



TR020002: Manston Airport

Application review

This document consolidates the Planning Inspectorate's observations and advice to RiverOak Strategic Partners (RSP) in respect of the content of the following application documents submitted on 10 April 2018:

- 1.** Environmental Statement.
- 2.** Funding Statement.
- 3.** Consultation Report.
- 4.** Heritage Designations Plans/ Environmental Features Plans.

This document should be read in conjunction with the note of the meeting held between the Planning Inspectorate and RSP on 11 May 2018.

The commentary included in this document comprises advice issued by the Planning Inspectorate under section 51 of the Planning Act 2008. It does not constitute legal advice upon which RSP (or others) should rely.



1. Environmental Statement

Ref	Issue	Implications for the assessment	Implications for mitigation
Ecology			
Environmental Statement (ES) Vol 1, para 7.3.9, 7.3.12, 7.4.13 – 7.4.19, Table 7.7, Table 7.8, & sections 7.13 & 7.14 Appendix 7.6	<p>No breeding bird survey for the main airport site.</p> <p>ES Vol 1 states that there is no evidence of nesting barn owls although it identifies buildings B11 & B52 as having potential to support them. Appendix 7.6 actually records a temporary rest site in building B45 & occasionally used roost sites within buildings B11 & B52. Unable to fully check buildings B11, B52, B14, B15, B21, B22, B23, B37, B38, B46 & B47.</p> <p>ES paragraph 7.13.5 highlights that up to 20 pairs of grey partridge may be present on site but is unclear whether the value of the replacement ground nesting bird habitat discussed provides compensation for the lost habitat.</p>	<p>Creates uncertainty as to the validity of the findings in the assessment.</p> <p>In particular there are assumptions made with respect to anticipated species present and population sizes in the worst case scenario which have not been explained or substantiated.</p>	<p>The findings of the assessment rely on off-site compensation with specific habitats for farmland birds.</p> <p>The unsubstantiated assumptions about species/population size make it unclear whether the proposed compensation is adequate. Potential under-estimate of compensation required.</p>
ES Vol 1, para Table 7.4, 7.3.9, 7.3.12, Table 7.3, 7.4.8 – 7.4.12, Table 7.7, Table 7.8, & section 7.11 Appendix 7.6	<p>Limited bat surveys including information regarding day/night/maternity roosts or bat activity in spring/summer months.</p> <p>Inconsistency in the value/sensitivity assigned to different bat species. Table 7.16 identifies Leisler's bat as being of medium-high conservation significance but para 7.11.30 says they are of medium-low conservation status. Daubenton's, Natterer's, whiskered and Brandt's bat species are classed as of medium conservation significance but para 7.11.30 states they are of medium-low conservation status.</p>	<p>Creates uncertainty as to the validity of the findings in the assessment.</p> <p>In particular there are notable inconsistencies between text in Table 7.16 and the main text in the ES. This inconsistency creates uncertainty about how the conservation status of potential bat roosts has been assessed</p>	<p>Compensation (described as mitigation) is proposed based on the uncertain findings in the assessment and delivery relies on obtaining a European Protected Species licence from Natural England (NE). The compensation would include replacement roosts (built structures and bat boxes to replace any lost</p>



		and whether the worst case scenario adopted for the assessment can be substantiated.	<p>tree roosts). The design of a summer roost building will be for low-moderate numbers of bats targeting common pipistrelle, soprano pipistrelle & brown long-eared bats. A winter roost building is to be designed for brown long-eared, <i>Myotis</i> sp (Daubenton's, Natterer's, whiskered & Brandt's bat).</p> <p>The design of the proposed compensation is limited towards the select species where there is evidence of possible presence. It is uncertain whether the replacement roosts would address impacts for the other species which the ES suggests could potentially be present (Nathusius pipistrelle, noctule, Leisler's bat & serotine).</p> <p>The ES does not provide confidence that that replacement roosts would be effective in this regard.</p>
ES Vol 1, particularly	Limited invertebrate survey	Creates uncertainty as to the findings of the	On site mitigation is likely to be appropriate but the lack



