

RSP

RiverOak Strategic Partners

Applicant's Submission for the re-determination of the Manston Application

TR020002/RED

Redetermination Document

Project Name:	Manston Airport Development Consent Order
Application Ref:	TR020002
Date:	9 July 2021

MANSTON AIRPORT PROJECT

PINS REFERENCE TR020002

APPLICANT'S SUBMISSION FOR THE REDETERMINATION OF THE APPLICATION

DOCUMENT TR020002/RED

Introduction

1. This document summarises the Applicant's submission for the redetermination of the application for granting development consent for the Manston Airport project. It is provided in response to the letter from the Department for Transport dated 11 June 2021.
2. The document is supplemented by a number of appendices dealing with each of the matters on which the Secretary of State has requested further submissions. The appendices and a summary of their conclusions is as follows:

Annex 1: the status of need in the decision

3. Annex 1 sets out the status of need in making decisions on airport DCO applications other than a third runway at Heathrow. Need is not a benefit or adverse impact itself; it is a factor in deciding whether certain (but not all) benefits and adverse impacts will transpire.

Annex 2: current planning policies affecting need including changes since 9 July 2020

4. Annex 2 covers the first matter on which the Secretary of State invites further submissions, i.e. the first bullet point in paragraph 3 of his letter of 11 June 2021. Its conclusions are as follows:
 - a. national policy remains 'making best use' of existing runways, subject to environmental considerations, and Manston's is an 'existing runway';
 - b. Kent County Council issued their Interim Strategic Plan in December 2020. Their priority actions to address economic challenge include bringing forward infrastructure projects to stimulate economic growth and empowering people with the right skills to compete and succeed;
 - c. a revised London Plan was adopted in March 2021. Although Manston Airport is outside London, the plan gives policy support to the provision of dedicated freighter capacity and to using waterways such as the River Thames, which this development is uniquely able to do via Ramsgate; and
 - d. the Thanet Local Plan was adopted on the same day as the decision on the Manston Airport DCO application was taken, 9 July 2020. It has an objective to create employment and training (Strategic Priority 1) and safeguards the airport site for aviation uses (policy SP07) which now carry more weight now the plan is adopted. Thanet District Council is now updating its plan, expected to conclude in 2023.

Annex 3: an update on quantitative need including changes since 9 July 2019

5. Annex 3 covers the second matter and sets out the case for the Manston Airport project based on quantitative need including changes since 9 July 2019. Its conclusions are as follows:
- a. while passenger air travel has slumped during the pandemic, air cargo is now above pre-pandemic levels, highlighting the need to reduce the UK-specific dependency on carrying air freight as belly hold on passenger aircraft;
 - b. e-commerce, a market that Manston is targeting, had its growth accelerated due to the pandemic, from 18% to 28% of retail sales in the UK over the last two years; Amazon Air grew globally from 85 daily flights in May 2020 to 140 in February 2021;
 - c. the trend towards using narrow-body passenger aircraft, which have lower cargo-carrying capacity, on routes including long haul, is continuing;
 - d. the project to build a third runway at Heathrow Airport has been put back several years and may never come forward;
 - e. as claimed by the Applicant but not accepted by the Examining Authority, Stansted is focusing on passenger expansion – since 2019 it has voluntarily reduced its quota of cargo flights by 22% to allow an increase in passenger flights;
 - f. on locational factors, the pandemic's removal of passenger flights effectively provided unconstrained supply of cargo flights. Although capacity was available at various airports such as East Midlands Airport, Prestwick, Birmingham and Doncaster-Sheffield, freight companies preferred to use Heathrow and Gatwick because of their location even though they were busier– the former increased cargo tonnage between 2019 and 2020 by 14% and the latter by 407% and 556% respectively;
 - g. Covid demonstrated the need not to depend on passenger flights for emergency and basic supplies if the UK is to have resilient supply lines;
 - h. the recent trade deal with Australia and the UK's application to join the Pacific Partnership is evidence of the government's commitment to Global Britain and the effect of Brexit which results in needing air freight routes to more distant destinations than western Europe for urgent and perishable goods. The [July 2021 CEBR report](#) highlights how '*aviation could be the cornerstone of the UK's Global Britain ambitions*';
 - i. increased paperwork and unreliable crossing times for trucking to and from northern European airports, due to Brexit, has made the reliance on trucking even more precarious than it was at the time of the initial application in 2019. The Applicant also notes that the RFS/trucking movement figures used in the application, which equate to 700,000 tonnes of air freight per year in each direction, have now been validated by the Airline Operators Committee at Heathrow; and
 - j. other factors favour dedicated freight capacity such as the trend for passenger aircraft to be converted to freight aircraft, the increased transparency and accessibility to customers of air cargo services, and the increase in 'trade wars' requiring more agile cargo movements that dedicated aircraft can supply.

