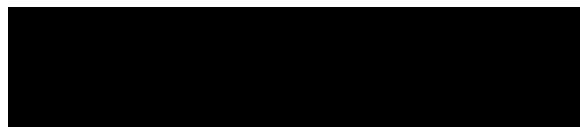


Five10Twelve Ltd  
Marlowe Innovation Centre  
Marlowe Way, Ramsgate CT12 6FA



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

Date: 23 March 2022  
Our Ref: Manston 2022 FCR

Email: [manstonairport@planninginspectorate.gov.uk](mailto:manstonairport@planninginspectorate.gov.uk);

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**Background**

- A. As advised on 17 January 2022 by email by the Planning Inspectorate we submitted re-determination correspondence with comments and new evidence in relation to the Manston Airport DCO application (the “**Proposed Development**”) dated 3 February 2022.
- B. On 11 March 2022, the Secretary of State issued a letter and at paragraph 11 stated that Interested Parties who have submitted re-determination correspondence with any comments that they wish the Secretary of State to treat as formal consultation response should re-submit these comments by 28 March 2022.
- C. Accordingly, we re-submit our re-determination correspondence with comments and new evidence dated 3 February 2022 as amended herewith as a **formal consultation response** to the Secretary of State.

**Formal Consultation Response to the Secretary of State**

**New Evidence: Demonstrable Need Required**

- D. The appeal by Bristol Airport Limited (the “**Bristol Appeal Decision**”) was decided on 2 February 2022<sup>1</sup>.

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<sup>1</sup> Appeal Decision – Bristol Airport – 2 February 2022 Available online at:



f (accessed on 3 February 2022)

- E. In the planning balance conclusion in the Bristol Appeal Decision, the Inspectors appointed by the Secretary of State confirms that 1) there is a requirement for a **demonstrable need**<sup>2</sup>; and 2) that, socio-economic benefits **flow from** this demonstrable need<sup>3</sup>.
- F. The Bristol Appeal Decision at paragraph 142<sup>4</sup> sets out the steps it took to define a demonstrable need.

*"Para 142*

*The [Bristol Appeal] Panel is therefore satisfied firstly, that there **is a clear and compelling need for the development** as evidenced by the UK Aviation Forecasts and reflected in policy support for expansion in MBU. Secondly, that [Bristol Airport Limited's] Forecasting work is **sufficiently robust and provides a detailed picture of what [Bristol Airport] would look like at 12 mppa**<sup>5</sup>" (bold added for emphasis).*

**Is There a Clear and Compelling Need for the Proposed Development Evidenced by the UK Aviation Forecasts?**

- G. Firstly, unlike the Bristol application which was for an increase in passenger aircraft transport movements (ATMs) the Proposed Development is for cargo ATMS. As you will be aware, the UK Aviation Forecasts specifically states the scope of these forecasts<sup>6</sup> as passenger and aircraft movements at selected UK airports.

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<sup>2</sup> Para 552 of the Appeal Decision – Bristol Airport – 2 February 2022 Available online at:

[REDACTED] (accessed on 3 February 2022)

<sup>3</sup> Para 552 of the Appeal Decision – Bristol Airport – 2 February 2022 Available online at:

[REDACTED] (accessed on 3 February 2022)

<sup>4</sup> Para 142 of the Appeal Decision – Bristol Airport – 2 February 2022 Available online at:

[REDACTED] (accessed on 3 February 2022)

<sup>5</sup> Para 142 of the Appeal Decision – Bristol Airport – 2 February 2022 Available online at:

[REDACTED] (accessed on 3 February 2022)

<sup>6</sup> Page 14, Paragraph 1.8 of the UK Aviation Forecasts 2017, Available online at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/878705/uk-aviation-forecasts-2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878705/uk-aviation-forecasts-2017.pdf) (accessed on 3 February 2022)

- H. The UK Aviation Forecasts does not include dedicated freighters which are the subject of the Proposed Development and it also does not include the former Manston Airport<sup>7</sup> the site of the Proposed Development.

### **Is There a Clear and Compelling Need for the Proposed Development Reflected in Policy Support?**

- I. Unlike the Bristol application, the Proposed Development is in the South East and it is therefore caught by the Airports National Policy Statement (“**ANPS**”) specifically that it is an important and relevant consideration.
- J. The ANPS was based on and supported the work of the Airports Commission (ANPS, para.2.23). The Airport’s Commission reviewed the case for Manston as a freight airport and dismissed it as an option for further consideration because it: *“did not fit with the Commission’s remit or offer a solution to the key question of providing additional long-term capacity and connectivity for the UK<sup>8</sup>.”*
- K. The ANPS and Airport’s Commission are therefore clear that there is no clear and compelling need for the Proposed Development<sup>9</sup>. In addition, the MBU does not overcome the presumption contained in the ANPS that there is no need for a freight airport at Manston<sup>10</sup>.
- L. Further, the Making best use of existing runways (“**MBU**”) policy, of June 2018, reiterates that proposals for other airports with existing runways must take into consideration both economic and environmental considerations. This supports the argument that a viable economic case, is required. As York Aviation points out, *“Re-opening a runway only for it to be seldom used in practice does not constitute*