para Table 7.4, 7.3.9, 7.3.12, 7.4.29, Table 7.7, Table 7.8, & section 7.16 Appendix 7.7		assessment. In particular there are assumptions made with respect to anticipated species present and population sizes in the worst case scenario which have not been explained or substantiated. In particular whether there is potential for rarer species to present.	of detail on species present/population size reduces confidence that compensation would be effective and is a sufficient estimate of what it required.
ES Vol 1, particularly para 7.3.9, 7.3.12, Table 7.4, 7.3.12, 7.4.24 – 7.4.25, Table 7.7, Table 7.8 & section 7.12 Appendix 7.6	No reptile survey for 4ha of suitable reptile habitat (which constitutes a small area of the site as a whole but has good potential). Appendix 7.6 states that the reptile survey methodology follows the guidance in Froglife Advice Sheet 10. Survey carried out is less extensive than is recommended as good practice. The surveyors made the minimum number of visit recommended by the guidance in one of the 'best' months for reptile survey but good practice would be to undertake visits from April – October rather than relying on one month's survey.	Creates uncertainty as to the findings of the assessment. The majority of the site area has been covered by the survey and only one observation of a reptile was made during other surveys but there remains uncertainty regarding the population size.	On site mitigation is likely to be appropriate but there remains some uncertainty about population size. This reduces confidence in the efficacy of the proposed compensation which relies on the ability to translocate species to land parcel 1362 (although previous survey results suggest this is a fairly low risk). It is possible that there is an under-estimate of the compensation required.
ES Vol 1, particularly Table 7.3, para 7.3.9, Table	No detailed botanical surveys for habitats of greater ecological value. Consideration of effects in ES Vol 1 identifies potential habitat	Creates uncertainty as to the findings of the assessment.	Uncertainty about adequacy of compensation proposals as unclear what is being



7.4, 7.3.12, 7.4.2 – 7.4.7, Table 7.7, Table 7.8 & section 7.10	loss of lowland grassland but does not discuss this further and only considers air quality effects.	Assessment only deals with air quality effects and not direct habitat loss so there is uncertainty about how much (if any) good quality habitat would be lost.	compensated for.
Construction Environmental Management Plan (CEMP)	Draft habitat management plan is not provided and timing of offsite habitat creation is unclear.	n/a	Uncertainty regarding robustness, scope and certainty of mitigation proposals.
ES Volume 6 Appendix 7.1: Information to Inform a Habitats Regulations Assessment			
n/a	<p>C-323/17 – People Over Wind, Peter Sweetman v Coillte Teoranta. Judgement of 12 April 2018.</p> <p>The judgement concerns the stage at which mitigation measures should be taken into account when undertaking an assessment under The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The Applicant should consider the implications of this judgement for the Information to Inform a Habitats Regulations Assessment (HRA) to be submitted.</p>	n/a	n/a
CEMP and ES Volume 6 Appendix 7.1	Attenuation pond construction is not until construction stage 3 – in light of the importance of this mitigation for control of effects on water quality in Pegwell Bay, the phasing of this mitigation is questioned. In particular, since the HRA places reliance on this mitigation for screening (Footnote 8 of Appendix 7.1).	<p>Creates uncertainty as to the findings of the assessment.</p> <p>The screening relies upon mitigation that will not be delivered until later project stages.</p>	Uncertainty regarding deliverability of the initial mitigation proposals upon which the assessment is based.



