”*

24. The Secretary of State seeks views from Historic England, Kent County Council, Thanet District Council and **other Interested Parties** on the late representation from FiveioTwelve Limited dated 1 November 2019, which is also published alongside this letter.

*I would concur with this report*

25. The Secretary of State invites the Applicant, York Aviation and the Civil Aviation Authority (“CAA”) to submit any comments they have on the late representation from FiveioTwelve Limited dated 19 December 2019 relating to correspondence it has received from the CAA. The Secretary of State also invites their comments on the late representation from FiveioTwelve Limited dated 20 December 2019 relating to inconsistencies in the application.

*I would concur with Fiveiotwelve with the following observation.*

*As I understand the process a DCO is front end loaded however in this case it seems the consultation was flawed. Few were told about it within the Ramsgate catchment area? Important facts were unavailable at the presentations, the 1<sup>st</sup> presentation was managed by a pro support group and further presentations were marred by an RSP director with anger management problems. Further most DCO’s generate an average of 63 pages of questions, this DCO generated over 600 pages of additional questions. This DCO have given many people the feeling that RSP have started with an idea and tried to make the DCO fit their preconceived idea rather than make a viable business case. In fact as was pointed out by Fiveiotwelve Dr. Dixon was questioned on this point and concluded her business case (which the*

**DCO is based on) was NOT required to answer whether the business plan was actually viable.**

26. The Secretary of State also invites comments from the Applicant and **other Interested Parties** on the late representation from Five10Twelve Limited dated 23 December 2019 relating to public cost and reputational risk.

*I concur with Five10twelve and make the following points*

*“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.”*

*Dr. Dixon confirmed to the Examination she was never asked to provide a viable business case and for the SoS to accept a DCO based on an unevidenced business plan could prove expensive for HMG as the previous SoS found out when he backed Seabourne Freight*

**“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.”**

*Whatever the SoS decides he has to be aware that a number of Regional airports have failed and then been “saved” by recourse to Public funds. The chance of Manston failing again is high and the past shows it has never made a commercial profit and even the latest plan has yet to be costed (and this costing has yet to mention the £300M cost of reinstatement).*

### **Public Safety Zones**

*From SHP*

*“In summary, these submissions explained that PSZs would be required to be put in place just after the third year of operations (i.e. Year 4 of the forecasts). .....*

*Therefore, based on paragraph 3 of the relevant Guidance which states that “[T]he Public Safety Zones are based upon risk contours modelled looking fifteen years ahead, in order to allow a reasonable period of stability after their introduction”*

*PSZs will need to be applied from year 4 of the Applicant’s forecasts (or very soon thereafter).*

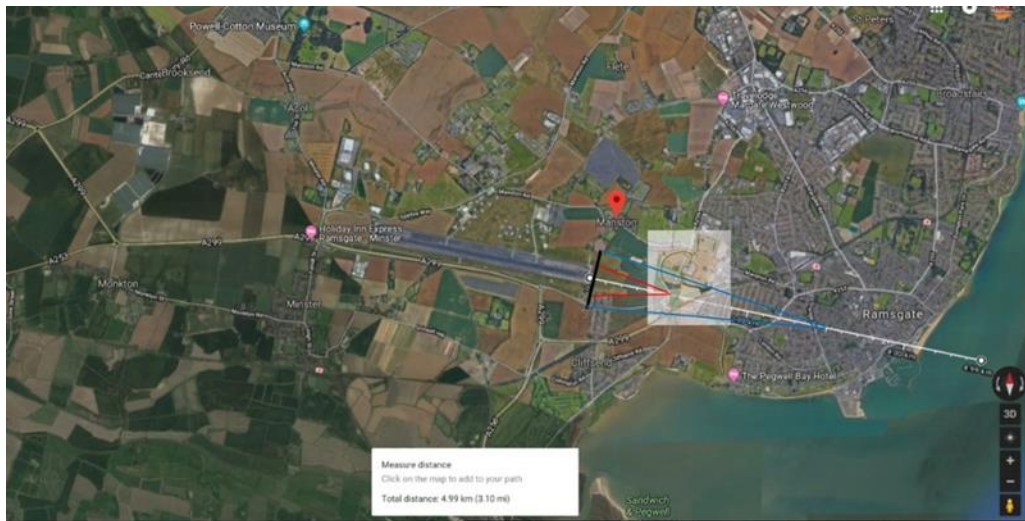
*Whilst the Applicant accepts that “if ATMs exceed 1,500 per month (18,000 per year) and are expected to exceed 2,500 per month (30,000 per year), then one is likely to need to be introduced”, the Applicant bizarrely then asserts that the PSZs will actually only need to be*