Annex 4: a note on the sixth carbon budget

6. Annex 4 covers the third matter and sets out the extent to which the Secretary of State should, in his re-determination of the application, have regard to the sixth carbon budget (covering the years between 2033 – 2037) which will include emissions from international aviation. The Applicant acknowledges that the Secretary of State will need to have regard to it in his redetermination, and confirms it is committed to delivering a carbon net zero airport that will make aviation carbon targets easier to achieve than relying on the conversion of existing operational airports.

Annex 5: a note on the currency of environmental information together with updated information

7. Annex 5 covers paragraph 4 of the letter and sets out the surveys that the Applicant has completed since the close of the examination on 9 July 2019 and confirms that all environmental information produced for the application is still current and valid. None of the surveys completed after 9 July 2019 have yielded results that exceeded the reasonable worst-case assumptions used for preparing the environmental statement where data was absent due to inability to access the site, and so these can be assumed to be robust with greater confidence.

Annex 6: a note on the status of parcels 050b, 19c and 27

8. Annex 6 covers paragraphs 5 and 6 of the letter and confirms that parcels 050b and 19c should no longer be treated as crown land. The document also sets out the details of the agreement for a new lease on nearby land between the Applicant and the Met Office in relation to parcel 27.

Summary

9. In summary, the case for the project has become stronger since both 9 July 2019 and 9 July 2020: policy support and the quantitative need for the project have grown as the case for resilient air cargo capacity in the UK that is independent of passenger flights has grown and the prospects of this demand being met at other airports has reduced. Carbon targets are more likely to be met by new state-of-the-art facilities around an existing runway than by forcing existing operational airports to replace theirs.
10. In redetermining the project the Secretary of State can be confident that there is a stronger case for granting development consent than before.

ANNEX 1 - THE STATUS OF NEED IN THE DECISION

- 1 Decisions under the Planning Act 2008 are governed by the Act itself and the Infrastructure Planning (Decisions) Regulations 2010; redeterminations of quashed decisions are governed by rule 20(2) of the Infrastructure Planning (Examination Procedure) Rules 2010. As the June 2018 Airports National Policy Statement (ANPS) only has effect in relation to a third runway at Heathrow Airport (see paragraphs 1.40 and 1.41), the decision on the Manston Airport application must be taken under section 105 of the Planning Act 2008. That section obliges local impact reports, prescribed matters (in the decisions regulations) and any other matters the Secretary of State considers important and relevant to be taken into account. Paragraph 1.41 of the ANPS declares it to be important and relevant for applications for airport development other than a third runway at Heathrow.
- 2 There is no general obligation to establish need for a nationally significant infrastructure project. The London Resort project, for example, as a leisure facility is not 'needed' per se, but will bring significant benefits not just to the local area but the country as a whole, as an international-level tourist attraction employing many thousands of people and can obviously be consented accordingly.
- 3 The only reference to need in law or policy for an airport project requiring development consent such as this is in paragraph 1.42 of the ANPS, which states:

“the Government accepts that it may well be possible for existing airports to demonstrate sufficient need for their proposals, additional to (or different from) the need which is met by the provision of a Northwest Runway at Heathrow.”
- 4 There is no further explanation as to what 'sufficient' need means in this context. In contrast, the Examining Authority's report largely assumes that need is determinative as to whether the DCO should be granted, although this is not the case. Need was an important part of the case for compulsory acquisition powers, although these were reduced to apply to a few minor interests when the airport was bought by a subsidiary of the Applicant on the last day of the examination.
- 5 Paragraph 17 of the [Stansted decision letter](#), although not made in relation to Manston Airport, supports the argument that need is not a paramount policy consideration for the development of airports:

“There is no requirement flowing from national aviation policy for individual planning applications for development at MBU airports, such as Stansted, to demonstrate need for their proposed development or for associated additional flights and passenger movements.”
- 6 A demonstration of need is evidence that certain of the benefits are likely to be realised, such as the creation of jobs during the operation of the airport, but others will be realised in any event such as construction jobs, and the highway, ecological and other improvements that must be carried out before the project can come into operation. Conversely, if the airport comes into operation but the demand for its services is less than predicted, then the main adverse impacts concluded by the Examining Authority would be correspondingly reduced or eliminated, i.e. noise and traffic impacts. Need is therefore a factor in assessing the level of benefits and adverse impacts rather than being a benefit or adverse impact itself.

- 7 Paragraph 1.42 of the ANPS says that airports other than Heathrow may be able to demonstrate sufficient need (in the context of this being despite Heathrow being judged to satisfy the need for additional passenger capacity in the south-east of England). These submissions demonstrate that the need for Manston, which was always different from the need for Heathrow expansion, has increased since 9 July 2020.

- 8 In redetermining the application, the Secretary of State is likely to employ a similar test as in section 104 of the Planning Act 2008 of comparing the benefits to the adverse impacts. These submissions show that the benefits of the project clearly outweigh the adverse impacts, even more so than one year ago when the decision was taken and two years ago when the examination concluded.

ANNEX 2: PLANNING POLICIES AFFECTING NEED INCLUDING CHANGES SINCE 9 JULY 2020

National Policy

- 1 The need for the proposed Development still receives very strong support from national aviation policy. This has not changed since July 2020. Indeed, the events associated with Brexit and COVID only serve to demonstrate exactly how much demand there is for air freight and this is set to continue in line with recent trends (see Annex 3).
- 2 Since July 2020, there have been some notable events that have served to reinforce national aviation policy and its objectives, and hence the policy support for the proposed development. These are as follows:

Airports National Policy Statement (ANPS) – reinstated December 2020

- 3 Following its designation, the ANPS was subject to numerous legal challenges. In February 2020, the UK Court of Appeal ruled that the ANPS was unlawful and had no legal effect. However, in December 2020 the Supreme Court overturned the Court of Appeal's decision and ruled that the ANPS is a lawful statement of Government policy and so it was reinstated.
- 4 The Supreme Court decision in December 2020 reinforces the Government's support in the ANPS for airports beyond Heathrow to make better use of their existing runways to add capacity, taking careful account of all relevant considerations, particularly economic and environmental impacts.
- 5 The December 2020 Supreme Court decision has not changed the fact that the ANPS makes no requirement for promoters of schemes which make better use of existing runway capacity to demonstrate the 'need' for doing this. Instead, it simply sets out the importance of aviation to the UK economy; the fact that the UK faces a significant capacity challenge with aviation demand likely to increase significantly up to 2050 and how the consequences of not increasing airport capacity in the South East would be detrimental to the UK economy. The proposed development will respond positively to addressing these issues in addition to providing much needed air freight capacity within the UK airport system.

Policy aspects of Stansted Airport appeal decision (May 2021)

6. The implications of the [Stansted Airport appeal decision](#) for capacity there and on carbon impacts are dealt with in Annexes 3 and 4 respectively; here the policy implications of the decision are covered.
7. In February 2018, Stansted Airport Limited (STAL) applied for planning permission for airfield works that would allow combined airfield operations of 274,000 air transport movements (ATMs - of which not more than 16,000 would be Cargo Air Transport Movements) and a throughput of 43 million terminal passengers in a 12-month calendar period (mppa). The airport previously had consent for 35 mppa and 274,000 ATMs. The February 20218 scheme did not propose to increase the overall number of ATMs.
8. During the course of the planning application, the Council agreed to a request from STAL to change the description of development to include a restriction on cargo air transport movements. This resulted in a reduction in the annual number of cargo flights permitted at the airport from 20,500 to 16,000, allowing a corresponding increase in passenger flights. At the

DCO Examination, RSP predicted that STAL would use additional capacity in the future to focus operations on handling passengers and not freight. This has indeed transpired, which means that there is reduced freight capacity available at Stansted, in contrast to the conclusions of the Examining Authority.