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<sup>7</sup> Page 27 of the UK Aviation Forecasts 2017, Available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/878705/uk-aviation-forecasts-2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878705/uk-aviation-forecasts-2017.pdf) (accessed on 3 February 2022)

<sup>8</sup> Appendix 2 to the AC’s Interim Report (2013), p16. See also Samara Jones-Hall, Deadline 5, Comment on Civil Aviation – Response to Examining Authority’s WQ [REP3-231]. Manston was considered as a dedicated freight airport in the PWC report “The Air Freight Industry in the UK”, which was one of the reports included in the AC’s Economics Analysis: Consultants Reports – see: charts on p.33 & 34 and map on p.43

<sup>9</sup> Evidenced at Page 5 of <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-006230-335%20-%20Jennifer%20Dawes.pdf> (accessed on 3 February 2022)

<sup>10</sup> *Ibid*

*an economically efficient use of that runway, and so would not be likely to equate to 'best use'*<sup>11</sup>.

- M. During the Examination, the First Consultation and the Second Consultation relating to the Proposed Development many well respected independent expert reports were submitted to demonstrate and evidence that there was no need and/or no viable economic case for the Proposed Development.
- N. As you will be aware, since the Examination over 4 independent experts and 6 new reports (some commissioned as recently as 3 months ago) evidenced that there is no need and/or no viable economic case for the Proposed Development as evidenced in the:
- a. Examination Recommendation Report of 18 October 2019<sup>12</sup>;
  - b. Consultancy advice in relation to the redetermination of the Application for a DCO for the reopening and development of Manston Airport of July 2021 by Alan Stratford and Associates Limited<sup>13</sup>;
  - c. York Aviation Expert Evidence in relation to the Re-Determination of DCO for Reopening and Development of Manston Airport<sup>14</sup> of 8 July 2021;
  - d. Manston Airport Assessor's Report of 21 October 2021 by Ove Arup & Partners Ltd<sup>15</sup>;

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<sup>11</sup> Annex I, York Aviation Report of December 2021 (para.1.4), summarising the findings of its conclusions of July 2021 of

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-006230-335%20-%20Jennifer%20Dawes.pdf>

<sup>12</sup>

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-005347-TR020002%20Final%20Recommendation%20Report%20to%20DfT.pdf>

<sup>13</sup> Pages 3- 20 of

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-005680-Ramsgate%20Town%20Council.pdf>

<sup>14</sup> Appendix 1, Pages 11-54 of

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-005743-Jenny%20Dawes.pdf>

<sup>15</sup>

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-005842-Manston%20DRAFT%20Assessors%20Report%20-%20Publicationv1.pdf>

- e. Consultancy advice in relation to the redetermination of the Application for a DCO for the reopening and development of Manston Airport by Alan Stratford and Associates Limited of November 2021<sup>16</sup>; and
- f. York Aviation Expert Evidence in relation to the Re-Determination of DCO for Reopening and Development of Manston Airport: Comments on Independent Assessor's Report and on Submissions by Other Parties of 3 December 2021<sup>17</sup>.

### **In Summary**

- O. There is no clear and compelling need for the Proposed Development and therefore the Applicant does not meet the first part of the definition of a demonstrable need.

### **Is the Forecasting Work Sufficiently Robust and Has a Detailed Picture of What the Proposed Development Would Look Like with an Increase by at Least 10,000 per Year the Number of Air Traffic Movements of Cargo Aircraft been Provided?**

- P. The second part of the definition of a demonstrable need is a sufficiently robust forecasting work and the provision of a detailed picture of what the Proposed Development would look like with an increase by at least 10,000 per year the number of air traffic movements of cargo aircraft<sup>18</sup>.

### **Sufficiently Robust Forecasting?**

- Q. During the Examination, the First Consultation and the Second Consultation relating to the Proposed Development many well respected independent expert reports prepared by AviaSolutions, York Aviation and Altitude Aviation were submitted to

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<sup>16</sup> Pages 7-28 of

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-006034-159%20-%20Ian%20Scott%20on%20behalf%20of%20Nethercourt%20Action%20Group.pdf>

<sup>17</sup> Pages 16-64 of

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-006230-335%20-%20Jennifer%20Dawes.pdf>

<sup>18</sup> Para 142 of the Appeal Decision – Bristol Airport – 2 February 2022 Available online at:

[REDACTED] accessed on 3 February 2022)

demonstrate and evidence that the Applicant has not produced robust forecasting (sufficient or otherwise).

- R. The Applicant provided a commissioned International Bureau of Aviation report<sup>19</sup> to the Second Consultation (the “**Report**”); however, this report does not provide any forecasting work at all for the Proposed Development.
- S. In addition, the Report also does not address - for example - the locational requirements for air freight as outlined at paragraph 2 of the Secretary of State’s Statement of Matters of 11 June 2021. Further, the Report inaccurately states and works from the erroneous assumption that the Proposed Development is an “existing airport”. It is a matter of fact that the former airport has been closed for nearly 8 years.