Table 3.2	The screening assessment does not consider the Thanet Coast and Sandwich Bay Ramsar Site objective 'maintain or restore the supporting processes on which the habitats of the qualifying features rely'. In addition, the dune features identified in the Sandwich Bay SAC have been described as a single feature in the screening assessment in Table 3.2. This is not consistent with advice note 10 approach to preparation of matrices.	n/a	n/a
Section 1.3; Table 3.1; Appendix C, Tables C1 and C2.	The text explains the consultation with NE which has been undertaken to date. Commentary on discussions with NE is included in Table 3.1 and in Appendix C. Tables C.1 and C.2 summarise responses to NE comments at scoping and as part of the Preliminary Environmental Information (PEI) consultation respectively. Line two of the table relating to the need to discuss the derivation of the NOx target for protected conservation areas is described as 'to be confirmed' – this is assumed to be an error and requires clarification. Similarly a number of comments boxes in Table C.1 imply that further consultation is to occur following PEIR consultation but is not reported. Cross references are to whole documents rather than specific, relevant sections of application documents.	n/a	n/a
Table E1	The table identifies projects progressed to Appropriate Assessment and includes Thanet Coast SAC as a potential site but this is not mentioned in subsequent tables or in the text of the report and is noted to be screened out from further assessment in Table 3.2 of Appendix 7.1. It is therefore assumed to be a typographical error.	n/a	n/a
Historic environment			



ES Paragraph 9.1.5; 9.8.7; 9.8.10; ES Table 9.1; Vol 8-2 Appendix 9.1 section 6.1.3	<p>ES paragraph 9.1.5 States that the Northern Grass area, as shown in Figure 3.1 of the ES (Document 5.2-4) has not been subject to intrusive investigation and as such an archaeological written scheme of investigation (WSI) will be prepared. This has been flagged as a potential concern by Kent County Council and Historic England in consultation responses to PEIR2.</p> <p>ES Paragraph 9.8.7 suggests that archaeology is likely to be present in 'relatively limited areas' however this appears to be inconsistent with the identification of a ring ditch enclosure and trackway in the northern grass area; Table 9.16 assessment of significance, which suggests further investigation 'especially in the Northern Grass area'; and the statement in Vol 8 Appendix 9.1 paragraph 6.1.3 which suggests that there is high potential for remains of all periods at the site.</p> <p>ES Table 9.9 suggests that 'harm' is assessed in Appendix 9.1, however no assessment is provided for buried archaeological remains.</p> <p>A worst case assessment has been adopted however the wording in paragraph 9.8.10 is considered to be unsatisfactory in that it highlights the requirements for mitigation if significant heritage assets were present but then concludes that the degree of flexibility required to incorporate such mitigation cannot be included in the draft Development Consent Order (DCO).</p>	<p>Creates uncertainty as to the findings of the assessment.</p> <p>No assessment of harm for buried archaeological remains.</p> <p>Assessment of significance potentially undervalues features that may be present.</p>	<p>Worst case assessment mitigation proposals are undermined in para 9.8.10 and draft DCO lacks certainty as to the mitigation proposed to address worst case effects.</p>
Land quality			
ES Paragraph 10.1.4	States that no intrusive investigations have been undertaken for any part of the site in respect of land quality and that these	Creates uncertainty as to the findings of the	Uncertainty regarding mitigation outlined below makes it unclear whether



	are to be undertaken at a later date.	assessment. In light of uncertainties regarding mitigation (see below), it is unclear whether the worst case assessment may be relied on.	assessment of significant effects may be relied on.
ES paragraph 10.9.3; CEMP Table 5.3 and Draft DCO Schedule 1 and 2, Requirements 6 and 15	Measures to reduce effects on groundwater: Restrictions are placed on deep boreholes and piling. Restrictions on deep boreholes are secured by the CEMP requirement 6; and for piling are secured by requirement 15 but the DCO works outlined in section d) of Schedule 1 include various activities that could have an impact on ground water (e.g. shafts, foundations, retaining walls, ditches). Western adit works 'may be restricted' (CEMP Table 5.3) but this is not confirmed. Pesticides are restricted to hardstanding areas but it is not uncommon to spray for leatherjackets in grass areas.	Creates uncertainty as to the findings of the assessment. Unclear whether scope of construction/operational works could give rise to additional effects not assessed or currently controlled through CEMP.	In light of the sensitive nature of the aquifer beneath the site, a specific requirement could be considered in relation to groundwater protection.
Noise and vibration			
ES paragraph 12.4.13; CEMP paragraph 3.2.3	The noise and vibration assessment is not consistent with the methodological approach proposed at Scoping stage. The assessment of construction noise effects using the ABC method has not provided a separate evening period noise assessment. Con 2 – 4 include possible evening and night working. In addition, since a 16 hour day has been used but a 10 hour working day is proposed, the assessment may under represent sound levels.	Creates uncertainty as to the findings of the assessment. The initial construction phase, assumes a day time only working pattern, which means that the method is broadly consistent, however the later stages of construction works	The assessment may under represent noise impacts and therefore the level of mitigation required, particularly in areas local to the airport.