9. STAL appealed the refused planning permission and the appeal was allowed and planning permission granted on 26 May 2021¹. The appeal decision is helpful to the determination of RSP's DCO application for Manston Airport in that the Inspectors include in paragraphs 14 to 32, confirmation of what the Government's national aviation policy objectives are and their conclusions on how the proposals have been measured against national aviation policy plus what this policy requires in terms of demonstrating 'need'. These conclusions are very relevant in the consideration of the proposed Development at Manston Airport. The most notable conclusions are as follows:

Policy

- a. Confirmation that Aviation Policy Framework (APF) (March 2013) is still the Government's high-level policy for aviation and that a key priority is to make better use of existing runway capacity at all UK airports (paragraph 14).
- b. The ANPS and '*Beyond the Horizon – The Future of UK Aviation : Making Best Use of Existing Runways*' (MBU) (June 2018) are early components of the forthcoming Aviation Strategy – making best use of existing runways will feature in updated aviation policy (paragraph 16).
- c. Making best use of existing runways is supported in-principle by Government (paragraph 18).
- d. The scheme receives very strong support from national aviation policy and this factor, including the fact that the development would deliver significant additional employment and economic benefits, weighs very strongly in favour of the grant of planning permission (paragraph 156).

Need & Forecasts

- e. There is no requirement flowing from national aviation policy for individual planning applications for development at MBU airports to demonstrate need for their proposed development or for associated additional flights and passenger movements (paragraph 17).
- f. Whilst footnote 6 to the decision states that this conclusion is reached notwithstanding conclusions in relation to Manston Airport which the Inspectors stated was not comparable to the Stansted proposal (being a DCO scheme, involving an unused airfield for cargo-led proposals rather than for passengers), it is worth noting that MBU policy is not specific in stating that making better use of existing runway capacity should be solely for the purpose of increasing passenger capacity in the system, nor is it specific in naming at which airports this policy applies..

¹ <https://www.programmeofficers.co.uk/SSairport/AppealDecision.pdf>

- g. In the Examination, RSP brought to the Panel's attention that the Government's Aviation Strategy consultation² (December 2018) focussed alongside other matters, on supporting freight given the record quantities of freight handled by UK airports at that time; the growing importance of aviation to the transport of freight and the significance of air freight to the economy (paragraphs 4.45 to 4.50). Brexit and COVID have shown there is an even more important role for air freight which has become even more significant (see Annex 3). There is undoubtedly a role for existing runway capacity to be better used for air freight and not simply passengers.
- h. The speed of growth at an airport should not matter – if it takes the airport longer than expected to reach anticipated levels of growth, then the corresponding environmental effects would also take longer to materialise or may be lower than predicted due to advances in aviation and other associated mitigating technologies.
- i. Securing planning permission now would bring benefits associated with providing airline operators, as well as to other prospective investors, with significantly greater certainty regarding their ability to grow [at Stansted], secure long-term growth deals and expand route networks, potentially including long haul routes (paragraph 30).
- j. The same principles surrounding 'certainty' apply in this case, and arguably more so, given that airports, including Stansted, are focussing on increasing passenger capacity and not their capacity to handle more air freight and given the uncertainty around Heathrow's third runway proposal which promised to significantly increase air freight capacity by 3m tonnes once fully operational.
- k. Whilst there would be a limited degree of harm arising in respect of air quality and carbon emissions, these matters are far outweighed by the benefits of the proposal (paragraph 158). This remains absolutely the case with the proposed Development.

Greenhouse Gas Emissions Trading Scheme Order 2020 (as amended)

Air Navigation (Carbon Offsetting and Reduction Scheme for International Aviation) Order 2021

- 10. Although not policy, since the decision was made on 9 July 2020, the government enacted the Greenhouse Gas Emissions Trading Scheme Order 2020 (SI 2020/1265, subsequently amended by SI 2020/1557), which came into force on 11 November 2020, and the Air Navigation (Carbon Offsetting and Reduction Scheme for International Aviation) Order 2021 (SI 2021/534), which came into force on 26 May 2021. The former replaced the EU Emissions Trading Scheme for domestic and intra-EU flights with a UK version (still applying to domestic and UK-EU flights) that is 5% stricter, and the latter brings the UK within the Carbon Offsetting and Reduction Scheme for International Aviation, or CORSIA, which seeks to limit emissions from international aviation to 2020 levels.