**Detailed Picture of What the Proposed Development Would Look Like with an Increase by at Least 10,000 per Year the Number of Air Traffic Movements of Cargo Aircraft been Provided?**

- T. Unlike the Bristol application which provided a detailed picture with supporting evidence<sup>20</sup>, the Proposed Development has not provided a detailed picture of what it would look like.
- U. At Appendix 6 of the Applicant’s response to the Arup Assessor’s Draft Report the Applicant submitted a sole letter from a potential customer (the “**Potential Customer**”). This is the only evidence of support from or information from any potential customer in the 8 years since the airport closed for the Proposed Development.

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<sup>19</sup> Available online at:

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-006145-4.1%20International%20Bureau%20of%20Aviation%20Report%20-%20TR020002\\_RED2\\_IBA.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-006145-4.1%20International%20Bureau%20of%20Aviation%20Report%20-%20TR020002_RED2_IBA.pdf) (accessed on 3 February 2022)

<sup>20</sup> In November 2020, Jet2 announced that it would commence operations from Bristol Airport. Appeal Decision – Bristol Airport – 2 February 2022 Available online at:

[REDACTED] (accessed on 3 February 2022) and Ryanair, Aer Lingus, EasyJet, Blue Islands, KLM, LoganAir and TUI currently operate from Bristol Airport - [REDACTED] (accessed on 3 February 2022)

- V. The one Potential Customer is a company incorporated on 1 August 2020<sup>21</sup>. Its first accounts are due by 1 May 2022. It has share capital of £1<sup>22</sup>.
- W. The one Potential Customer states it currently charters 4 flights into Europe per week (ie: 4X52 = 208 flights a year).
- X. As you will be aware, 208 flights a year is not even close to an increase by 300 flights a year let alone the statutory and case law requirements of an increase by at least 10,000 per year the number of air traffic movements of cargo aircraft<sup>23</sup>.

### In Summary

- Y. The Applicant has not provided sufficiently robust forecasting work and the Applicant has not provided a detailed picture of what the Proposed Development would look like with an increase by at least 10,000 per year the number of air traffic movements of cargo aircraft therefore the Applicant does not meet the second part of the definition of a demonstrable need.

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<sup>21</sup> Companies House Register for company number 12784704 MidnightZulu Limited

[REDACTED] (accessed 25 January 2022)

<sup>22</sup> *Ibid*

<sup>23</sup> In its application to the Planning Inspectorate the Applicant specifically refers to and relies upon Section 14(1) of the Planning Act 2008 which states that a Nationally Significant Infrastructure Project, for which development consent under the Planning Act 2008 is required, includes '*airport related development*' and the prescribed criteria is set out in Section 23 of the PA 2008 and specifically s.23(3)(b), s.23(4) and s.23(5) of the PA 2008. Please see TR020002-002376-1.2 Application Form: Available online at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-002376-1.2%20-%20Application%20Form.pdf>

The threshold criteria is set out in Section 23(4) taken together with 23(5)(b), by which an alteration to an airport is to be treated as an NSIP if it is "expected" to "**increase by at least 10,000 per year the number of air transport movements of cargo aircraft for which the airport is capable of providing air cargo transport services**" (bold added for emphasis). Please see Section 23 Planning Act of the 2008 Available online at: <https://www.legislation.gov.uk/ukpga/2008/29/section/23> (accessed on 3 February 2022)

The Secretary of State had looked at this question in *R (Ross and Saunders (acting on behalf of Stop Stansted Expansion)) v. Secretary of State for Transport* [2020] EWHC 226 on the basis that it should be determined by reference to the maximum number of passengers the airport was **realistically capable of achieving**, as opposed to the maximum hypothetical capacity of the airport assuming that all passenger flights would be using the largest aircraft and at full loads, on a 24/7 basis. Dove J. held that this was the correct interpretation of s.23(4)-(5) (bold added for emphasis). Please see High Court upholds Secretary of State for Transport's decision that expansion proposals for London Stansted Airport should not be treated as a Nationally Strategic Infrastructure Project, Available online at:

[REDACTED] accessed on 3 February 2022)

## Conclusion

- Z. In the planning balance conclusion in the Bristol Appeal Decision, the Inspectors appointed by the Secretary of State confirms that 1) there is a requirement for a **demonstrable need**<sup>24</sup>; and 2) that, socio-economic benefits **flow from** this demonstrable need<sup>25</sup>.
- AA. As evidenced at Paragraphs D-Y above the Applicant has not met the requirement for a demonstrable need.
- BB. Without a demonstrable need there can be no flow from it.
- CC. Therefore there are, also, no socio-economic benefits.

## New Evidence: Local Policy

- DD. The Thanet District Council Local Plan review Sustainability Appraisal Scoping Report ("**Scoping Report**") was published as part of its evidence base documents for its Thanet Local Plan Partial Update on 9 December 2021. This is new evidence which came in 6 days after the close of the Second Consultation. The Scoping Report makes clear at paragraph 4.30 that:

*"As set out in the adopted Local Plan, if a DCO for airport use is granted, the review of the Local Plan would need to take this into account, as well as its implications for other policies in the Plan and consequential land use considerations. If a DCO is not granted or does not proceed, the Council will similarly need to consider the most appropriate use for the site as part of the review<sup>26</sup>".*

- EE. This confirms that there is no unconditional policy support for the Proposed Development. Rather there is a neutral "holding position" pending the DCO decision which cannot be used to support the DCO application.