*applied 15 years later. This is patently ridiculous given the clarity in the Guidance that PSZs are based on forward looking forecasts.*

*It is apparent that the Applicant has had not sought advice from the relevant bodies. Had it done so (as SHP did), then it would have known the correct interpretation of PSZs policy.*

*Quoting from the DfT's email*

***"As a matter of policy, the Department for Transport applies Public Safety Zones at aerodromes that have more than 1,500 movements a month and which are likely in due course to exceed 2,500 movements. I am therefore happy to confirm that this is the criteria for assessing the requirement for PSZs for new and enlarged airports."*** Editor's bold



*This is my modelling of the PSZ's needed. The DfT may extend if required*

*I attach as an appendix my previous submission in full*

27. The Secretary of State invites comments from the Applicant and **other Interested Parties** on the late representation from Mr Chris Lowe dated 6 January 2020 relating to air and noise emissions.

*Air and noise pollution are important matters as is Climate changes however what many people forget is that there is a town of 40000 people including 7 schools directly under the flight path of an airport which had its concrete runway built as an emergency airfield during the 2<sup>nd</sup> World War. It is very doubtful if planning permission would be granted in 2020 for an airfield if it were to be made today.*



This is my 3<sup>rd</sup> submission concerning Public Safety Zones and even at this late stage it is good that the Examining Inspectors are as concerned as I am about the lack of PSZ's included as part of a "worst case Scenario" in RSP's ES. I note that the ExA has now tabled questions on PSZ's and I feel that should now be dealt with as a matter of urgency seeing as we are approaching the end of the 6 months. In my opinion this should have been dealt with 5 months ago however it is never too late when it comes to protecting the public.

Stone Hill Park responded at DL7 with a series of questions totally refuting RSP's dismissal of PSZ's as not required and it is good that the DfT totally agree with SHP's comments.

| RSP Forecasts | Cargo ATMs | PAX ATMs | General Aviation ATMs | Total ATMs | Monthly ATMs |
|---------------|------------|----------|-----------------------|------------|--------------|
| Year1         | 0          | 0        | 0                     | 0          | 0            |
| Year2         | 5252       | 0        | 5840                  | 11092      | 924          |
| Year3         | 5804       | 4932     | 5840                  | 16576      | 1381         |
| Year4         | 9700       | 5024     | 5840                  | 20564      | 1714         |
| Year5         | 9936       | 5064     | 5840                  | 20840      | 1737         |
| Year 16       | 14678      | 8160     | 5840                  | 28678      | 2390         |
| Year 17       | 15265      | 8428     | 5840                  | 29533      | 2461         |
| Year 18       | 15875      | 8707     | 5840                  | 30422      | 2535         |
| Year 19       | 16510      | 8997     | 5840                  | 31347      | 2612         |
| Year 20       | 17171      | 9289     | 5840                  | 32300      | 2692         |

Fig 1

Clearly using Dr Dixon's forecasts in the Azimuth report 1500 ATM's will be exceeded in the 3<sup>rd</sup> year of operation (notwithstanding these forecasts are more akin to a wish list and have already been shown as unviable) and 2500 ATM's by year 18. According to RSP there isn't a need for a PSZ because:

*"Guidance does not set an Air Transport Movement (ATM) limit above which a PSZ should be introduced, but generally if ATMs exceed 1,500 per month (18,000 per year) and are expected to exceed 2,500 per month (30,000 per year), then one is likely to need to be introduced. 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), and the Noise Mitigation Plan contains a cap of 26,468 ATMs and 38,000 general aviation movements. It is therefore unlikely that a PSZ may need to be introduced before year 15; but possible by year 20."*

Clearly this is a nonsense because PSZ's are mandatory if 2500 ATM's per month would be exceeded and clearly from the forecasts that would happen after 16 years of operation assuming the forecasts are actually possible and a DCO should model the "worst case scenario" which RSP's ES doesn't do.

Clearly also the Department for Transport doesn't agree with RSP's assertions either as the email chain at Appendix 1 demonstrates.

SHP stated at DL7:

*"SHP consider the Applicant's answers to be a clear demonstration of its unreasonable behaviour, which is requiring SHP to incur wasted and unnecessary expense in being forced to providing evidence to the examination to counter the Applicant's assertions."*

*i. The Applicant's comment that "[i]t is therefore unlikely that a PSZ may need to be introduced before year 15; but possible by year 20" shows a lack of understanding of the requirements for PSZs."*

## PSZ Public Safety Zones

- SHP has provided detailed submissions on this matter including;
- SHP's comments on the Applicant's responses to Examining Authorities Written Questions OP.1.7 and OP.1.8 [REP4-067];
- SHP's Written Summary of oral submissions put at the Need and Operations Hearing [REP5-029];
- SHP's response to the ExA's second written questions [REP6-053].