² [Aviation 2050: The future of UK aviation \(December 2018\)](#)

Regional Policy

Kent County Council Interim Strategic Plan – Setting the Course (December 2020)³

11. The County Council's Plan was approved on 10 December 2020 and sets out how it will improve the services that it provides and how it will accelerate the county's success and prosperity in the future. It states that the County Council will continue to attract investment into the county and to seize available and beneficial opportunities. Attracting investment and putting infrastructure in place to support growth remains a County Council priority and that it will work with partners to achieve this. Delivering the proposed Development will respond exactly to achieving this priority and will bring many benefits to the region.
12. The Plan states that economic cost of the COVID-19 crisis to Kent has been severe and far-reaching. Unemployment has more than doubled in Kent and Medway between March and September 2020. Many of the business sectors that Kent's economy relies on have been significantly impacted, including hospitality, construction, and transport. In delivering the development proposals, the scheme will bring benefits to exactly these sectors and will help with economic renewal and resilience planning, support businesses, helping people access work and skills, and attracting investment into the county and build confidence. The proposed development is a genuine opportunity to bring forward investment in new infrastructure to stimulate economic growth in the county and instil confidence in key sectors like construction.
13. 'Bringing forward infrastructure projects to stimulate economic growth' is a key priority of the Plan. Maximising the benefits of major capital investment projects such as Manston Airport and using this infrastructure project as a catalyst for the construction industry are key Plan objectives. The skills and employment benefits that will be delivered by the development proposal will also help to 'empower people with the right skills to compete and succeed' which is another Plan objective.

London Plan – adopted March 2021

14. The newly adopted [London Plan 2021](#) restates that that air freight plays an important role in supporting industry in London and the UK, and the provision of both belly hold and dedicated freighter capacity should be an important consideration when plans for airport development in the south east of England are taken forward (paragraph 10.8.9).
15. Although Manston Airport is outside London, the plan gives policy support to using waterways such as the River Thames, which this development will be able to do via Ramsgate. Additionally, there is now scope for freight to also be transferred by rail from the new Thanet Parkway station next to the airport that is now under construction. The Applicant is keen to advance prospects for using the river to transport goods via water rather than by road. The Applicant is in a unique position to benefit from its proximity to the waterway. Manston Airport is the only airport with such access. The Applicant is in the process of discussing, with various stakeholders (including the Port of London Authority, the Thames Estuary Growth Commission, Thames Gateway Kent Partnership and the University of Kent) the options available to best utilise the Port of Ramsgate and its existing roll on/roll off infrastructure for the transfer of air freight from the airport.

³ https://www.kent.gov.uk/_data/assets/pdf_file/0014/116033/Interim-Strategic-Plan.pdf

- 16 The relevant policies in the London Plan are:
- a. Policy SI 14 (Waterways – Strategic Role) – Part A talks of addressing the strategic importance of London’s network of waterways including the River Thames and maximising their economic (and social and environmental) benefits;
 - b. Policy SI 14 (Waterways – Strategic Role) – Part E talks of waterway strategies which should consider water-based freight transport nodes and paragraph 9.14.7 talks of the need to address deficiencies in water-based freight transport;
 - c. Policy SI 15 (Water Transport) - Part C supports proposals to facilitate an increase in the amount of freight transported on London’s waterways;
 - d. Policy SI 15 (Water Transport) - Part D states that London boroughs should identify new locations for additional waterborne freight;
 - e. Policy SI 15 (Water Transport) - Part E prioritises safeguarded wharves for use for waterborne freight handling and Part F supports an increase in the use of safeguarded wharves for waterborne freight transport; and
 - f. Paragraph 9.15.4 states that water transport is recognised as one of the most sustainable modes for freight, particularly for low-value, non-time-critical bulk movements. It also recognises that water transport reduces the number of lorry movements on roads and their associated negative impacts. This is something that the Mayor is promoting positively.