		include evening and night working. Therefore additional evening assessment is required. The assumptions applied to the assessment reduce confidence in the findings of the assessment.	
ES section 12.7	<p>This section assumes that category C is SOAEL and significant, without considering whether A or B criteria might be more appropriate based on background noise levels.</p> <p>Scoping para 11.7.14 states that In accordance with the methodology set out by Annex E of BS5228-1:2009+A1:2014, a potential significant effect is indicated if the LAeq, T noise level arising from construction exceeds the threshold value for the category appropriate to the ambient noise level.</p> <p>A potential significant effect may <u>also</u> occur if the ambient noise level exceeds the Category C threshold values</p>	<p>Creates uncertainty as to the findings of the assessment.</p> <p>Reliance on category C only as the threshold of significance means that the threshold of significance is potentially set too high.</p>	Potential for unidentified significant effects that may require mitigation.
Table 12.6; ES paragraph 3.2.1	<p>Road traffic noise is assessed on a 16 hour basis, whereas construction hours assume a 10 hour working day.</p> <p>Appendix F 2.5.2 method</p>	<p>Creates uncertainty as to the findings of the assessment.</p> <p>Potential underestimate of construction road traffic noise effect.</p>	Potential underestimate of mitigation requirements.
ES paragraphs 12.7.33 and 12.7.72; Appendix 3.3 ES para 12.7.3	<p>There are apparent minor inconsistencies stated, such as ATMs are 79 at year 20 in ES paragraph 12.7.33 and 72 ATM at year 20 in paragraph 12.7.35. It is unclear whether the 'busy day' includes 7 night flights to make a total of 79 ATM and Appendix 3.3 appears to imply total ATM 26469 (= 72.5 ATM</p>	Clarification required.	Clarification required.



and 12.2.19 and Table 3.1	over a 365 day year). (12.7.3) Year 0 = 2020 but (12.2.19) Year 2 = 2021 (Table 3.1) Yr 3 = 2021		
ES paragraphs 12.6.69 and 15.8.7; Appendix 15.1	The noise and vibration assessment focuses on an upper threshold of 80 dB L_{ASmax} and 18 movements for significant effects whereas the ES Main Text Chapter 15 paragraph 15.8.7 appears to rely on the 60dB L_{ASmax} criteria for an assessment of significant effects on health, consistent with the WHO Community Noise Guidelines. The two chapters therefore appear inconsistent. The noise and vibration chapter does not report the numbers of properties exceeding 60dB L_{ASmax} . Reliance is placed on Basner et. al. 'Aircraft noise effects on sleep: Application of the results of a large polysomnographic field study' 2006 – this report is not publicly available and not supplied as part of the ES.	Creates uncertainty as to the findings of the assessment. 80 dB L_{ASmax} was set out at scoping as a proposed threshold of significance but 60dB L_{ASmax} was also discussed as a potential threshold for adverse effects to arise. There is limited discussion regarding the lower threshold, meaning that the full scope of effects is unclear. Since the maximum night time aircraft movements are 18 the 80dB/18 movements criteria has limited value and potentially does not reflect the worst case that may occur at a lower value of L_{ASmax} given the predicted number of night flights.	Use of the higher L_{ASmax} threshold may underestimate mitigation requirements.



