




RiverOak Strategic Partners

Applicant's Cover Letter for Deadline 3 Submissions

TR020002/D3/CL

Examination Document

A faint, stylized image of an aircraft's tail fin and horizontal stabilizer, rendered in a dark purple color, is visible in the background of the lower half of the page.

Project Name:	Manston Airport Development Consent Order
Application Ref:	TR020002
Submission Deadline:	3
Date:	15 February 2019

Mr Richard Price
Case Manager
The Planning Inspectorate
Room 3/8 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref

Our Ref
ADW/166055.0003

Date
15 February 2019

Dear Richard

Proposed Manston Airport Development Consent Order
Application ref: TR020002
Applicant's Deadline 3 submission - 15 February 2019 - document ref TR020002/D3/Cover

Please find the submission of the Applicant for Deadline 3 enclosed.

This submission consists of a number of enclosures and separate documents which are submitted in response to various requests made in the Examining Authority's ('ExA') letter issued on 18 January 2019 ('**Rule 8 letter**').

The only significant change to the project that the Applicant proposes is the introduction of an annual cap on air transport movements (ATMs) matching the highest number of ATMs assessed in the Environmental Statement. This is reflected in the answers to the Examining Authority's questions, and the submission of a revised Noise Mitigation Plan; it does not affect any of the other application documents.

The Deadline 3 submission comprises the following in addition to this letter:

1. Comments on Relevant Representations

- 1.1 In common with other applicants for DCOs, the Applicant has chosen not to provide comments on relevant representations at this stage, since many of the parties will be providing written representations at this same deadline. The Applicant will comment on the written representations at Deadline 4 and also any relevant representations it considers have not been covered either by the comments on written representations or the answers to the Examining Authority's first written questions.

Registered Office

50 Broadway
London, SW1H 0BL
DX 2317 Victoria

51 Hills Road
Cambridge, CB2 1NT
DX 5814 Cambridge

107 Cheapside
London, EC2V 6DN
DX 133108 Cheapside 2

The Anchorage
34 Bridge Street
Reading, RG1 2LU
DX 146420 Reading 21

47 Castle Street
Reading, RG1 7SR
DX 146420 Reading 21

46 The Avenue
Southampton
DX 38516 Southampton 3

T +44 (0)345 222 9222

W www.bdbpitmans.com



BDB Pitmans is the trading name of BDB Pitmans LLP which is a limited liability partnership registered in England and Wales with registered number OC320798. Its registered office and principal place of business is 50 Broadway, London SW1H 0BL where a list of members' names is available for inspection. BDB Pitmans LLP is authorised and regulated by the Solicitors Regulation Authority. We use the word partner to refer exclusively to a member of BDB Pitmans LLP.

2. Initial Statements of Common Ground requested by the ExA

- 2.1 At **Enclosure 1** appended to this letter is a table setting out the status of each of the 28 Statements of Common Ground requested by the Examining Authority. As indicated in the table, the concluded SoCGs are provided as separate documents.

3. Responses to the ExA's Written Questions

- 3.1 The principal submission made at Deadline 3 is the Applicant's answers to the Examining Authority's First Written Questions addressed to it. The text of the answers is contained in the document with reference TR020002/D3/FWQ and associated appendices (referred to by the number of the question, or one of the questions, they relate to) can be found in the document with reference TR020002/D3/FWQ/Appendices.
- 3.2 There are small number of duplicate question numbers; the Applicant has taken the approach of numbering the first one e.g. OP.1.13A and the second one OP.1.13B.
- 3.3 The questions have revealed a number of minor discrepancies with the application documents. Rather than re-issue entire documents for the sake of changing a single word or number, an errata sheet of all the discrepancies that are mentioned in the answers to the first written questions is provided at **Enclosure 2** with this letter.

4. An updated version of the Application Document Tracker

- 4.1 An updated version of the Application Document Tracker is submitted as a document with reference TR020002/D3/1.5 (clean version) and TR020002/D3/1.5/T (tracked version).

5. First version of the Compulsory Acquisition Status Report

- 5.1 The first version of the Compulsory Acquisition Status Report is submitted as a document with reference TR020002/D3/CASR. It is in Excel format at the ExA's request.

6. An updated Book of Reference

- 6.1 An updated version of the Book of Reference is submitted as a document with reference TR020002/D3/3.3, accompanied by a document scheduling the changes that have been made with reference TR020002/D3/3.3/C.

7. The Applicant's first revised dDCO

- 7.1 An updated version of the Applicant's draft Development Consent order is submitted as a document with reference TR020002/D3/2.1 (clean version) and TR020002/D3/2.1/T (tracked version preceded by an explanation of the changes). An SI template Validation Report is submitted as TR020002/D3/2.1/V.

