



RiverOak Strategic Partners

Applicant's Cover Letter for Deadline 5 Submissions

TR020002/D5/Cover

Examination Document

Project Name:	Manston Airport Development Consent Order
Application Ref:	TR020002
Submission Deadline:	5
Date:	29 March 2019

Mr Richard Price
Case Manager
The Planning Inspectorate
Room3/8 Eagle Wing
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Your Ref

Our Ref
JNG/ADW/166055.0003

Date
29 March 2019

Dear Richard

Proposed Manston Airport Development Consent Order
Applicant ref: TR020002
Applicant's Deadline 5 submission - 29 March 2019 - document ref TR020002/D5/Cover

Please find the submission of the Applicant for Deadline 5 enclosed.

This submission consists of a number of enclosures and separate documents which are submitted in response to the timetable enclosed in the Examining Authority's ('ExA') letter issued on 18 January 2019 ('Rule 8 letter') together with additional submissions heralded in the Applicant's Deadline 4 Covering Letter [\[REP4-001\]](#).

The Deadline 5 submission comprises the following in addition to this letter:

- 1 Written summary of oral submissions put at the Compulsory Acquisition Issue Specific Hearing on 20 March 2019**
- 1.1 The written summary of the oral submissions put at the Compulsory Acquisition Issue Specific Hearing held on 20 March 2019 can be found in the document with reference [TR020002/D5/CAH]. Appended to it are various notes requested at the hearing and referred to in the summary.

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2 Written summary of oral submissions put at the Need and Operation Issue Specific Hearing on 21 March 2019

- 2.1 The written summary of the oral submissions put at the Need and Operation Issue Specific Hearing (ISH2) held on 21 March 2019 can be found in the document with reference [TR020002/D5/ISH2]. Again, appended to it are various notes requested at the hearing and referred to in the summary.

3 Written summary of oral submissions put at the Noise Issue Specific Hearing on 22 March 2019

- 3.1 The written summary of the oral submissions put at the Noise Issue Specific Hearing (ISH3) held on 22 March 2019 can be found in the document with reference [TR020002/D5/ISH3], together with associated appendices. The summary notes the numbers allocated by the ExA in its note of the documentation to be provided at Deadline 5 arising from this hearing.

4 Updated version of the Application Document Tracker

- 4.1 A fourth version of the Application Document Tracker is submitted as a document with reference TR020002/D5/1.5 (clean version) and TR020002/D5/1.5T (tracked version).

5 Updated version of the Compulsory Acquisition Status Report

- 5.1 A third version of the Compulsory Acquisition Status Report is submitted as a document with reference TR020002/D5/CASR. It is in Excel format at the ExA's request.

6 The Applicant's second revised draft DCO

- 6.1 An updated version of the Applicant's draft Development Consent order is submitted as a document with reference TR020002/D5/2.1 (clean version) and TR020002/D5/2.1/T (tracked version preceded by an explanation of the changes). An SI template Validation Report is submitted as TR020002/D5/2.1/V.

7 Progressed Statements of Common Ground

- 7.1 Enclosure 1 appended to this letter sets out the status of Statements of Common Ground. As indicated in the table, the concluded SoCGs are provided as separate documents.

8 Comments on any further information requested by the ExA and received to Deadline 4

- 8.1 The ExA did not request any further information for Deadline 4.

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

9.1 The ExA has not requested any further information under Rule 17 to date.

10 Comments on late Deadline 3 submissions

10.1 As permitted by the Examining Authority's letter to Interested Parties of 6 March 2019, amending the examination timetable under Rule 8(3) of the Infrastructure Planning (Examination Procedure) Rules 2010, the Applicant submits its comments on the Deadline 3 submissions made by No Night Flights (NNF) [REP3-275 to REP3-286] at Enclosure 2 appended to this letter. Brief comments on Stone Hill Park's response to the ExA's First Written Questions are given at the end of the summary of the Compulsory Acquisition Hearing.

11 Other revised application documents

11.1 To accompany the revised draft Development Consent Order, a correspondingly revised Explanatory Memorandum is provided as document reference TR020002/D5/2.2 (clean version) and TR020002/D5/2.2/T (tracked version).

11.2 To reflect the changes in the noise mitigation that are proposed, a revised Noise Mitigation Plan is provided as document reference TR020002/D5/2.4 (clean version) and TR020002/D5/2.4/T (tracked version).