ES paragraphs 12.2.4, 12.5.14-12.5.16; 12.7.75	<p>Operational noise is not assessed as there is currently no design information. Contrary to the scoping report which states that "<i>For fixed or static noise sources such as building services plant, an effects assessment will be undertaken through comparison of a sound rating level and background sound level in accordance with the assessment framework set out in BS4142:2014.</i>"</p> <p>The assessment assumes that BS4142 will be applied to future development, whereas scoping para 11.7.26 suggests that an assessment will be undertaken. A future assessment would potentially be against a moving baseline therefore it may be inappropriate to simply rely on the relative increase above background to assess effects/noise impacts at a later stage. Effects are considered unlikely with limited justification.</p>	Creates uncertainty as to the findings of the assessment and the assumption of a worst case assessment in the absence of any secured fixed baseline level for future assessments.	Potential underestimate of mitigation requirements.
ES paragraph 12.7.35; ES paragraph 12.7.39	<p>It is assumed that there would be an even distribution of flights throughout the day and night but there is limited justification for this assumption.</p> <p>Similarly it is assumed that the 'average summer's day' flight pattern is not relevant and a typical busy day' is used instead. Limited justification is provided for this approach.</p>	<p>Creates uncertainty as to the findings of the assessment.</p> <p>In particular there are assumptions made regarding the distribution of morning and evening flights and the established typical busy day used for the assessment. These assumptions may not be representative and require further justification in the ES.</p>	Potential underestimate of mitigation requirements.
ES paragraph	Hoardings are proposed to be provided where	Creates uncertainty as to	Clarification required.



12.5.3	'reasonable/practical'. There is no definition of the circumstances in which hoarding would be used or who would decide whether the measures would be reasonable or practical.	the findings of the assessment.	
Transport assessment			
Transport Assessment	The transport assessment is not based on the Kent County Council (KCC) strategic transport model which KCC suggests was available to the Applicant.	Potential inconsistency between the modelled extents of effects.	Potential inconsistency in the extent of mitigation required.
CEMP and Register of environmental actions and commitments			
CEMP, draft DCO works no 20, ES chapter 3	Uncertainty regarding mitigation measures: Museums described variously as retained, 'potentially enhanced' new or improved maintained, renewed within listed documents.	Creates uncertainty as to the findings of the assessment. Unclear how proposal mitigates impact on museum facility and the level of any gain.	Clarification required.
CEMP section 4.3	References a Pollution Incident Control Plan. There is no PICP listed in Table 1.1, although there is a spill environmental response plan. It is unclear whether these are intended to be the same documents.	n/a	n/a
Register of environmental actions and commitments	Detail lacking in relation to certain mitigation measures: <ul style="list-style-type: none">• A ban on older 'dirtier' aircraft, without definition of a 'dirty aircraft'.• Environmental monitoring – lacks detail regarding scope and frequency.	n/a	Lack of clarity regarding proposed mitigation.



	<ul style="list-style-type: none">• Use of 'low polluting' de-icer, without definition of what constitutes a low polluting de-icer.• Limitations on engine testing to control noise but not stating what the limitations are.• Tree species are 'likely' to be native and non-berrying.		
Register of environmental actions and commitments and CEMP	Both documents mix construction and operational controls.	n/a	Query whether CEMP controls are limited to construction only by the draft DCO, meaning that operational controls potentially fall outside of the scope of the draft DCO.
General			
Vol 4 ES figure 3.6, ES para 3.3.94, draft DCO	Discrepancy in stated area of northern grassland: Figure 3.6 – 106,125 sq m ES para 3.3.94 – 105,100 sq m Draft DCO Schedule 1 – 116,000 sq m	Creates uncertainty as to the findings of the assessment. The ES assumes lower development area than consented.	Uncertainty that the scope of mitigation is sufficient.
ES section 1.4 and 3.3. ES para 3.3.16	Total number of stands inconsistently described. Sections 1.4 and 3.3 19 cargo stands ES para 12.7.36 19 cargo stands and 4 passenger stands.	Creates uncertainty as to the findings of the assessment. There is a potential inconsistency in the description of the number of stands being assessed.	Uncertainty in worst case creates uncertainty in the mitigation required.