8. Any further information requested by the ExA under Rule 17 of the Exam Rules.

8.1 The Examining Authority has not requested any further information under Rule 17 to date.

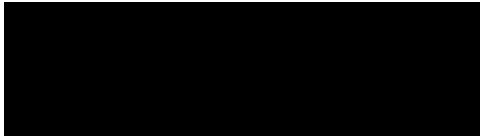
9. Other revised application documents


9.1 To accompany the revised draft Development Consent Order, a correspondingly revised Explanatory Memorandum is provided as document reference TR020002/D3/2.2 (clean version) and TR020002/D3/2.2/T (tracked version).

9.2 To reflect the changes in the noise mitigation that are proposed, a revised Noise Mitigation Plan is provided as document reference TR020002/D3/2.4 (clean version) and TR020002/D3/2.4/T (tracked version).

9.3 As a result of the discussion of limits of deviation at the Issue-Specific Hearing on the dDCO on 10 January 2019, the Applicant has made consequential changes to article 6 (limits of deviation) of the dDCO and the Works Plans; a revised set of Works Plans is provided as document TR020002/D3/4.4.

Yours sincerely



Partner
For and on behalf of BDB Pitmans LLP
T +44 (0)20 7783 3441
M 
E anguswalker@bdbpitmans.com

enc



Enclosure 1

Statement of Common Ground status table

Party	Status	Document reference
Avman Engineering Limited	Although this has not been requested by the ExA, a signed SoCG has been agreed between the Applicant and Avman Engineering Limited.	TR020002/D3/SOCG/AE
British Gas Ltd	As noted in the Applicant's Deadline 1 Submission (REP1-001), it understood that British Gas Limited has no interest in any of the Order land and the Applicant has therefore not sought a SoCG with British Gas Limited.	
BT Group PLC	The Applicant has been in contact with BT Group concerning the production of a SoCG and has been referred to Openreach BT. The Applicant has provided a draft SoCG to Openreach BT. The parties will work together to advance the SoCG for submission by Deadline 4.	
Canterbury City Council	The Applicant has provided Canterbury City Council with a draft SoCG. CCC has produced its Local Impact Report, which the Applicant received a copy of on Tuesday 12 February. The Applicant has been considering the Local Impact Report, and at the request of CCC has produced a further draft SoCG which has been provided to CCC. The parties will work together to advance the SoCG for submission at Deadline 4.	
Civil Aviation Authority	A SoCG has been agreed between the Applicant and the CAA, although it is as yet unsigned. A signed version will be provided at Deadline 4.	TR020002/D3/SOCG/CAA
Cogent Land LLP	The Applicant has provided a draft SoCG to Cogent Land's agents. The parties will work together to advance the SoCG for submission at Deadline 4.	
Defence Infrastructure Organisation	The Applicant has provided a draft SoCG to the DIO. The parties will continue to work together to provide an agreed SoCG by Deadline 4.	
Dover District Council	A SoCG has been agreed between the Applicant and DDC, although it is as yet unsigned. A signed version will be provided at Deadline 4.	TR020002/D3/SOCG/DDC
Environment Agency	A SoCG has been agreed between the Applicant and the EA, although it is as yet unsigned. A signed version will be provided at Deadline 4.	TR020002/D3/SOCG/EA

Highways England	The Applicant has provided a draft SoCG to HE. The parties will continue to work together to provide an agreed SoCG by Deadline 4.	
Historic England	The Applicant has been in discussions with Historic England regarding the production of a SoCG. The parties have exchanged drafts but have not yet agreed an initial version for submission. The parties intend to meet during the week commencing the 18 February to discuss the remaining issues and will continue to work together to advance the draft for submission at Deadline 4.	
Kent County Council	A draft SoCG has been progressed between the Applicant and KCC. The parties will continue to work together to provide an agreed SoCG by Deadline 4.	
Kent Wildlife Trust	The Applicant has been in discussions with Kent Wildlife Trust regarding the production of an SoCG. The Applicant has provided a draft SOCG to KWT but the parties have not yet agreed an initial version for submission. The parties will continue to work together to advance the draft for submission at Deadline 4.	
Meteorological Office	The Applicant has provided a draft SoCG to the Met Office and negotiations are now at an advanced stage. The parties will continue to work together to provide an agreed SoCG by Deadline 4.	
Ministry of Defence	A draft SoCG has been progressed between the Applicant and the MoD. The parties will continue to work together to provide an agreed SoCG by Deadline 4.	
Natural England	A SoCG has been agreed between the Applicant and the NE, although it is as yet unsigned. A signed version will be provided at Deadline 4	TR020002/D3/SOCG/NE
National Air Traffic Services	The Applicant has provided a draft SoCG to NATS. The parties will continue to work together to provide an agreed SoCG by Deadline 4.	
Nemo Link Ltd	A SoCG has been agreed between the Applicant and Nemo Link, although it is as yet unsigned. A signed version will be provided at Deadline 4	TR020002/D3/SOCG/NL