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<sup>24</sup> Para 552 of the Appeal Decision – Bristol Airport – 2 February 2022 Available online at:

[REDACTED] (accessed on 3 February 2022)

<sup>25</sup> Para 552 of the Appeal Decision – Bristol Airport – 2 February 2022 Available online at:

[REDACTED] (accessed on 3 February 2022)

<sup>26</sup> Thanet District Council Local Plan review Sustainability Appraisal Scoping Report Available online at:

[REDACTED] (accessed on 3 February 2022) part of [REDACTED] published on 9 December 2021



## **Regional Policy**

FF. Kent County Council's Manston Airport Position Statement is still current and accessible on its website<sup>27</sup>. It concludes on Page 12 that:

*“The truth is that Manston has failed over a prolonged period of time to run as a commercially successful airport. Kent County Council gave strong support to various investors but the reality of commercial aviation at Manston Airport led to very significant losses. In fact, in the 16 years since it was taken into privately ownership it has incurred losses by those who have tried to operate it in excess of £100 million... Bristow Group had chosen Manston as its location for the regional search and rescue base; when the airport closed the company decided to locate that base at Lydd. Kent County Council is pleased that this vital service will still be located in Kent. Lydd Airport is also starting a substantial investment programme to extend its runway and construct new aviation facilities. Surely it is now time to look at a B Plan for Manston...”*

## **New Evidence: Consultation on 'partial update' of Thanet's Local Plan**

GG. Thanet District Council published its Discussion Paper - Development Strategy on 9 December 2021 as part of its evidence base documents for its Thanet Local Plan Partial Update. This is new evidence which came in 6 days after the close of the Second Consultation.

HH. At paragraph 3, Local plan Update - Engagement Discussion Paper - Development Strategy states that “the [Housing Needs Update](#) (2020, updated 2021), published alongside this paper, indicates a total housing need of 21,000 dwellings up to 2040 (1,085 dwellings per year). Taking into account the housing provision in the adopted Local Plan, this means that the update of the Local Plan needs to identify sufficient land/sites to accommodate an additional 4,000-4,500 dwellings<sup>28</sup>”.

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<sup>27</sup> Manston Airport Position Statement Available online at:

<https://www.kent.gov.uk/about-the-council/strategies-and-policies/transport-and-highways-policies/aviation/manston-airport-position-statement> (accessed on 3 February 2022)

<sup>28</sup> Available online at:

<https://thanetcouncilplan.inconsult.uk/PREREG18/view?objectId=12410036#12410036> (accessed on 3 February 2022)

- II. The New Settlement mitigation study<sup>29</sup> recommended a number of measures that could make a settlement more sustainable and also carried out an assessment of potential new settlement sites. It was concluded that the former Manston Airport (the Proposed Development site) represented the most appropriate site due to its size and nature as a brownfield site<sup>30</sup>.
- JJ. As you will be aware, and evidenced in the map below, the Proposed Development has not been identified as an Employment Allocation SP05 in the Thanet District Council Local Plan. In fact, the Proposed Development is not even on the map.

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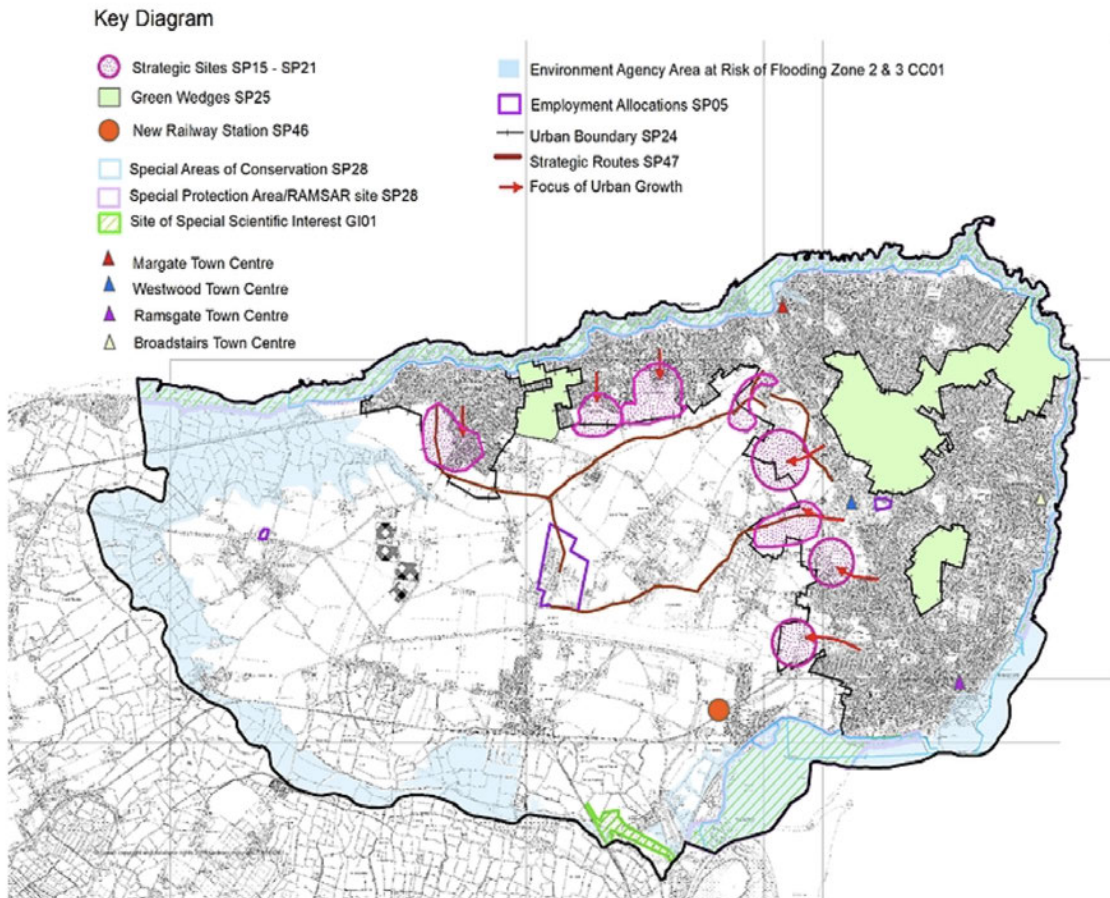
<sup>29</sup>Thanet District Council New Settlement Mitigation Study Summary Report 11 November 2016 Available online at:

<https://democracy.thanet.gov.uk/documents/s53039/Annex%206%20-%20TDC%20New%20Settlement%20Study%20draft.pdf> (accessed on 3 February 2022)

<sup>30</sup> Page 1 Thanet District Council Thanet Local Plan Revised Options Sustainability Appraisal June 2018 Available online at

<https://www.thanet.gov.uk/wp-content/uploads/2019/01/CD7.4.1-Thanet-Local-Plan-Revised-Options-Sustainability-Appraisal-June-2018-1.pdf> (accessed on 30 November 2021)

## Key Diagram (Local Plan 2020)



### **New Evidence: Levelling Up White Paper**

- KK. The Levelling Up White Paper<sup>31</sup> (“**LUWP**”) was published on 2 February 2022.
- LL. A key focus area of the LUWP is Education and enhancing educational attainment, specifically that “by 2030, the number of primary school children achieving the expected standard in reading, writing and maths will have significantly increased. In England, this will mean 90% of children will achieve the expected standard, and the percentage of children meeting the expected standard in the worst performing areas will have increased by over a third<sup>32</sup>”.

<sup>31</sup> Levelling Up White Paper Available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/105206/0/Levelling\\_Up\\_White\\_Paper.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/105206/0/Levelling_Up_White_Paper.pdf) (accessed 3 February 2022)

<sup>32</sup> *Ibid*

- MM. As you will be aware, we submitted evidence at the Second Consultation from the Civil Aviation Authority that a 1 dB increase in aircraft noise exposure significantly negatively impacts reading ability. We refer to our submissions to the Second Consultation specifically: SoS/R/018<sup>33</sup> Pages 2- 5; and SoS/R/012<sup>34</sup> specifically at Page 32, Para BB.
- NN. We respectfully remind the Secretary of State that for **nearly 8 years** there has been **no aircraft noise exposure** in the community and at schools and/or child care facilities. Therefore any increase in aircraft noise exposure will increase from a baseline of zero.
- OO. If a 1 dB increase in aircraft noise exposure significantly negatively impacts reading ability. An increase of aircraft noise from a baseline of zero will result in a more than significant negative impact in reading ability
- PP. Further, we evidence that reading ability has a considerable impact on both educational attainment and wider life outcomes. As poor reading ability is associated with such profound negative life outcomes, it can have a huge cost to an individual and also to the economy<sup>35</sup>.
- QQ. We note that the LUWP recognises that coastal areas are particularly vulnerable to automation-induced job losses (Figure 1.35)<sup>36</sup>. The Applicant has repeatedly made clear that it will move to automation at the Proposed Development.
- RR. We note that the LUWP recognises that in left behind places health life expectancy is a key component.
- SS. The Chief Medical's Officer Annual Written Report 2021 Health in Coastal Communities concludes the coast has much to offer with research suggesting that

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<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-006047-172%20-%20Five10Twelve%20Ltd.pdf>

34

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-006038-163%20-%20Five10Twelve%20Ltd.pdf>

35

[REDACTED] (accessed 19 November 2021)

<sup>36</sup> Levelling Up White Paper Available online at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/105206/0/Levelling\\_Up\\_White\\_Paper.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/105206/0/Levelling_Up_White_Paper.pdf) (accessed 3 February 2022)

there is a **protective effect to health and wellbeing from living on the coast**<sup>37</sup>. It concludes that: *“There is a considerable weight of evidence that living on or near the coast offers physical health and mental wellbeing benefits. A key contributory factor for good health outcomes is the natural environment, providing spaces and places for recuperation, physical activity and meaningful social contact. The seaside can also provide a context for therapeutic activities to address a range of conditions and needs*<sup>38</sup>”.