11.3 As heralded in the submission at Deadline 4 the Application is submitting a revised Transport Assessment and associated appendices, which has document reference TR020002/D5/TA. Accompanying this are an addendum to the Traffic and Transport chapter of the ES together with a note on the noise and a note on air quality, which have document reference TR020002/D5/ESA.

Yours sincerely




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enc



Enclosure 1

Statement of Common Ground status table

Party	Status	Document reference
Avman Engineering Limited	Signed version supplied at Deadline 3.	REP3-181
British Gas Ltd	No SoCG being sought.	
BT Group PLC	Discussions with BT are continuing, the draft SoCG is not yet agreed. A copy of the latest draft was supplied at Deadline 4 (REP4-011).	
Canterbury City Council	Discussions with CCC are continuing. The latest draft SoCG was supplied at Deadline 4 (REP4-010).	
Civil Aviation Authority	Agreed version supplied at Deadline 3; signed version supplied at Deadline 4.	REP4-006
Cogent Land LLP	Discussions with Cogent Land LLP are continuing, the draft SoCG is not yet agreed. A copy of the latest draft was supplied at Deadline 4 (REP4-015).	
Defence Infrastructure Organisation	Following discussions with the Ministry of Defence, Defence Infrastructure Organisation and NATS for a SoCG relating to the High Resolution Direction Finder, the Applicant has decided that it is not necessary to conclude a separate SoCG with the DIO (or to have it as a party to an MoD SoCG) as it is part of the MoD.	
Dover District Council	Signed version supplied at Deadline 4.	REP4-003
Environment Agency	Signed version supplied at Deadline 4.	REP4-005
Highways England	The Transport Assessment has been updated based on the KCC Strategic Transport Model and submitted at Deadline 5. As has previously been noted, it will be necessary for Highways England to review those documents before an updated SoCG can be provided. It is expected that a revised SoCG will be supplied at Deadline 6.	
Historic England	Discussions with Historic England regarding the production of a SoCG have continued. Additional information was submitted to the ExA at Deadline 3 relating to a number of concerns previously raised by Historic England and a draft Written Scheme of Investigation was submitted at Deadline 4. RiverOak and Historic England have arranged a call next week to discuss the documents and prepare a revised SoCG.	

Kent County Council	As you will be aware, the Transport Assessment has been updated based on the KCC Strategic Transport Model and Submitted at Deadline 5. As has previously been noted, it will be necessary for KCC to review those documents before an updated SoCG can be provided. It is expected that a revised SoCG will be supplied at Deadline 6.	
Kent Wildlife Trust	Discussions with Kent Wildlife Trust are continuing. The latest draft SoCG was supplied at Deadline 4 (REP4-012).	
Meteorological Office	A SoCG had been agreed between the parties, though this was subsequently amended. An updated version has been agreed and is supplied; a signed version will be supplied at Deadline 6.	TR020002/D5/SOCG/MO
Ministry of Defence (HRDF)	Discussions with the Ministry of Defence about a SoCG relating to the High Resolution Direction Finder are continuing. The Applicant's latest draft SoCG is supplied.	TR020002/D5/SOCG/HRDF
Ministry of Defence (Land)	Discussions with the Ministry of Defence for a SoCG relating to the MoD's other land interests are continuing. The latest draft SoCG was supplied at Deadline 4 (REP4-016).	
Natural England	Agreed and signed (by both parties) version is supplied.	TR020002/D5/SOCG/NE
NATS	Agreed but unsigned version is supplied; a signed version will be supplied at Deadline 6.	TR020002/D5/SOCG/NATS
Nemo Link Ltd	Agreed version supplied at Deadline 3; signed version is supplied.	TR020002/D5/SOCG/NEMO
Network Rail	Agreed version supplied at Deadline 3 (REP3-179); signed version is awaited.	
Polar Helicopters Limited	Signed version supplied at Deadline 3.	REP3-183
Public Health England	A signed letter from Public Health England is supplied with a copy of REP4-008 appended.	TR020002/D5/SOCG/PHE
RAF Manston Museum	Signed version supplied at Deadline 3.	REP3-191
Spitfire and Hurricane Museum	Signed version supplied at Deadline 3.	REP3-173
South Eastern Power Networks	Signed version supplied at Deadline 4.	REP4-004
Southern Gas Networks PLC	Agreed version supplied at Deadline 3 (REP3-175); signed version awaited.	