Draft DCO	Reference to Conservation Regulations 2010	n/a	n/a
ES Table 6.40	Significance of effects in relation to the impact of nutrient nitrogen deposition and annual mean NO _x on ecological receptors is not yet been established. However, a conclusion is actually provided in Chapter 7.	Clarification required.	Clarification required.

2. Funding Statement

RSP may wish to provide further information within the Funding Statement, for example:

- Information in respect of the RSP's accounts.
- Evidence to support various statements, such as:
 - "*The investors are willing to underwrite the cost of any blight claims or eventual claims in compensation [...]*" Funding Statement, para 10
 - "*RiverOak anticipates that it will raise further equity and debt finance following the making of the DCO in order to develop the authorised development to completion*" Funding Statement, para 11
 - "*[RiverOak] have drawn down £500,000 from their investors*" Funding Statement, para 20
- Information about RSP's investors, including proof of their assets.
- Details of the RSP's Directors, staff, auditors etc.

At the 11 May 2018 meeting, the Planning Inspectorate offered to provide examples of Funding Statements associated with previous applications that had been found to be of a satisfactory standard at the Acceptance stage. The examples provided are:

- Wrexham Gas Fired Power Station: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010055/EN010055-000699-4.2%20WEC%20Funding%20Statement.pdf>



- Meaford Energy Centre: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010064/EN010064-000159-4.2%20MEC%20Funding%20Statement.pdf>

3. Consultation Report

Section 42(1)(a) – 2017 Consultation

The Planning Inspectorate identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that, on the basis of the information provided, were not consulted by the Applicant under s42:

- Energetics Gas Ltd.
- Energy Assets Networks Ltd.
- Energy Assets Power Networks.
- Fulcrum Electricity Assets Limited.
- G2 Energy INDO Ltd.
- Murphy Power Distribution Ltd.
- Vattenfall Networks Ltd.

The Applicant's Consultation Report did not explain why the bodies identified above have not been consulted. However, it is noted that the licences held by these bodies cover Great Britain and the operational areas of each are not clear from information in the public domain.

Section 42(1)(a) – 2018 Consultation

The Planning Inspectorate identified the following parties based on a precautionary interpretation of the APFP Regulations that were not consulted by the Applicant under s42:

- Energy Assets Networks Ltd.
- Vattenfall Networks Ltd.



The Applicant's Consultation Report did not explain why the bodies identified above had not been consulted. However, it is noted that the licences held by these bodies cover Great Britain and the operational areas of each are not clear from information in the public domain.

In respect of the omitted consultation bodies identified above, given the individual circumstances of this case, and taking a precautionary approach to ensure that all persons potentially affected by, or potentially likely to have an interest in the application, are given the opportunity to participate fully in the examination of the application, the Planning Inspectorate would advise the Applicant that in the event that an application is accepted, it may wish to include the above bodies amongst those on whom they serve notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

Section 47 – 2017 Consultation

Although it appears that the consultation carried out was in line with most of the commitments set out in the Statement of Community Consultation (SoCC), the following discrepancy is noted:

The SoCC states that the consultation and events would be advertised in the following publications two weeks before the first week of consultation:

- Isle of Thanet Gazette.
- Folkstone Herald.
- Dover Express.
- Canterbury Times.

However, the Local Media and Publicity Report provided at Appendix 25 of the Consultation Report Appendices stated that the consultation was only advertised in the following newspapers:

- Canterbury Times (7 and 14 June 2017).
- Thanet Gazette (8 and 15 June 2017).
- Herald & Express [sic] (9 and 16 June 2017).



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It is also noted that, based on the information provided by the Applicant, the above advertisements did not appear to have been published two weeks before the first week of consultation (12 June 2017), as established in the SoCC.