Network Rail	A SoCG has been agreed between the Applicant and Network Rail, although it is as yet unsigned. A signed version will be provided at Deadline 4	TR020002/D3/SOCG/NR
Polar Helicopters Limited	Although not requested by the ExA, a signed SoCG has been agreed between the Applicant and Polar Helicopters Limited.	TR020002/D3/SOCG/PHL
Public Health England	The Applicant has provided a draft SoCG to PHE. The parties will continue to work together to provide an agreed SoCG by Deadline 4.	
RAF Manston Museum	A signed SoCG has been agreed between the Applicant and the RAF Manston Museum.	TR020002/D3/SOCG/RAF
Spitfire and Hurricane Museum	A signed SoCG has been agreed between the Applicant and the Spitfire and Hurricane Museum.	TR020002/D3/SOCG/SHM
South Eastern Power Networks	A SoCG has been agreed between the Applicant and SEPN, although it is as yet unsigned. A signed version will be provided at Deadline 4	TR020002/D3/SOCG/SEPN
Southern Gas Networks PLC	A SoCG has been agreed between the Applicant and SGN, although it is as yet unsigned. A signed version will be provided at Deadline 4	TR020002/D3/SOCG/SGN
Southern Water Services Limited	The Applicant has provided a draft SoCG to Southern Water. The parties will continue to work together to provide an agreed SoCG by Deadline 4.	
Stone Hill Park Ltd	The Applicant has been in discussions with Stone Hill Park regarding the production of a SoCG. Drafts have been exchanged and the parties will continue to work together to advance the draft for submission at Deadline 4.	
Thanet District Council	The Applicant has been in discussions with Thanet District Council regarding the production of a SoCG and has provided a draft to TDC. TDC has produced its Local Impact Report, which the Applicant received a copy of on Friday 15 February (Deadline 3). TDC has asked the Applicant to consider the Local Impact Report, and provide a further draft SoCG to TDC. The parties will work together to produce a SoCG for submission at Deadline 4.	

Department for Transport	The Applicant is in contact with the DfT and has provided it with a draft SoCG. However, as the Secretary of State is the decision-maker on the application, the DfT are considering whether it would be appropriate for them to enter into a SoCG on the project. Once a decision is made on this issue it will be conveyed to the Examining Authority by either the DfT or the Applicant. If the DfT decided it should not submit a SoCG it would provide a statement of facts instead.	
UK Power Networks Services (South East) Ltd	South East Power Networks plc has advised the Applicant that all interests recorded as belonging to UK Power Networks Services (South East) Limited in the Book of Reference should in fact be in the name of South East Power Networks plc and has recently provided the Applicant with further land ownership information in the form of an asset register. An SoCG is therefore not being progressed with UK Power Networks at this stage whilst the Applicant reviews the new information provided by South Eastern Power Networks.	
Vattenfall Wind Power Limited	A signed SoCG has been agreed between the Applicant and Vattenfall Wind Power Limited.	TR020002/D3/SOCG/VWP



Enclosure 2

Errata Sheet

This enclosure sets out where minor errors have been identified in application documents and provides the appropriate corrections.

1. Engineering Drawings and Sections [[APP-030](#)]

1.1 Sheet 8/18

In the table in the top left hand corner of the sheet, the figure listed for The *Ground Level (AOD)* for the *Airtraffic Control Tower* should be **47.000**.

1.2 Sheet 8/18

In the sheet key under Zone 3 Σ *Building GFA - $\leq 28,000m^2$ of B8 development* should read as
 *Σ Building GFA - **$\leq 26,000m^2$** of B8 development*

2. Environmental Statement – Volume 1 – Chapters 1-10 [[APP-033](#)]

2.1 Paragraph 6.2.7

Reference to *the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations)* should be
*the Conservation of Habitats and Species Regulations **2017** (the Habitats Regulations).*

2.2 Paragraph 6.4.4,

The first sentence should read

*A **14km x 12km** Cartesian grid centred on the airport was modelled, with a receptor resolution of 100m, to assess the impact of atmospheric emissions from the site on local air quality at locations where specific receptors were not included.*

3. Environmental Statement - Volume 2 - Chapters 11-16 [[APP-034](#)]

3.1 Table 14.19 - 2039 Compared with 2039 Peak Operational Traffic Year 20(2039)

The column heading *2039 Future Baseline Plus Construction* should read

*2039 Future Baseline Plus **Operational***

4. Environmental Statement – Volume 3 – Chapters 17-18 [APP-035] and Planning Statement [APP-080]

- 4.1 The reference to significant inter-related noise and visual effects in Chapter 18 of the ES and hence paragraph 9.282 of the Planning Statement is an error. These effects should not have been identified as significant as they do not represent a recognised inter-related effect.

