

From: [REDACTED]
To: [Manston Airport](#)
Subject: Response to Request for Comments and Further Information issued by the Secretary of State on 17 January 2020
Date: 03 February 2020 01:05:12

Dear Secretary of State,

Thank you for the letter from your Head of Transport Infrastructure Planning dated 17 January. I apologise for not having responded by the deadline given of 31 January, but I object to the mere 2 weeks allowed for response to such a large number of documents, which I have not been able to read fully despite the additional time I have taken to respond.

In view of the intervening weekend since the deadline, no party can have suffered any prejudice from my slight delay in responding, so I trust that my comments will be accepted.

I wish to respond to the following numbered points in the letter:-

6. Revised Requirement 7

Requirement 7(4) as drafted ensures the approval of "a bus service enhancement scheme" by the local highway authority (KCC), but contains no words requiring either its implementation at a particular point in time, nor its continued operation thereafter.

Requirement 7(2)(b)(xiii) as drafted ensures the approval, as part of the Operation EMP, of "[a] bus service enhancement scheme" by the local planning authority (TDC), following consultation with KCC.

Implementation of the Operation EMP seems to depend on Requirement 7(3), although this wording is not particularly

relevant and enforceable when one is dealing with off-site measures such as bus services within the KCC area - which may be at a considerable distance from the site, e.g. extending a service that leaves the site in the evening peak hour onwards in order to drop off airport workers at more distant housing estates. Therefore I would ask that consideration is given to how the non-full operation of one of the enhanced bus services promised in the approved Operation EMP would be enforced, and reword Requirement 7(3) accordingly.

Following on from this, I would suggest that consideration is given to the continued need for Requirement 7(4), which contains no implementation requirements. Either an enforceable implementation provision should be added to Requirement 7(4), or it should be deleted as overlapping with and potentially confusing the effect of Requirement 7(2)(b)(xiii).

14. Revised Requirement 19

The wording suggested does not seem to address adequately the distinction between the development of Works nos. 15-17 and their use.

I assume the intention is that those Works may only be developed if the LPA has approved a Statement of Use, setting out how those Works are required in order to support, and how they will be used in a way which has a direct relationship with, the operation of the main Works. Thereafter, they should be required to be developed and used only in accordance with the approved Statement of Use (or any previously-approved variation thereto).

I would ask that this Requirement be reworded along the above lines, in order to ensure that it is precise and

enforceable, and cannot be circumvented by later changes of use without prior approval.

15. Revised Article 2

I consider the phrase "operations at Manston Airport" to lack complete clarity. The use of the word "at" merely infers a geographical link, i.e. the operations in question are taking place at, in or on Manston Airport, not a link in terms of function. The operations in question do not therefore have to all be Airport operations, but would be open to the argument that diversified activities were included, as long as they take place at, in or on the Airport site. This is unsatisfactory.

I would ask that the phrase be changed to read, "the operation of an airport at Manston Airport".

18. New Requirement 21(4)

I consider there is ambiguity in these time periods. For example, a flight that takes off at 19.00 or at 20.00 may potentially be counted in either (or both!) of two time periods.

This problem is also experienced on the railways, where delays to peak-hour services are measured against a Passenger's Charter lateness standard, whereas other services are measured differently.

In order to avoid this problem, the time periods on the railways are defined as X.00 to X.59 hours, not X.00 to Y.00 hours. I would ask that the same be done here.

There should also be specified, agreed measurement methods for Requirement 21(4), setting out at what point in its trajectory a plane is considered to land, or take off. For

example, when its wheels touch (or leave) the ground, or at some other time specified which tallies with aviation industry practice. And there should also be an obligation to produce the ATC records to the LPA in the event of any query about the time of take-offs or landings.

18. New Requirement 24

The wording used in paras. (1) and (2) oscillates between "alternate" and "alternative". This is poor drafting, and only the correct adjective should be used.

Para. (4) uses the word "Definition", not "Direction". This is poor drafting, and only the correct noun should be used.

20. New Network Rail Protective Provisions

The drafting of this needs checking. Both paras. 1(2) and 1(3) refer to Network Rail acting "without reasonable delay", which is nonsense.

Yours faithfully,

J.D.I. Baker