In addition, the following supporting documents to evidence how the consultation was carried out in line with the SoCC were not provided:

- A plan to show how residential and business addresses within 2km of the airport had been sent a leaflet and feedback form (the plan which purports to show this information, provided in Appendix 13 of the Consultation Report Appendices, is a site location plan) (paragraph 5.1 of the SoCC).
- A complete set of newspaper clippings to evidence the publicity of the consultation events (para 5.1 of the SoCC).
- Copies of emails sent to those who previously expressed an interest (5.1 of the SoCC).
- Letters/ emails to elected representatives, MPs, MEPs, councillors, local community groups and organisations (5.1 of the SoCC).
- Evidence of Facebook or Twitter posts providing updates on the consultation (5.1 of the SoCC).
- Specific information and evidence of each consultation event that was held (8.1 of the SoCC).
- Samples of the letters sent to the list of community groups/ organisations identified at Appendix 1 of the SoCC (10.2 of the SoCC).

Section 47 – 2018 Consultation

Table 11.2 of the Consultation Report stated that the 2018 SoCC notice was first published on 3 January 2018; however, this was not been evidenced through the clippings provided at Appendix 47 of the Consultation Report Appendices.

It is noted Canterbury City Council's (CCC) Adequacy of Consultation Representation stated that CCC responded to the Applicant's consultation on the draft SoCC. However, there was no evidence of this response or whether the Applicant had regard to its content within the Consultation Report.

Clippings of the published advertisements provided at Appendix 47 of the Consultation Report Appendices only confirmed publication in some of the newspapers listed in Table 11.2 of the Consultation Report. On the basis of the information provided, the Applicant did not provide clippings demonstrating the published advertisement in:



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- East Kent Mercury – Wednesday 3 January 2018;
- Isle of Thanet Gazette – Friday 5 and 12 January 2018; and
- London Gazette – Thursday 4 January 2018.

The Applicant set out at Appendix 49 of the Consultation Report Appendices how the activities had been carried out and how the commitments in the SoCC had been met.

The SoCC states that the consultation and events would be advertised in the following publications two weeks before the first week of consultation:

- East Kent Mercury.
- Dover Mercury.
- Canterbury Gazette.
- Herne Bay Gazette.
- Whitstable Gazette.
- Faversham News.
- Thanet Gazette.

However, the Local Media and Publicity Report provided at Appendix 52 of the Consultation Report Appendices stated that the consultation was only advertised in the following newspapers:

- Dover Express (11 and 18 January 2018).
- Kentish Gazette (11 and 18 January 2018).
- Thanet Gazette (12 and 19 January 2018).

It is also noted that, based on the information provided by the Applicant, the above advertisements did not appear to have been published two weeks before the first week of consultation (12 January 2018), as established in the SoCC.



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In addition the following supporting documents to evidence how the consultation was carried out in line with the SoCC were not provided:

- A complete set of newspaper clippings to evidence the publicity of the consultation events (para 5.1 of the SoCC).
- Copies of emails sent to those who previously expressed an interest (5.1 of the SoCC).
- Letters/ emails to elected representatives, MPs, MEPs, councillors, local community groups and organisations (5.1 of the SoCC).
- Evidence of Facebook or Twitter posts providing updates on the consultation (5.1 of the SoCC).
- Specific information and evidence for each consultation event that was held (7.1 of the SoCC).
- Stock letters to the list of community groups/ organisations identified at Appendix 1 of the SoCC (10.2 of the SoCC).

Section 48 – 2018 Consultation

A copy of the s48 notice text was provided at Appendix 33 of Consultation Report Appendices. Clippings of the published s48 notices were provided at Appendix 47 of the Consultation Report Appendices, but did not confirm publication in the following newspapers:

- East Kent Mercury – Wednesday 3 January 2018;
- Isle of Thanet Gazette – Friday 5 and 12 January 2018; and
- London Gazette – Thursday 4 January 2018.

Section 50

There was no specific explanation provided within the Consultation Report as to how the Applicant had had regard to 'Planning Act 2008: Application form guidance'.

4. Heritage Designations Plans/ Environmental Features Plans

Revision number(s) were not stated on the Habitats of Protected Species Plans.



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Revision number(s) were not stated on the Environmental Features Plans and Heritage Designation Plans.

The following plans identified on the key plan for Heritage Designation Plans were not provided:

- Inset 2B; and
- Inset 3A.