Local Policy

Thanet District Council Local Plan – adopted 9th July 2020

- 17 Thanet District Council (TDC) adopted their Local Plan on 9th July 2020⁴ which was the same day as the Secretary of State (SoS) for Transport granted the Applicant development consent for the reopening and development of Manston Airport. The Local Plan sets out policies and proposals that will be used to guide decisions and investment on development and regeneration over the period to 2031.
- 18 At the time of drafting their new Local Plan, TDC recognised that a decision on the Applicant’s application for development consent was still pending. Policy SP07 (Manston Airport) safeguards the airport for airport-related uses. It states that whether or not the DCO is confirmed, the future use and development of Manston Airport and/or other policies affected by the outcome of the DCO process will be determined through the early review of the Plan. Manston Airport therefore remains protected for airport-related uses and adopted local planning policies are supportive of it being reopened and developed in the manner put forward in the DCO.
- 19 Policy SP03 (Local Plan Review) states that within six months of the adoption of the Local Plan, the Council shall undertake and complete a review of the Plan with information published as

⁴ <https://www.thanet.gov.uk/wp-content/uploads/2018/03/Thanet-Local-Plan-July-2020-1-1.pdf>

part of an updated Local Development Scheme (LDS) setting out a timetable for the completion of the review and any update as may be required.

20 TDC has completed its review of the 2020 Local Plan. It has resolved to partially update its 2020 Local Plan which would result in the Plan period being extended to 2040. TDC launched a ‘Call for Sites’ consultation in March 2021 to inform options for future development.

21 Section 3 of TDC’s LDS (December 2020) sets out a proposed timetable for the Local Plan update and confirms which matters will be addressed in the review. The Local Plan update will include an update on the provisions of the Plan in relation to Manston Airport in the light of a decision on the Development Consent Order. The timetable for the Local Plan update is as follows:

Date	Local Plan Stage
2021	“Call for sites”; development of evidence base; Reg 18 engagement; “Duty to Cooperate” activity
October 2021	Consultation (Regulation 18)
2022	Consider consultation responses; finalise draft Plan for Publication/Examination
May 2022	Publication (Regulation 19)
September 2022	Submit Plan for Examination (Regulation 22)
2022/23	Examination (Regulation 23)
2023	Inspector’s Report; Adoption

22 If the DCO is granted, the Local Plan Update will provide TDC with the perfect opportunity to take this fully into account as well as its implications for other policies in the Plan and consequential land use considerations.

23 There are no local planning policy barriers in the adopted Local Plan 2020 to prevent the Development from coming forward as planned. On the contrary, the Development benefits will help TDC to achieve the strategic priorities and objectives of their adopted Local Plan 2020, namely Strategic Priority 1 which seeks to create additional employment and training opportunities, to strengthen and diversify the local economy and improve local earning power and employability. The Development will help TDC to achieve its objectives of supporting the expansion of existing businesses in Thanet; attracting inward investment; retaining and attracting skilled people and facilitating higher and further education and training facilities to meet the expectations of employers and of a confident, inclusive and skilled community.

24 The employment benefits to be delivered by the Development will help TDC to significantly deliver on their Local Plan Job Growth Strategy (set out in Section 1 of the 2020 Local Plan). This sets out how Thanet’s economy should grow, develop and create new jobs and prosperity over the Plan period. The Job Growth Strategy sits alongside the Economic Growth Strategy for Thanet (November 2016).

- 25 The Development will specifically help TDC to achieve the objectives of Policy SP04 (Economic Growth) which plans for a minimum of 5,000 additional jobs in Thanet to 2031. Manston Airport, Manston Business Park and other sites are safeguarded for job-creating development through inward investment and the establishment of new businesses to achieve this aim.

