
To: Secretary of State for Transport
% Planning Inspectorate,
National Infrastructure Planning

Date: 10 November 2021

Our Ref: SoS/R/008

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For the attention of the Manston Airport Case Team

1. This submission is in response to the SoSFT's letter of 21 October 2021 and specifically paragraph 6.
2. We submit our comment to the First Round of Consultation herewith as a formal consultation response to the Second Round of Consultation.
3. Our comment is in response to the submissions [TR020002-005755](#) and [TR020002-005523](#)
4. We note that the MOD maintains its objection to the proposed development and that NATS has an extant objection to the Application.
5. Since the ExA Recommendation Report the Applicant's Airspace Change Proposal ("ACP") - a seven step process - has not progressed past Step 2 with the Civil Aviation Authority ("CAA") concluding on two separate occasions: 1 April 2021 and 20 August 2021¹ that:
"The CAA has completed the Develop and Assess Gateway Assessment and is not satisfied that the change sponsor has met the requirements of the Process up to this point. The CAA does not approve progress to the next Step".
6. The Applicant noted at ISH4 [REP5-024] that the ACP would have to commence before the DCO process was complete and that it would have to be run in a

¹ Available online at: [REDACTED] (Accessed on 10 November 2021)

parallel and complimentary manner² and at the time of the Examination the Applicant's stated timeline for Step 2 was 27 March 2020 with a target AIRAC of December 2021. This led the ExA to conclude the ACP would be complete by March 2022³.

7. However, since the close of the Examination the timeline for Step 2 of the ACP (a seven step process) and the target AIRAC has slipped 7 times without progression with the CAA concluding in October 2021 that the full indicative timeline for this ACP cannot be confirmed⁴.

Date of Indicative Timeline Update	Indicative Timeline for Step 2	Target AIRAC
12 September 2019	26 June 2020	August 2022
8 April 2020	26 February 2021	August 2022
28 May 2020	25 June 2021	March 2023
29 October 2020	29 January 2021	April 2023
19 November 2020	26 March 2021	April 2023
20 April 2021	30 July 2021	August 2023
18 October 2021	29 April 2022	<i>"Until iteration two of the airspace change masterplan including the associated programme plan has been assessed and accepted by the CAA and Department for Transport as co-sponsors of airspace modernisation, the full indicative timeline for this ACP cannot be confirmed. The Define and/or Develop & Assess Gateway(s) above are</i>

² Paragraph 6.9.80 of the ExA Recommendation Report. Available online at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-005347-TR020002%20Final%20Recommendation%20Report%20to%20DfT.pdf> (Accessed 10 November 2021)

³ Paragraph 6.9.122 of the ExA Recommendation Report. Available online at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-005347-TR020002%20Final%20Recommendation%20Report%20to%20DfT.pdf> (Accessed 10 November 2021)

⁴ Available online at: [REDACTED] (Accessed on 10 November 2021)

		<i>subject to change⁵.</i>
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8. At the time of the Examination⁶ the Applicant stated that the work on the Aerodrome certificate would be completed by the end of 2020 following which the certificate would be applied for. As of 10 November 2021, the site does not have an Aerodrome Certificate⁷.

9. **Conclusion:**

The Examination ended over 2 years ago and:-

- a. the site still does not have an Aerodrome Certificate⁸. This is a moderate/ significant operational risk to the proposed development; and
- b. the significant operational risk of the HRDF has not been mitigated; and
- c. new evidence shows that not only will the ACP not be completed by March 2022 but Step 2 of a seven step process will not even take place until at least late April 2022. The Applicant has failed to pass Step 2 twice so far. This is a moderate/ significant operational risk to the proposed development; and
- d. the indicative timeline for airspace for the proposed development cannot be confirmed by the CAA⁹. This is a significant operational risk.

The ExA Recommendation Report concluded at Paragraph 8.2.176 that operational matters weigh moderately against the case for development consent since then new and extant evidence shows that operational matters

⁵ Available online at: [REDACTED] (Accessed on 10 November 2021) specifically the Indicative Timeline Update October 2021 added 20 October 2021.

⁶ Paragraph 6.9.77 of the ExA Recommendation Report. Available online at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-005347-TR020002%20Final%20Recommendation%20Report%20to%20DfT.pdf> (Accessed 10 November 2021)

⁷ Available online at:

[REDACTED] (Accessed on 10 November 2021)

⁸ Available online at:

[REDACTED] (Accessed on 10 November 2021)

⁹ Available online at: [REDACTED] (Accessed on 10 November 2021) specifically the Indicative Timeline Update October 2021 added 20 October 2021.

substantially weigh against the case for development consent being given.