



Meeting note

Project name	Manston Airport
File reference	TR020002
Status	Final
Author	The Planning Inspectorate
Date	22 June 2018
Meeting with	RiverOak Strategic Partners
Venue	Offices of the Planning Inspectorate
Meeting objectives	Draft document feedback and project update meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

The Inspectorate advised that as the project had returned to the Pre-application stage, the meeting would be handled in the same way as a draft document feedback meeting albeit that the nature of the discussion would reflect the more detailed nature of the information shared with the Inspectorate.

Feedback on the draft NSIP justification document

The Inspectorate noted elements of updating through the Nationally Significant Infrastructure Project (NSIP) justification document and in particular a helpful new table. It was noted that some further descriptions in respect of each element listed in that table were included in the narrative of paragraphs 13 to 14. However, the Inspectorate sought more detail in respect of a clear description of each element detailing why it would constitute development within the meaning of PA2008 (s32), details could include for example size, permanence, nature of building/ engineering works.

It was noted that references were made to requiring 'masts' for some of the elements listed but no further information provided in respect of, for example, likely size/height. In reference to the Air Traffic Control Tower, the document notes that the previously used Tower was installed as a temporary solution; no further detail is provided about what the new air traffic control facility would be that would require planning permission. RSP noted the comments and considered that it would be possible to provide further information on these points.

The Inspectorate also noted that, in respect of s23 of PA2008, it was seeking satisfactory evidence to show that airport-related development (being in this case claimed to be an alteration that would have the effect of increasing air transport movements (ATMs) by 10,000) is *development* in accordance with sections 23 and 32 of the PA2008. The

discussion noted that currently the Applicant cited the provision of additional cargo stands as the alteration that would have the effect of increasing ATM by 10,000. The Applicant considered that additional material could be added to the NSIP justification document to address this point.

Draft Funding Statement

Again the Inspectorate noted the amendments to the document; however the advice from the previous meeting was reiterated in terms of providing evidence-based assurance that adequate funds would be available to enable Compulsory Acquisition (CA) of land and rights within the relevant time period. The Applicant advised that some additional reassurance could be appended to the Funding Statement for submission.

The Inspectorate noted the substantial risk to examination should material not be submitted, or not be made available to the examination process (which was based on the principles of making material publicly available). Should the appointed Examining Authority (ExA) not be satisfied that sufficient funds are available to enable CA and compensation or that funding vulnerabilities may call into question the delivery of the project as a whole, they could recommend accordingly to the Secretary of State. If the Secretary of State then determined not to make the DCO and therefore the associated CA powers, the Applicant could be open to cost applications.

The Inspectorate advised that in order to minimise the risk at the Acceptance stage, the Applicant could:

- provide the letter substantiating the comments in paragraph 13;
- provide a consistent and clear definition of 'completion of the DCO';
- clarify terms such as 'RiverOak's Principals'; and
- explain what other documents/ processes referred to are being used as evidence for, and whether the intention is that they could be submitted to the Examination if requested.

The Applicant noted that there are often significant commercial sensitivities around funding arrangements and partnership agreements on such large infrastructure projects. The Applicant was keen to demonstrate the availability and credibility of funding mechanisms whilst being cautious to only release into the public domain such documents as were necessary at a suitable time in the process so as not to prejudice its on-going relationships with funding partners.

Environmental Information

See comments in the table provided at **Annex A**.

Project update and anticipated programme

The Applicant confirmed that it would be updating certain documents in light of the above feedback. The Applicant enquired whether the Inspectorate would require a full suite of hard copy documents for a re-submitted application.

The Inspectorate requested the Applicant to prepare a list that set out the status of all the documents in the application and whether they had been subject to change, however

minor. The Inspectorate advised that it required an electronic version of the full suite of application documents that would constitute the new application. To avoid unnecessary waste, it was agreed that two hard copies of only those documents that had been superseded would be required to be submitted. The Inspectorate would undertake a full check on receipt of an application.

The Applicant provided a brief update on its position regarding a s53 application.

Specific decisions/ follow-up required?

The following actions were agreed:

- The Applicant to provide an anticipated submission date when known.

Annex A

Ecology

The Inspectorate acknowledged that work had been done to address concerns previously expressed in respect of Biodiversity.

Figure 2.1 and 2.2 are not included within Appendix 7.13 these would assist understanding of the habitat creation and management provision in particular for bats.

The Applicant stated that the figures would be provided.