ANNEX 3: AN UPDATE ON QUANTITATIVE NEED INCLUDING CHANGES SINCE 9 JULY 2019

1 The Applicant has submitted Annex 3 as a separate document (TR020002/RED/A3).

ANNEX 4: A NOTE ON THE SIXTH CARBON BUDGET

- 1 The Sixth Carbon Budget (covering the period 2033-2037) came into legal effect on 24 June 2021 via the [Carbon Budget Order 2021](#) (SI 2021/750) with a figure of 965MtCO₂ for that five-year period, and the applicant acknowledges that the Secretary of State will need to have regard to it in his redetermination. It should however be noted that whilst the Government has agreed to the inclusion of international aviation and shipping within the Sixth Carbon Budget it has not agreed to all of the recommendations of the Climate Change Committee.
- 2 In this regard, the applicant notes the recent Stansted Appeal judgement which confirms that '*Beyond the Horizon - Making Best Use of existing runways* (2018)' (MBU) remains relevant in the context of aviation policy, as it represents current UK Government policy on aviation and climate change (see for example paragraph 17 of the decision letter⁵). In respect of carbon, it remains the case that MBU advises '*Under the carbon-traded scenario, UK aviation emissions could continue to grow provided that compensatory reductions are made elsewhere in the global economy. This could be facilitated by a carbon trading mechanism in which aviation emissions could be traded with other sectors.*' (see paragraph 1.15 of the MBU policy document⁶) It is also acknowledged by the Climate Change Committee, that action will be required at UK government level with respect to Sustainable Aviation Fuels (SAF) and at an international level with initiatives such as CORSIA forming part of a much broader package of measures that will be required to deliver Net Zero by 2050. This is in addition to flights from the UK to the European Economic Area (EEA) or UK destinations being included within the UK Emissions Trading Scheme (ETS).
- 3 Paragraph 20 of the [Stansted decision letter](#) reiterates that there has been no '*indication from the Government that there will be a need to restrict airport growth to meet the [sixth carbon] budget for international aviation, even if it differs from the current planning assumption*' and paragraph 22 adopts a 'first come, first served' approach to the planning assumption for aviation emissions, currently 37.5MtCO₂. The only two consents granted since the MBU policy are the extension of the runway at Southampton Airport for which the peak emissions are predicted to be 0.49MtCO₂ (environmental statement table 13.9⁷) and the increase in Stansted passenger flights for which the emissions are predicted to be 0.09MtCO₂pa maximum (decision letter paragraph 88). The Manston emissions from aircraft are predicted to peak at 0.73MtCO₂ in year 20 of operation.
- 4 The planning assumption is expected to be reduced in any new statement of government aviation policy, and the Applicant's case is that this favours the Manston Airport project. The government is much more likely to achieve the highest carbon reductions on the ground and in the air through a state-of-the-art facility built around an existing runway that will be to the highest specification and can be future-proofed for differing aviation fuel, such as hydrogen propulsion systems, and electrification requirements, rather than seeking to dismantle and replace existing facilities while they are operational.

⁵ <https://www.programmeofficers.co.uk/SSairport/AppealDecision.pdf>

⁶

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714069/making-best-use-of-existing-runways.pdf

⁷ No direct link available but can be found in Environmental Statement Chapter 13 in the documents tab: <https://planning.eastleigh.gov.uk/s/papplication/a1M4J000000d3ql/f1986707>

- 5 The Applicant is committed to delivering a carbon net zero airport by controlling Scope 1 and Scope 2 emissions (i.e. those carbon emissions within the control of the project itself) and seeking to influence Scope 3 emissions associated with activities controlled by third parties. As a new state of the art facility Manston Airport is uniquely placed to achieve carbon net zero operations. Manston Airport, unlike others already in use, will not need to retrofit infrastructure for the latest electric and hydrogen-based aircraft. Manston Airport will utilise the latest technology available from the onset to ensure that it is more efficient per tonne of cargo carried than other freighters. The Carbon Minimisation Action Plan (CMAP) committed to by requirement 6(2)(a)(xi) in the previously consented Development Consent Order (DCO) will set out the roadmap by which net zero is achieved, aligning with both the detailed design and the operational requirements of the airport. Table 16.15 of Chapter 16 of the Environmental Statement (ES) (APP-034) commits to a number of specific measures to reduce CO2 emissions that will be included in the CMAP.
- 6 In its [response to the Secretary of State consultation](#) during the original decision period, at box 22 the Applicant offered to commit to a requirement that operations at the airport other than aircraft emissions must be 'net zero' within five years of the airport coming into operation. This was not taken up in the originally-granted DCO but the Applicant continues to offer it for the redetermination.
- 7 When it comes to emissions from international aviation, this is a national and international issue rather than one to be solved by each airport individually (as recognised in the recent Stansted Airport decision). The entry into CORSIA in May 2021 is an example of this, as is the forthcoming Aviation Decarbonisation Strategy and other measures recommended by the Climate Change Committee which is expected to reduce emissions from aviation to 23MtCO2 by 2050 (set out at Table P8.1 in its [Sixth Carbon Budget: Aviation document](#)). The Applicant fully supports the government's decarbonisation of the aviation industry, which must be done across the board.
- 8 In summary the Secretary of State should take the sixth carbon budget into account and this project will give him a greater chance of meeting it.