*In summary, these submissions explained that PSZs would be required to be put in place just after the third year of operations (i.e. Year 4 of the forecasts). This is shown in the table below (Fig 1), which is based on the Applicant's forecasts (including the 5,840 general aviation movement).*

*Therefore, based on paragraph 3 of the relevant Guidance which states that "[T]he Public Safety Zones are based upon risk contours modelled looking fifteen years ahead, in order to allow a reasonable period of stability after their introduction"*

*PSZs will need to be applied from year 4 of the Applicant's forecasts (or very soon thereafter).*

*Whilst the Applicant accepts that "if ATMs exceed 1,500 per month (18,000 per year) and are expected to exceed 2,500 per month (30,000 per year), then one is likely to need to be introduced", the Applicant bizarrely then asserts that the PSZs will actually only need to be applied 15 years later. This is patently ridiculous given the clarity in the Guidance that PSZs are based on **forward looking** forecasts.*

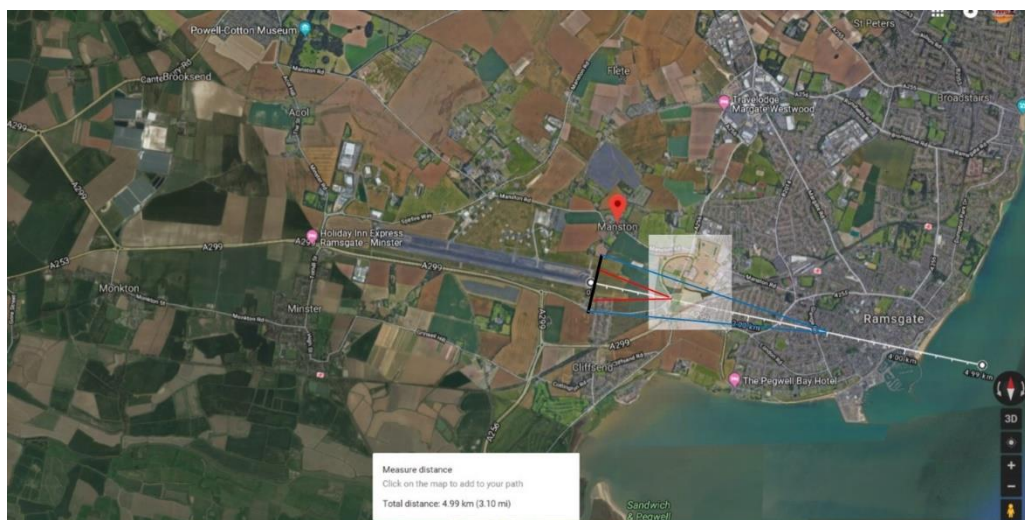
*It is apparent that the Applicant has had not sought advice from the relevant bodies. Had it done so (as SHP did), then it would have known the correct interpretation of PSZs policy.*

Quoting from the DfT's email

*"As a **matter of policy**, the Department for Transport applies Public Safety Zones at aerodromes that have **more than 1,500 movements a month and which are likely in due course to exceed 2,500 movements**. I am therefore happy to confirm that this is the criteria for assessing the requirement for PSZs for **new and enlarged** airports." Editor's bold*

Further SHP state

*"Whilst detailed modelling would be required to assess the 100,000 PSZ risk contour, at a minimum it would be expected to extend at least 2.5km from the end of the runway and would therefore cover a large part of Ramsgate, with consequences for those living there." Fig 3*



Editor's comment: Red 1:10000 blue 1: 100000 risk contour and including Manston Green superimposed on the contours.

As indicated above the ExA have now tabled questions for RSP to answer as follows:

**"Public Safety Zones (PSZs)**

*The Applicant considers in their response to question OP.3.10 [REP7a-002] that PSZs would not need to be produced by year 4 of operation, stating that guidance does not set an Air Transport Movement (ATM) limit above which a PSZ should be introduced, but generally if ATMs exceed 1,500 per month (18,000 per year) and are expected to exceed 2,500 per month (30,000 per year), then one is likely to need to be introduced, but noting that the guidance does not state how far ahead the 2,500 per month expectation should be. The answer goes on to state that it is unlikely that a PSZ may need to be introduced before year 15, but it is possible by year 20.*

*In their Deadline 7 responses, York Aviation on behalf of SHP [REP7-014] append an email from the Department for Transport (DfT) **Appendix 1** which states that PSZs are based upon risk contours modelled looking fifteen years ahead and are generally re-modelled every seven years. The email goes on to state that, as a matter of policy, 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.*

