

**From:** [REDACTED]  
**To:** [Manston Airport](#)  
**Subject:** TR020002: Manston Airport Updates  
**Date:** 22 August 2023 16:32:49  
**Attachments:** [DCO Amendment request by RSP 2023 CJRL Response .odt](#)

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Thank you for your email of 1 August, 2023, advising me of the application for changes to the [Manston Airport](#) Development Consent Order, which has been made by the Applicant, RiverOak Strategic Partners Ltd.

I am pleased to attach my Objections to these proposals, and I hope you will take my evidence into account in making your recommendation for Refusal.

I also hope it is all self-explanatory but would be pleased to clarify any queries.

Acknowledgement of receipt would be appreciated, thank you.

With best wishes,

Chris Lowe

**interested Party, Registration Number: 20014275**

[REDACTED]

Application for a non-material change to the Manston Airport Development Consent Order (Manston DCO) made by RiverOak Strategic Partners Ltd.

Response from Chris LOWE

*I strongly OBJECT to the proposed changes to the Manston DCO proposed by River Oak Strategic Partners.*

*The Grounds for my Objections are because the proposed changes are “material” and are also unacceptable in themselves, whether “material” or not.*

*1 “Non-Material change”*

*The proposed changes are NOT non-material, because of the following reasons:*

*1.A One of the characteristics of whether a change is material or not is whether there is an impact on local people.*

*1.B The proposed changes would limit the level of financial security and therefore would limit the compensation and the costs of noise insulation provided by the Applicant to reduce the noise caused by the new airport. This would obviously adversely affect local people, who would thereby suffer greater ill health and annoyance and psychological damage from the serious annoyance of aircraft noise.*

*1.C Similarly, if the security figure at Article is reduced, the funding available for the Compulsory Purchase Orders (CPOs) would be reduced and this would also adversely affect local people.*

*1.D If the true costs of all the Compulsory Purchase Orders are not available to buy Kent County Council land, then that would affect council services, which are already seriously over-stretched causing reduced levels of services for local populations. The County Council is already grappling with a £43 million overspend (<https://www.bbc.co.uk/news/uk-england-kent-66524309>), so any reduction of payments from the Applicant would serious create additional problems for their services.*

*1.E It is also 'Material' because innocent people and organisations would be adversely affected in similar way to that described above.*

*1.F Likewise the proposed changes would seriously affect people for the reasons above.*

*Therefore the proposed changes are “material”, and are unacceptable.*

*2 Proposed Changes to:*

***1 Article 9(1)(a) to amend the security figure at Article 9(1)(a) from £13.1 million to £6.2 million to reflect RiverOak’s acquisition of the main airport site prior to the making of the DCO;***

***2 Article 21(3) to confirm that RiverOak’s time limit for exercising its compulsory acquisition powers are limited to one year after either the DCO comes into force or the outcome of any challenge, rather than one year after the DCO comes into force and immediately after the outcome of any challenge.***

*These Proposed Changes are unnecessary and unacceptable for the following reasons:*

***1 Article 9(1)(a) to amend the security figure at Article 9(1)(a) from £13.1 million to £6.2 million to reflect RiverOak’s acquisition of the main airport site prior to the making of the DCO:***

*2.1.A The proposed change in security from £13.1 to £6.2 million is unacceptable because it does not reflect the true situation in the real world.*

2.1.B Inflation is a continuous and ever-present factor in our economy. For example, CBRE, whose valuations were used by RiverOak Strategic Partners (RSP), estimated valuation of the airport site was originally £2.5 million (see: Page 28 of: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR020002/TR020002-003693-Stone%20Hill%20Park%20Ltd%20-%20Answers%20to%20ExA's%20Written%20Questions.pdf>), which became £7 million in 2019 when RSP submitted its noise mitigation plan & costs.

However in real life, RSP actually paid £16.5 million

Hence the the costs of Compulsory Purchase Orders for other areas of land are also likely to have gone up by more than six times, and in fact the costs per hectare are likely to have increased by a greater factor than that of the airport site because the transaction costs etc., of small areas are greater than for large areas.

2.1.C RSP states they have received a valuation from CBRE for the remaining land required, but this is not provided in any supporting documents, so there is no way of knowing if it is realistic, and also means that the Applicant's proposed amendments cannot be approved.

2.1 D There are also the cost of any compulsory acquisitions, which are not covered by the 'security figure'.

For example, the pipeline to Pegwell Bay, which could be particularly expensive if there are multiple landowners. If this is not funded, then this would increase the use of tankers, with a corresponding increase in noise and other pollution, adding to the reasons against approving the DCO.