- TT. As all indicative flight paths fly over Ramsgate, the town, the residential areas, the open spaces, the beaches and will hug the coast the said protective effect to health and wellbeing from living on the coast will be stripped away from and denied to those living in and/or visiting Ramsgate and the wider Thanet.
- UU. The Proposed Development will adversely impact the aims of the LUWP in Ramsgate and the wider Thanet.

#### **New Evidence: New Research shows scale of impact on the Isle of Thanet's visitor economy from COVID-19**

- VV. Thanet saw a 2.4% increase in spend per night and a 9% increase in spend on food and drink in 2020, compared to 2019<sup>39</sup>.
- WW. The estimated food and beverage expenditure currently attracted by shopping facilities within the District is £231.38 million in the base year<sup>40</sup>. Trade from tourist visitors is estimated to be £78.83 million, about 34% of total turnover. This turnover is broken down as follows:

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<sup>37</sup> Chapter 6, of the Chief Medical's Officer Annual Written Report 2021 Health in Coastal Communities written by colleagues from Exeter University Available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/100521/6/cmo-annual\\_report-2021-health-in-coastal-communities-accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/100521/6/cmo-annual_report-2021-health-in-coastal-communities-accessible.pdf) (accessed 3 February 2022)

<sup>38</sup> Page 227 Chapter 6, of the Chief Medical's Officer Annual Written Report 2021 Health in Coastal Communities written by colleagues from Exeter University Available online at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/100521/6/cmo-annual\\_report-2021-health-in-coastal-communities-accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/100521/6/cmo-annual_report-2021-health-in-coastal-communities-accessible.pdf) (accessed 3 February 2022)

<sup>39</sup> <https://www.thanet.gov.uk/new-research-shows-scale-of-initial-impact-on-the-isle-of-thanets-visitor-economy-from-covid-19/> (accessed 3 February 2022)

<sup>40</sup> Page 29, para 4.35 Thanet Retail and Leisure Study Available online at: Available online at: [REDACTED] (accessed on 3 February 2022)

- Zone 1 - Margate East/Cliftonville £10.53 million;
- Zone 2 - Margate £36.45 million;
- Zone 3 - Westwood £25.74 million;
- Zone 3 - Broadstairs £60.75 million;
- **Zone 4 – Ramsgate £63.12 million;**
- Zone 5 - Birchington/Westgate £25.83 million; and
- Zone 6 - Thanet rural/Minster £8.06 million.

- XX. New evidence has shown that Ramsgate has the highest total food and beverage expenditure pattern (£63.12M compared to Broadstairs £60.75M and Margate £36.45M) and an equal high visitor spend to Broadstairs<sup>41</sup>.
- YY. Ramsgate and Broadstairs makeup over 60% of the visitor spend with each contributing 30% of the visitor spend to Thanet<sup>42</sup>.
- ZZ. Please see table below from the Thanet Retail and Leisure Study published as part of its evidence base documents for its Thanet Local Plan Partial Update on 9 December 2021<sup>43</sup>. This is new evidence which came in 6 days after the close of the Second Consultation.

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<sup>41</sup> *Ibid*

<sup>42</sup> *Ibid*

<sup>43</sup> Thanet Retail and Leisure Study Available online at: Available online at:

[REDACTED] (accessed on 3 February 2022)

**Table 5: Base year food and beverage expenditure patterns (£M)**

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Visitors	Total
<b>Expenditure 2019</b>	<b>24.00</b>	<b>25.64</b>	<b>35.66</b>	<b>48.00</b>	<b>20.10</b>	<b>14.23</b>	<b>78.83</b>	<b>246.45</b>
Zone 1 - Margate East/Cliftonville	4.13	0.92	1.46	0.48	0.24	0.14	3.15	10.53
Zone 2 - Margate	5.40	9.90	1.32	1.39	1.87	0.81	15.77	36.45
Zone 3 - Westwood	3.82	4.90	1.89	7.06	2.73	1.41	3.94	25.74
Zone 3 - Broadstairs	4.06	3.51	23.43	4.46	0.86	0.78	23.65	60.75
Zone 4 - Ramsgate	2.30	0.97	2.60	29.04	1.79	2.76	23.65	63.12
Zone 5 - Birchington/Westgate	1.99	2.64	0.89	0.77	10.55	1.89	7.09	25.83
Zone 6 - Thanet Rural	0.26	0.54	0.21	1.78	0.26	4.33	1.58	8.96
<b>Thanet District Total</b>	<b>21.96</b>	<b>23.38</b>	<b>31.80</b>	<b>44.98</b>	<b>18.31</b>	<b>12.13</b>	<b>78.83</b>	<b>231.38</b>
Ashford	0.36	0.46	0.00	0.00	0.00	0.00	n/a	0.82
Canterbury	1.10	0.77	1.50	1.10	1.05	0.17	n/a	5.69
Deal	0.00	0.21	0.00	0.00	0.00	0.21	n/a	0.42
Dover	0.00	0.00	0.00	0.14	0.00	0.09	n/a	0.23
Herne Bay	0.14	0.13	0.25	0.62	0.16	0.00	n/a	1.31
Sandwich	0.29	0.13	0.53	0.19	0.40	0.37	n/a	1.92
Other	0.14	0.56	1.57	0.96	0.18	1.27	n/a	4.68
<b>Outside District sub-total</b>	<b>2.04</b>	<b>2.26</b>	<b>3.85</b>	<b>3.02</b>	<b>1.79</b>	<b>2.11</b>	<b>n/a</b>	<b>15.07</b>
<b>Total</b>	<b>24.00</b>	<b>25.64</b>	<b>35.66</b>	<b>48.00</b>	<b>20.10</b>	<b>14.23</b>	<b>n/a</b>	<b>246.45</b>