ANNEX 5: A NOTE ON THE CURRENCY OF ENVIRONMENTAL INFORMATION TOGETHER WITH UPDATED INFORMATION

1. The Applicant confirms that all environmental information produced for the application is still current and valid. It is not expected that the aviation forecast would change significantly as a result of Covid or Brexit albeit that the business case for the development may be strengthened. In any event the DCO contains measures to limit the environmental effects to those reported in the Environmental Statement so that we can be confident that there will not be any change to the assessment of significance.
2. It is acknowledged that the impacts and benefits of the proposed development will be delayed as a result of the delay to the determination of the application however this does not materially affect the assessments of significance contained within the application documents.
3. Since the examination concluded on 9 July 2019, the Applicant completed all outstanding pre-construction ecological surveys during Autumn/Winter 2019 and Spring/Summer 2020 (demonstrating its continued commitment to this project). Surveys included:
 - a. Breeding Bird Surveys;
 - b. Bat Surveys (roost identification and bat activity);
 - c. Reptile Surveys (presence / absence);
 - d. Invertebrate Surveys; and
 - e. Grassland Vegetation Surveys.
4. Individual survey reports updating the site characterisation are provided as Appendix A. The updated site characterisation confirmed that the worst-case scenario presented in the ES was indeed a worst-case. Where this updated site characterisation differs slightly from the worst-case assumptions assessed within the ES, a brief qualitative assessment of effects is provided in Appendix B. The Applicant has submitted Appendices A and B as a separate document (TR020002/RED/A5/APP).
5. The Habitats Regulations Assessment (HRA) remains relevant and robust, The HRA considered breeding little tern and non-breeding turnstone and golden plover. Data for turnstone and golden plover is typically valid for a 5-year period and therefore the data is still current. Little tern are presently not breeding within the SPA and re-surveying will not provide new information.

ANNEX 6: A NOTE ON THE STATUS OF PARCELS 05B, 19C AND 27

- 1 The Applicant can confirm that plots 019c and 050b should no longer be treated as Crown land. This follows the outcome of discussions with the Government Legal Department (GLD) who have confirmed a lack of bona vacantia interest, although the GLD does not wish to express a view as to whether or not the plots should be treated as Crown land. The Applicant understands that the GLD adopt this position in order to avoid being seen to be dealing with such land, however bona vacantia was the only circumstance in which the land could have been classified as Crown land. An updated Book of Reference can be provided if necessary.
- 2 GLD have confirmed that in relation to:

Plot 019c – beneficiary of a licence - Advance Laundries Limited – dissolved.
- 3 This licence related to land in 1949, the area has changed considerably since that date. The GLD have confirmed that the Treasury Solicitor would not wish to assert any rights granted pursuant to the licence if, as is doubtful, those rights were to subsist.

Plot 050b beneficiary of an option - Manston Developments Limited - dissolved.
- 4 This option has expired. GLD take the view that there is no interest left to vest as bona vacantia and thus nothing to disclaim.

Plot 27
- 5 Terms have been agreed with the Met Office regarding plot 27. The Met Office and the Applicant have agreed to enter into a renewal lease of plot 27 for a 2-year term (with a mutual break) in order to facilitate the relocation of equipment to the new site at Manston Airport. A new site for the equipment has been identified (adjacent to the original Safeguarded Area of the existing lease) and a temporary licence is to be entered into for the equipment and so that baseline data can be collected to ensure that the new site is sufficient for the equipment. Upon the basis that the new site is suitable the new lease will be completed.
- 6 The consent of the Department for Business, Energy and Industrial Strategy (BEIS) to the agreed terms for the renewal lease, temporary licence and new lease between the Applicant and the Met Office has been requested from BEIS because the functions of the Met Office set out in Schedule 1 of The Meteorological Trading Fund Order 1996 were transferred from the Ministry of Defence to BIS (now BEIS) in the Transfer of Functions (Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey) Order 2011.