5. Environmental Statement - Volume 4 – Figures [APP-041]

- 5.1 Figures 11.9 to 11.29

References to an elevation of 1.8m AGL should be **1.5m AGL**

6. Environmental Statement - Volume 6 - Appendices 1.4-7.2 [APP-044]

- 6.1 Appendix 6.5

In the first spreadsheet (*Concentrations at receptors_Year2*), the annual mean NO_x at receptor E24 should be a process contribution of **0.25 µg m⁻³** and a predicted environmental concentration of **26.15 µg m⁻³**.

7. Environmental Statement - Volume 7 - Appendices 7.7 - 8.1 (Part 2) [APP-046]

- 7.1 Table 5.1 of Appendix 7.13 (Mitigation and Habitat Creation Plan)

Under the heading *Preparation of BA*, the *End date* for *Woodland/hedgerow planting* should be **2020**.

8. Environmental Statement - Volume 12 - Appendices 10.1 Appendix B – 12.14 (Part 2) [APP-057]

- 8.1 Table A12.4.8

The figures for Indicative Daytime and Indicative Night-time should be as set out in Table 12.2 of the Environmental Statement - Volume 2 – Chapters 11-16 [APP-034].

9. Environmental Statement - Volume 15 - Transport Assessment (Part 2) [APP-061]

- 9.1 Table 7.22 - *Junction 6 – 2039 Baseline + Development - Peak Hour Modelling Results*

The PM Peak Ratio of Flow to Capacity (RFC) figure for the A253 Canterbury Rd is stated as 1.26 but should be **0.91**.

- 9.2 Paragraph 7.31.1

The third bullet point should read

B2050 *Manston Road/Manston Court Road.*

9.3 Table 7.103 *Mitigation Summary – Existing Junction Performance - Resultant Queues*

The table should be as below (the figures are the same; the green and yellow ticks were missing):

Junction	AM Peak Queue	PM Peak Queue	Airport Peak Queue	Mitigation
1	-42	-5	+1	✓
2	-168	-104	+4	✓
3	0	0	0	✗
4	-146	-281	-31	✓
5	0	0	0	✗
6	-144	-115	-2	✓
7	-62	-147	-4	✓
8a+8b	+11	+22	+7	✗
9	0	+0	0	✗
10	-2	+1	+1	✓
11	0	+1	+1	✗

Junction	AM Peak Queue	PM Peak Queue	Airport Peak Queue	Mitigation
12	-80	-203	+32	✓
13	+19	+1	+26	✓
15	-122	-148	-15	✓
16	-83	-92	-83	✓
17	-19	-20	-6	✓
20A+B	-227	-282	-111	✓
21A	-7	-39	-1	✓
21B	-18	+11	-46	✓
23	+1	0	+1	✗
24	0	0	0	✗
25	+1	+9	0	✗
26	-49	-139	-138	✓
27	-47	-75	-33	✓

Junction	AM Peak Queue	PM Peak Queue	Airport Peak Queue	Mitigation
28	+2	+6	+2	✗
All mitigation measures identified - Total Queue Difference Network Wide (✓+ ✓)	-1197	-1637	-406	
Proposed Mitigation Package - Total Queue Difference Network Wide (✓)	-1038	-1399	-231	

9.4 Paragraph 8.4.1

The first sentence should read

*To understand impacts on the HE network a series of assessment points were **required** across the various roads.*

10. Environmental Statement - Volume 25 - Transport Assessment Appendix J (Junction 21B) Appendices K-O (Part 2) [[APP-072](#)]

10.1 Paragraph 2.2.1

The first sentence should read

*At this stage in the project it has been assumed that there is no requirement for any Abnormal **Indivisible** Load (AIL).*

11. Planning Statement [[APP-080](#)]

11.1 Paragraph 9.94

The first sentence of the fourth bullet point should read

*In Year 20, when aircraft operations are at maximum capacity, approximately **8** residential dwellings are forecast to be exposed to unacceptable annoyance and disturbance as a result of daytime aircraft noise (daytime UAEL of 69 dB $L_{Aeq,16hr}$).*

11.2 Paragraph 9.109

The paragraph should read

*Section 6.1 of the ES chapter recognises that the nature of the modelling process means that it has not been possible to include the contribution from road traffic in contours that have been plotted on plans/maps, so when viewing the contour plots it should be borne in mind that concentrations close to major roads will be greater than those shown. However, the road traffic concentration has been included in the assessment of specific receptors where there is relevant exposure. For similar reasons, it has not been possible to include the contribution from road traffic in the ecological assessment of daily mean NO_x. The air quality assessment makes a number of worst-case assumptions, which means that air quality impacts are likely to be over-estimated. **These impacts are evaluated for significance in relation to the Air Quality Standards (AQS) as assessment levels set in legislation and in Government and international guidance.***