AAA. The New Research detailed above shows the importance of Ramsgate to the visitor economy to the wider Thanet.

BBB. This is particularly important because as you will be aware, the ExA Recommendation Report states at paragraph 6.10.8<sup>44</sup> Thanet District Council note that:

*“there are likely to be impacts on tourism at the operational stage which will affect local amenity, businesses, the destination and the experience of visitors. Given that tourism is a significant aspect to the local economy in Thanet, it is important that*

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*tourists are not deterred from visiting the area both during construction and operational stages of the proposed development”, noting that all indicative flight paths would travel over Ramsgate, and could adversely affect local business, inward investment, the expanding filming industry and a successful tourism sector”.*

CCC. Further at paragraph 6.10.22 of the ExA Recommendation Report:

*“Thanet District Council confirmed its view that: “...whilst the proposed development may bring further tourists to the area, the amenity impacts from the construction and operation of the proposed development may adversely affect the tourism industry in Ramsgate and the wider Thanet area and weigh against any proposed benefit”<sup>45</sup>.”*

DDD. The ExA Recommendation Report<sup>46</sup> concludes that the Proposed Development:

*“6.10.142. Therefore, the ExA concludes and recommends that the Proposed Development would have an adverse effect on tourism in Ramsgate”.*

EEE. The ExA Recommendation Report conclusion has even more impact now taken in light with the new evidence detailed above which has shown that Ramsgate has the highest total food and beverage expenditure pattern (£63.12M compared to Broadstairs £60.75M and Margate £36.45M) and an equal high visitor spend to Broadstairs. Ramsgate and Broadstairs makeup over 60% of the visitor spend with each contributing 30% of the visitor spend to Thanet.

#### **Void Decision Letter**

FFF. The Secretary of State has made clear that there would be an iterative process with 2 rounds of consultation

GGG. We note that the Applicant submitted 3 responses to the Secretary of State's First Consultation when there was an opportunity to fact check these submissions.

HHH. However, the Applicant submitted 18 responses to the Secretary of State's Second Consultation largely without supporting independent evidence, perhaps noting that

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<sup>45</sup> *Ibid*

<sup>46</sup> *Ibid*



there would not be an opportunity provided by the Secretary of State to fact check the Applicant's submissions.

III. At Paragraphs 1 and 2 of the Arup Assessor's Draft Report<sup>47</sup> (the "**Response**") the Applicant relies on and makes reference to the Secretary of State's now void decision letter.

JJJ. The High Court sealed consent Order of 15 February states at paragraph 2:  
*"2. The Secretary of State's decision dated 9 July 2020 to make the Manston Airport Development Consent Order 2020 is quashed".*

KKK. Further, the High Court sealed consent Order of 15 February states at paragraph 3 of the Statement of Reasons:

*"The [Applicant] has indicated in its email to the Claimant and [Secretary of State for Transport] of 1 December 2020 that it will not continue to defend the claim".*

LLL. It is therefore disingenuous and an abuse of the court process for the Applicant to now argue in the Response the contents of the void decision letter.

MMM. The decision letter simply does not exist. It therefore cannot be referenced or relied upon.

### **Incorrect Location**

NNN. The Proposed Development is **located in East Kent** not North Kent. It is one of the most easterly points of the United Kingdom<sup>48</sup>.

### **No Evidence of Investment**

OOO. The Applicant makes repeated claims of private investment; however, it has provided no evidence of investors or letters of comfort since July 2019<sup>49</sup>.

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<sup>47</sup>

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-006131-1.1%20Applicant's%20Response%20to%20Arup%20Assessor's%20Draft%20Report%20-%20TR020002\\_RED2\\_Arup.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-006131-1.1%20Applicant's%20Response%20to%20Arup%20Assessor's%20Draft%20Report%20-%20TR020002_RED2_Arup.pdf)

■ (accessed 3 February 2022)

<sup>49</sup>

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-005347-TR020002%20Final%20Recommendation%20Report%20to%20DfT.pdf>

PPP. Further, all accounts for the Applicant's 7 companies<sup>50</sup> are unaudited perhaps because auditors may express doubt about the group's ability to continue as a going concern.

