



## Meeting note

<b>Status</b>	<b>Final</b>
<b>Author</b>	Kate Mignano
<b>Date</b>	16 September 2016
<b>Meeting with</b>	RiverOak Investment Corporation LLC
<b>Venue</b>	Temple Quay House
<b>Attendees</b>	<b>RiverOak Investment Corporation LLC</b> Tony Freudmann - RiverOak Niall Lawlor - RiverOak George Yerall - RiverOak Angus Walker - Bircham Dyson Bell Alex Hallatt - Bircham Dyson Bell Geoff Dewick - RPS Angela Schembri - RPS Richard Connelly - Osprey  <b>Planning Inspectorate</b> Susannah Guest - Infrastructure Planning Lead Richard Hunt – Senior EIA and Lands Rights Advisor Kate Mignano – Case Officer
<b>Meeting objectives</b>	Manston Airport Project Update Meeting
<b>Circulation</b>	All attendees

### Summary of key points discussed and advice given:

The developer was reminded of the Planning Inspectorate's openness policy that any advice given would be recorded and published on its website under s51 of the Planning Act 2008 (as amended by the Localism Act 2011) (PA2008) and that any advice given does not constitute legal advice upon which developers (or others) can rely.

Introductions were made by everyone present, and individual roles were explained.

### Project Update

A brief update on various aspects of the project programme was provided by the attendees.

### S53 request – rights of entry

It was noted that on 1 July 2016 RiverOak had made an application under s53 of the Planning Act 2008 for rights of entry to carry out a range of surveys and site investigations, which the Planning Inspectorate is processing. The Planning Inspectorate considers such application requests in accordance with its Advice Note 5: 'Section 53 - Rights of Entry': [https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/04/advice\\_note\\_5.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/04/advice_note_5.pdf)

It was noted that the Planning Inspectorate does not publish or provide information regarding a s53 authorisation request, until such a request has been determined.

### **Ongoing survey work**

The developer confirmed work was continuing around the key issues of noise and air quality via means of a desk top study. However, site surveys were not possible as agreement on an access licence had not been reached with the land owner to date. Progress on ecological survey work will be made if an agreement with the landowner is in place or if the developer receives a favorable s.53 decision.

### **Consultation**

Non-statutory consultation in the form of six public events has recently taken place. The developer gave a brief overview of the responses received. In response to queries from The Inspectorate raised from the consultation material, the developer explained its intention to produce a Press Release covering the outcomes of the recent non-statutory consultation events. This would confirm that responses would be taken into account in the future development of the developer's proposals.

The developer reflected on the recent events and noted that they hoped to hold future events in more local areas following feedback received. The Statement of Community Consultation has been drafted and the developer confirmed they will be sharing the draft with Thanet District Council and Kent County Council for comments.

The Inspectorate queried if RiverOak were aware of the concerns raised by some people in respect of the recent consultation, noting in particular the s51 advice issued via the Inspectorate's project website and a document prepared by No Night Flights. The Inspectorate suggested that referring to a subsequent 'formal' round of consultation as 'statutory consultation' might offer reassurance to those participating in the process that statutory process and expectations would be governing this round of consultation.

### **Civil Aviation Authority - Consultation and Priority Activities**

The airspace aspects of the project and the roles and responsibility of the Civil Aviation Authority (CAA) were discussed.

With regard to the CAA, the Secretary of State for Transport is answerable to Parliament for the performance of the CAA's functions. In relation to the Manston Airport project, the CAA's role would be in:

- Regulating civil aviation safety;
- Advising and assisting the Secretary of State on all civil aviation matters, including policy for the use of UK airspace so as to meet the needs of all

users, having regard for national security, economic and environmental factors, while maintaining a high standard of safety.

The developer explained that, to achieve this, the CAA would provide regulatory oversight for all aviation activities associated with the project including, but not limited to, its planning, construction and operation. Such regulations are either in accordance with EU Law (overseen by the European Aviation Safety Agency (EASA)) or UK Law (in the form of the UK Air Navigation Order 2016). The rigour with which the CAA apply these regulations was discussed. The developer considered that, due to their legislative basis, there would inevitably be duplication and overlap between the Development Consent Order (DCO) process and the application of CAA Regulations. For example, both require public consultation and environmental impact assessments as part of their application; although the CAA process is specifically focused on aviation aspects of the proposal. The developer sought to assure The Inspectorate that it would fully meet its regulatory responsibilities to both processes.

The developer described two specific priorities for CAA engagement. The first was the submission of an application for an EASA Aerodrome License; this would be in accordance with the comprehensive process outlined in CAA Publication (CAP) 168 (Licensing of Aerodromes); as it covers every aspect of airport operations the developer anticipated it may take up to 2 years to complete this process. The second was the establishment of procedures and airspace to support airport operations; this would be in accordance with CAP 725 (Airspace Change Process) and may take 18 months to complete. The developer explained that the initial stages of these processes should be implemented now so as to inform the Airport Master Plan and DCO submission.

The developer explained that the statutory consultation for the DCO process was expected to be in Q1 2017; formal consultation with the CAA on the Aerodrome Licensing and Airspace Change submissions was then expected to begin once the DCO application had been accepted to progress to examination. It was noted that careful correlation between CAAs processes, and those of the DCO, would be required.

### **Public Inquiry under the Town and Country Planning Act 1990**

The current owners of the site have lodged four appeals with the Inspectorate, for change of use on the Manston Airport site for the 'Stone Hill Park' development. A public inquiry is due to take place in November 2016 to determine these appeals.

### **Other Planning Matters**

A planning application has been submitted to Dover District Council for a 300m Telecommunications mast. If this application was granted it would have implications for the Manston Airport application. The developer will update the Inspectorate once the application has been decided by Dover District Council.

### **Environmental Impact Assessment (EIA)**

The Inspectorate informed the developer that due to an administrative error three statutory consultees were inadvertently missed during Scoping Consultation. The Inspectorate has now consulted with those affected, namely; Natural England, the Health and Safety Executive and Thanet Clinical Commissioning Group. A response has since been received from Natural England and several late responses received

from other statutory consultees; all are now published on the Planning Inspectorate website. All relevant statutory consultees have been included in the EIA Regulation 9 list which has been supplied to the developer with the Secretary of State's Scoping Opinion.

The developer confirmed engagement with statutory consultees is continuing and work with Natural England on an evidence plan is ongoing. Preliminary Environmental Information will be dependent on the information available at the time of statutory consultation.

### **Draft Documents**

The developer was considering the powers of the DCO and how certain aspects of the scheme could be delivered. The Inspectorate explained the level of detail required for the DCO requirements in relation to the Construction Management Plan and that all aspects to be secured through the DCO should be covered sufficiently in the requirements.

The Inspectorate queried which elements of the proposals outlined in the consultation material would be part of, or secured through, any subsequent development consent order noting in particular elements related to future passenger flights and elements such as a shuttle bus. The developer also noted the relevance of national and local policy.