2.1.E Similarly, the costs for noise mitigation will have increased, and would wipe out all the claimed reduction from £5.5 to £5.6 million (shown in: RSP's application, and TR020002/D5/ISH3: Applicant's Written Summary Case put Orally - Noise Hearing and associated appendices, dated 29 March 2019).

2.1.F Also, bearing in mind inflation in the last few years, the Bank of England's Inflation Calculator shows that £10 in 2019 is equivalent to £12.19 in June 2023. So the cost of the noise management plan will have risen to at least £6.8m, so the Security figure should be increased and **not decreased**.

2.1.G A further factor for noise mitigation is that planning applications for more bedrooms or more buildings in the area requiring noise mitigation, will have been approved in the years since the measurement of the data studied by RSP's noise consultant, Wood Environment and Infrastructure Solutions UK Ltd., and therefore more buildings will need protection.

For example, F/TH/21/1974 was granted on 31<sup>st</sup> March, 2022m which involved an extension creating three new flats on third and fourth floors, which will be more susceptible to noise because of their elevation, and will also be more costly to sound-proof because of their elevation.

2.1.H Furthermore, and even more significantly, the Examination Authority (ExA) was not convinced by RSP's claims, and used very clear and definite language to ensure that the security figure was NOT reduced, so that must remain the case.

The ExA 9.8.143 states: "*Having regard to all the above evidence, **the ExA concludes and recommends that, given the need seek to ensure that the sum specified in Article 9 is adequate to cover the potential cost related to CA, implementation relocation policy, and not withstanding that the sum required for noise insulation may have been reduced, the overall sum of £13.1m should not be changed in any final DCO to allow sufficient headroom for contingencies.***"

2.1.I This is particularly important because one of the reasons the ExA found which weighed against the Proposed Development was the enormous additional noise suffered by people in the area (see: ExA 11.2.10 ).

2.1.J A significant aspect relating to Noise are the Environmental Noise Regulations (ENR, see below), and these require noise levels to be assessed every five years and Noise Action Plans, **to reduce existing noise levels**, to be produced by the relevant authorities.

The most recent iteration began in 2017, but the Noise Information from that was not published until June 2019.

The Applicant's noise consultant, Wood Environment and Infrastructure Solutions UK Ltd, Report under-pinning RSP's claim to reduce Noise Mitigation Costs (<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR020002/TR020002-003785-Noise%20Summary%20and%20Appendices.pdf>) was dated March, 2019, so did not include the latest ENR data.

2.1.K Importantly the aims of the Action Plans created under the ENR, are to:  
avoid significant adverse impacts on health and quality of life;  
mitigate and minimise adverse impacts on health and quality of life; and  
where possible, contribute to the improvement of health and quality of life.

All of these objectives would be unachievable if sufficient funding is not made available by the the Applicant.

2.1.L For Manston the Road noise levels are shown in: “DEFRA Road Noise Map Manston area, published June 2019.png” (See below: **Addendum**, from: <https://environment.data.gov.uk/DefraDataDownload/?mapService=DEFRA/RoadNoiseLdenRound3&Mode=spatial> **with Screenshot for Manston area**), and, as might be expected, show significant noise levels surrounding the main roads. These levels are without an operational airport, of course, and Wood Figure 12.2.1 shows, for example, that the houses at the north end of Cliffs End will suffer both high aviation noise and high road noise, and therefore would require much greater noise mitigation, with potentially doubling of costs, if not more if they were to be 'bought out'.

2.1.M Roads come under the remit of Kent County Council, so some of that cost would be paid by them, but if the 'security figure' were to be reduced, then Kent County Council would receive less compensation, and would be unable to afford such costs.

*2.1.N Kent County Council and Thanet District Council, have carbon targets and health responsibilities, so it is very concerning that their compensation for Manston's land acquisitions could be reduced, as that would impact on their commitments to protect people from adverse impacts, as well as causing further problems of trying to provide effective public services within constrained budgets.*

**2 Article 21(3) to confirm that RiverOak's time limit for exercising its compulsory acquisition powers are limited to one year after either the DCO comes into force or the outcome of any challenge, rather than one year after the DCO comes into force and immediately after the outcome of any challenge:**

*2.2.A The wording of the Article 21(3) asks for compulsory acquisition powers "one year after either the DCO comes into force or the outcome of any challenge". This latter inclusion implies that if the outcome of the challenge is that they lose and the DCO is quashed then they seem to be seeking to still retain the compulsory acquisition powers for 1 year, irrespective of the DCO.*