A table detailing the potential species present and their habitat requirements would significantly aid interpretation, including the area/type of retained habitats and newly created habitats in respect of those species.

The Applicant stated that a table would be prepared to clarify this position.

It is not clear how the management of the biodiversity area described in Appendix 7.13 will be constrained by the requirement to minimise bird-strike risk (for example, reference is made to a 'long grass policy' in this document and the ES however no detail is supplied).

The Applicant stated that revised wording would be prepared.

It would be useful to understand the risk of the estimated worse-case being exceeded and the implications for the proposed mitigation/habitat creation (ie to understand if any contingency for augmented mitigation over the current proposals has been allowed for).

The Applicant queried what additional information was required to demonstrate that the worst case was robust. The Inspectorate stated that a qualitative description of the likelihood of the worst case being exceeded would assist understanding.

The Inspectorate noted that the ES would benefit from providing details of discussions with Natural England and/or the local authority ecologist regarding the methodological approach.

The Applicant noted that it was moving towards a Statement of Common Ground but that this would not be finalised until after resubmission.

Historic Environment

ES Table 9.9 continues to suggest that 'harm' is assessed in Appendix 9.1. As Appendix 9.1 has not been updated there is still no assessment provided for buried archaeological remains.

The Applicant agreed that the revised appendix could be provided.

Land Quality

Revised drafting in the CEMP Table 5.3 states that Western adit works “will be potentially restricted”, which does not provide further clarity regarding the mechanisms to prevent intrusive works impact on groundwater quality.

The Applicant suggested that additional wording could be provided to clarify the protections for groundwater in respect of intrusive works.

Noise and vibration

The Inspectorate welcomes the provision of the evening noise assessment provided. However the construction noise assessments disaggregate noise from different sources and do not appear to provide an assessment of additive noise effects. The combined effect of the various construction and operational noise sources should be provided to represent the worst case.

The Applicant stated that this had been addressed but that additional description or sign-posting could be provided.

The evening construction noise assessment uses both category A and category B thresholds for the assessment of noise effects. It is not clear how the assigned category relates to the representative background noise levels in Table 12.2 and Table 12.3.

The revised text retains the position that only levels above SOAEL are significant. Therefore exceedence of Category A and B effects are not significant even if they are the applicable categories and exceeded. This conflates significance in EIA terms with significance in policy terms. The ABC method allows for significant effects above each of the thresholds not just Category C.

The Applicant acknowledged the point but suggested that in their view the methodology and assessment of significant effects had been appropriately assessed.

The Inspectorate requested provision of the Basner et al 2006 reference.

The Applicant stated that they were intending to prepare a paper interpreting the Basner reference and that the Basner reference had restricted circulation. The Inspectorate stated that whilst this would be useful, the original reference would still need to be provided.

The text in ES paragraph 12.7.35; ES paragraph 12.7.39 clarifies the position regarding winter and summer ATMs, however there is still limited justification provided to support the assumption that winter is the busier period except for a statement that ‘the Proposed Development will focus on freight aircraft and the largest number of flights is likely to be during the winter season rather than the summer season’. The ES requires further justification for this position.

The Applicant stated that clarification would be provided.

Orchard Cottage is described as being in Birchington and in Broadstairs in Table 12.2 and Table 12.29.
The Applicant will review.

CEMP and Register of Environmental Actions and Commitments (REAC)

Museums are now described as 'safeguarded'.

The Applicant clarified that discussions regarding the museum were ongoing with the museum trustees regarding either the retention of the museum within the site or the relocation of the museum subject to the museum's preferences and that they were not looking to dictate this to the trustees. The Inspectorate highlighted that any impact on the museum would need to be addressed through the ES as part of the worst case assessment.

Reference to 'dirty aircraft' has been removed. This was not the intent of our original query, which was to clarify what a ban on older dirtier aircraft would mean in practice for operation (albeit that this is an Operational Environmental Management Plan (OEMP) matter and would belong outside the CEMP).

The Applicant clarified that the wording had been removed as it had no formal definition.

New paragraph 1.1.3 distinguishes between the OEMP and CEMP functions. An OEMP is not provided for review.

The Applicant clarified that the OEMP would be secured within the dDCO and further definition around the content of the OEMP could be provided through the dDCO wording.

The text in REAC document appears to be rather conversational in nature and not quite consistent with CEMP regarding water monitoring.

The Applicant stated that the text would be reviewed.