QQQ. In any event, the latest available group accounts show debts of over £37 million to its undisclosed ultimate controlling parties<sup>51</sup> for the financial year ending 2021 with no evidence of how this debt can be serviced or how or where these sums have been spent (other than land purchases on behalf of the ultimate controlling party totalling around £19.26m million).

RRR. The identity of the ultimate control of the Applicant is still undisclosed<sup>52</sup>.

### **Local Support**

SSS. The Applicant claims it has local support and support from Councillors without providing any evidence.

TTT. Even three years after the Examination closed submissions from objectors to the the Second Consultation still accounted for over 70% of the total including at least 2

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<sup>50</sup>

1. Riveroak Manston Limited Company No. 10286975;  
[REDACTED] (accessed  
25 January)

2. Riveroak Strategic Partners Limited Company No. 10269461;  
[REDACTED] (accessed  
25 January)

3. Riveroak Investments (UK) Ltd Company No. 11959684;  
[REDACTED] (accessed  
25 January)

4. Riveroak Fuels Ltd Company No. 11535715;  
[REDACTED] (accessed  
25 January)

5. Riveroak MSE Limited Company No. 11720590;  
[REDACTED]  
25 January)

6. Riveroak AI Limited Company No. 10269458  
[REDACTED]  
25 January)

7. Riveroak Operations Limited Company No. 10311804  
[REDACTED] (accessed  
25 January)

<sup>51</sup> *Ibid*

<sup>52</sup> Riveroak Strategic Partners Limited Company No. 10269461;  
[REDACTED] (accessed  
25 January)

objector local business (Eats n Beats<sup>53</sup> and the Ramsgate Harbour Brasserie<sup>54</sup>) both of which currently employ more staff than the Applicant.

## Skills

UUU. As part of its Second Consultation submission, the Applicant introduced new evidence on skills including a Skills Needs Forecasting Report ("**Skills Report**").

VVV. Little or no weight can be given to the Skills Report on the following basis:

- a. Whilst the cover date of the Skills Report is 3 December 2021, which suggests this is new evidence, page 15 of the Skills Report shows the authored date of 1 October 2019. The Skills Report has not been submitted on any previous round of consultation and has therefore not been available for comment or critique by other parties or skills professionals.
- b. It is significant that the authored date of the Skills Report and its conclusions is pre-Covid and therefore does not take into account any changes in the employment landscape since the pandemic.
- c. It does not appear that any CVs or credentials have been provided for the authors of the Skills Report, Steve Matthews and Dr Jonathan Pratt.
- d. Annex 2 of the Skills Report lists no more than nine participants in the research through interviews and workshop, only of whom (SmartLynx Airlines) is in any way representative of the type of logistics companies, airlines, freight forwarders, integrators or other businesses who the Applicant seeks to attract or who are featured in the Skills Report. Information available in the public domain (LinkedIn) regarding the individual listed as participating on behalf of SmartLynx, Thorir Kristinsson, shows that Mr Kristinsson was not employed by SmartLynx at the time that the Skills Report was drafted, having left the organisation three years earlier in 2016.

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53

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- e. Of the eight other participants in the research for the Skills Report includes:
- i. Tony Freudmann, founding Director of the Applicant, RSP.
  - ii. Sally Dixon, author of the Azimuth Report, upon which the Applicant's business case and application is based. Azimuth is listed on RSP's website as being a member of the Applicant's Strategic Team.
  - iii. Two consultants who have been directly engaged by the Applicant on a contracted basis and who have previously submitted evidence during the Examination, (Rich Connelly, Osprey Consulting Services, and Tom Wilson, Viscount Aviation). Both Osprey and Viscount are listed on RSP's website as being members of the Applicant's Professional Team.
  - iv. One small helicopter business (Polar) and one engineering company (Avman), both of which currently operate from the Manston site, with combined employee headcount of 14 people across the two businesses according to most recently filed accounts at Companies House.

WWW. The above Skills Report also formed the foundation of a Skills Need Report ("**Skills Need Report**") prepared by Azimuth in May 2021 and also submitted during the Second Consultation, with no opportunity for review or challenge.

XXX. Given the inadequacies of the base Skills Report, the Skills Need Report must also be given little weight.

YYY. We further note:

- a. Credentials for the author of the Skills Need Report, Sally Dixon, have not been provided, although we note that she has previously been presented by the Applicant as its aviation consultant.
- b. We note throughout the document and on the recalculated total employee numbers - supplied by Steve Matthews through the Skills Report (please see above).
- c. The employee numbers have been counted for numerous functions and roles that are not in any way related to the Applicant's original DCO Application or

any reasonable or realistic cargo airport operation located, for example jobs relating solely to marine businesses and wind farms have been included.

ZZZ. As previously evidenced in the First and Second Consultation<sup>55</sup> - and as made clear through the list of participants in the Skills Report - it is clear that the Applicant is an outlier in terms of local and regional skills strategy, with no engagement or involvement in existing or developing skills strategies developed by either Thanet District Council, Kent County Council or the South East Local Enterprise Partnership (SELEP). This is highly unusual for any developing or proposed Nationally Significant Infrastructure Project.

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<sup>55</sup> Pages 3, 16-20

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Page 8

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Page 4

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Page 12-14

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Page 3

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