*Surely, if the challenge is successful then the acquisition powers must also be quashed?*

*2.2.B I am very surprised and concerned that this has been proposed because the Development Consent Order (DCO) has has been approved twice, in July 2020, and again in August 2022 with the same wording, and so RSP has had plenty of time to seek amendment of Article 21(3) but has not done so.*

*2.2.C It would be unfair to everyone affected if it were to be changed now.*

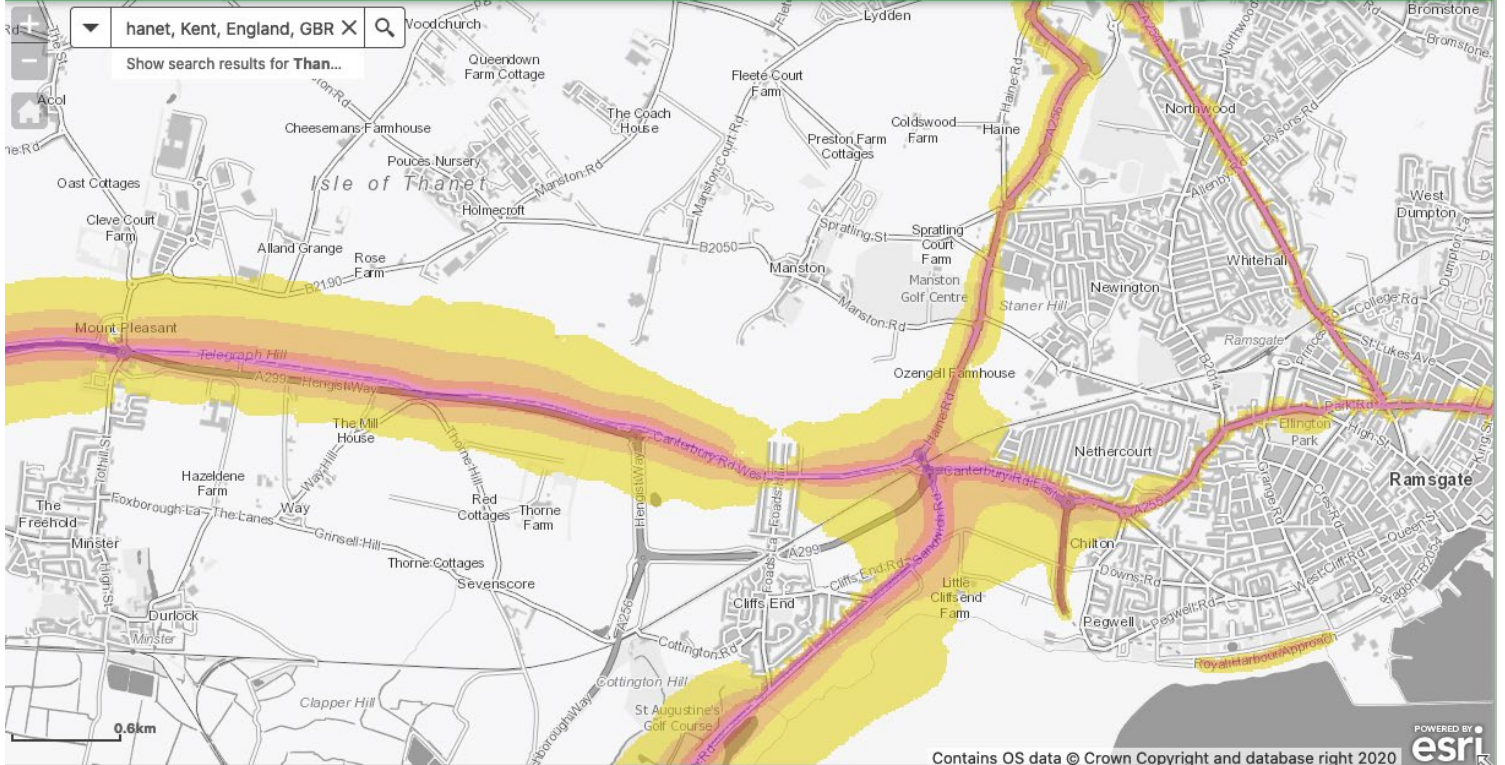
### **3 Conclusions**

**Proposed changes are 'Material' and are unacceptable, so the proposed Amendments must NOT be made.**

**ADDENDUM: Paragraph 2.1.L Screenshot from:**

***<https://environment.data.gov.uk/DefraDataDownload/?mapService=DEFRA/RoadNoiseLdenRound3&Mode=spatial>***

### Defra Spatial Data Download



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