*TDC [REP7a-045] consider that the designation of a 1 in 100,000 PSZ would have significant implications for planning policy, with potentially two housing sites in the draft local plan affected by the PSZ, as well as the potential to affect a significant number of windfall sites provided for in the plan.*

**i. Given the submitted evidence are you still of the view that a PSZ would not be needed until years 15-20 of operation?**

**ii. If yes, provide evidence to counter that provided by the DfT.**

**iii. If you accept that a PSZ would be needed as a matter of policy once the Airport has more than 1,500 movements a month, consider how this should be addressed within the application and ES, including any assessment of scale, geographical coverage of the PSZ based on the proposed fleet mix and effects on consented and future developments within the PSZs."**

Assuming that RSP, at this late stage, continue to fudge this issue my concern is there will be no time to have PSZ's properly assessed by the examination and the subject will be put to one side as the onus will be on the recommendation and verdict due by the 9<sup>th</sup> January 2020.

I would expect that the cost of emptying any property within the risk assessed 1:10000 risk contour to be full costed prior to the granting of the DCO as per the DfT circular at appendix 2

*"The Secretary of State wishes to see the emptying of all occupied residential properties, and of all commercial and industrial properties occupied as normal all day workplaces, within the 1 in 10,000 individual risk contour. In cases where any part of a residential property falls within this contour he will expect the operator of an airport for which new Public Safety Zones have already been established **to make an offer to purchase the property** or, at the option of the owner, such part of its garden as falls within this contour. In addition he will expect such operators to make an offer to purchase, in whole or in part, a commercial or industrial property if that property, or the relevant part of it, is occupied as a normal all day workplace and falls within this contour. If the part of the property in question is discrete or self-contained, and its loss would not materially affect the business*

*concerned, only that part need be the subject of such an offer. Otherwise the airport operator should offer to purchase the entire property. In the case of airports for which Public Safety Zones are established or redefined after the date of this Circular, the Secretary of State will expect the operators to make such an offer, where applicable, within twelve months of the notification of the Public Safety Zones and the 1 in 10,000 individual risk contours."*

And further that RSP fully cost the applicable consequences of implementing the 1:100000 risk contour especially where planning has already been granted and a PSZ hadn't been considered such as that at Manston Green

*"There should be a **general presumption against new or replacement development**, or changes of use of existing buildings, within Public Safety Zones. In particular, **no new or replacement dwelling houses, mobile homes, caravan sites or other residential buildings should be permitted**. Nor should new or replacement non-residential development be permitted."*

## PSZ Public Safety Zones

### Appendix 1

Page 1 of 3

**From:** James Mills <James.Mills@CAA.gov.uk>  
**Sent:** 01 October 2018 12:59  
**To:** Jamie Macnamara  
**Subject:** RE: Public Safety Zones

Dear Jamie,

Apologies for the delay in getting back to you,

You are correct to note that Public Safety Zones are based upon risk contours modelled looking fifteen years ahead and are generally re-modelled every seven years or so, and that PSZs will be redefined if a runway is extended or if a landing threshold is moved.

As a matter of policy, the Department for Transport applies Public Safety Zones at aerodromes that have more than 1,500 movements a month and which are likely in due course to exceed 2,500 movements. I am therefore happy to confirm that this is the criteria for assessing the requirement for PSZs for new and enlarged airports.

As noted in the DfT Circular 01/2010, the CAA has taken over responsibility for the implementation of new PSZs.

Kind Regards,  
James

James Mills | Aviation Strategy & Consumers Division, Department for Transport  
1/25

**From:** Jamie Macnamara [mailto:jamie@CAA.gov.uk]  
**Sent:** 01 October 2018 10:37  
**To:** James Mills <James.Mills@CAA.gov.uk>  
**Subject:** RE: Public Safety Zones

Dear James,

Apologies for chasing again, but is there any update on when you will be able to revert on the query regarding criteria for Public Safety Zones?

Many thanks  
Jamie

**From:** James Mills [mailto:James.Mills@CAA.gov.uk]  
**Sent:** 21 September 2018 10:58  
**To:** Jamie Macnamara <jamie@CAA.gov.uk>  
**Subject:** RE: Public Safety Zones

Dear Jamie,

Apologies for the delay in getting back to you – I should be able to have a response for you by next week.

Many apologies,  
James

James Mills | Aviation Strategy & Consumers Division, Department for Transport  
1/25

### Appendix 2

Planning and PSZ's

DfT Circular 01/2010

Department for Transport Great Minster House, 76 Marsham Street, London SW1P 4DR

Dated 5 March 2010