Southern Water Services Limited	Signed version supplied at Deadline 4.	REP4-009
Stone Hill Park Ltd	Agreed version supplied at Deadline 4 (REP4-013); signed version is awaited.	
Thanet District Council	TDC requested that the Applicant revise the draft SoCG in line with its LIR and the Applicant's comments on the LIR. Additionally, the Applicant provided a significantly revised Noise Mitigation Plan at Deadline 4. The Applicant has provided TDC with an updated SoCG (attached), although TDC has not had sufficient time to consider it, and so it is not an agreed draft.	TR020002/D5/SOCG/TDC
Department for Transport	The DfT are expected to decide it is not appropriate to agree an SoCG given that the Secretary of State is the decision-maker on the application.	
UK Power Networks Services (South East) Ltd	No SoCG being sought.	
Vattenfall Wind Power Limited	Signed version supplied at Deadline 3.	REP3-177

Enclosure 2

APPLICANT'S RESPONSE TO NO NIGHT FLIGHTS WRITTEN REPRESENTATION

The references refer to the broad topics covered by No Night Flights

A1: Government policy does support expansion of airports in the south east other than Heathrow: paragraph 1.39 of the NPS says "the Government has confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have positive and negative impacts, including on noise levels. We consider that any proposals should be judged on their individual merits by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts."

A2: the Applicant's case is not that existing runway capacity is zero, but that the current the capability of the airport to provide air cargo transport services is zero. The airport does have an existing runway, which fulfils the policy.

A3i: the proposal will not distort the market, it will meet unmet need for dedicated freighter services.

A3ii: this runs counter to, for example, Luton and Stansted's current plans for expansion, with many thousand additional ATMs.

A3iii: no comment; that is the balance

A4: Overtaken by the 2018 policy to make best use of existing runways.

A5: the unmet need case has grown stronger over the years; the dedicated freighter share in the south east of England is much lower than in the rest of the UK and western Europe. The work has now been supplemented by Northpoint Aviation's report submitted at D4.

B1: the Applicant is required to assess likely significant effects, not 'possible' effects, as the 'evidence' says. This now overtaken by cap on ATMs in any event. There is only pressure on night-time operations due to lack of daytime capacity, which will not be the case at Manston. Take-offs are twice as loud as landings so only 30% of take-offs over Ramsgate would be a good outcome, and better than the ES has assessed; there is currently only ILS at one end of the runway, this project will install ILS at the other end making either-way working easier. A PSZ local plan policy would not need to be introduced by Thanet District Council for some years.

B2: future renegotiations of caps and limits are not relevant to this application.

B3: again, night flights (other than for integrators) are only used because availability is restricted during the day, which will not be the case at Manston. The Applicant has carried out a realistic worst-case assessment.

B4: Mr Freudmann did not produce the awakenings figure, Wood did.

B5: the Applicant has assessed major accidents and disasters in the ES.

B6: the need for a PSZ is not determined by physical capacity but actual movements.

B7: job figures are based on metrics used elsewhere. The Applicant's case is that this is almost all unmet demand, rather than being met elsewhere, and that it will reduce goods being trucked across the channel to mainland European airports, so any displacement will be from there rather than in the UK.

B8: the Applicant recognises that any job losses should be netted off gains; however based on evidence at other UK towns with expanded airports such as Southend, Southampton and Bournemouth, tourism increases at such places.

C1: previous practice at Manston is not a reliable predictor of future performance, which will be from a wholly redeveloped airport with greater controls on it. The report at footnote 14 (<https://democracy.thanet.gov.uk/documents/s9095/Aircraft%20Night%20Noise%20Assessment%20Report%20-%20Annex%203.pdf>) says that 'This extensive Department of Transport research study on the effect of night noise indicated that outdoor noise levels below 90 dB(A) SEL due to aircraft noise events are most unlikely to cause any measurable increase in the overall rates of sleep disturbance experienced during normal sleep. At higher levels the study indicated that there was a 1 in 75 chance of the average person being "wakened".'; previous ILS comments apply; the Applicant is willing to accept protections with 'teeth' and has proposed several, other suggestions are welcome.

C2: awakenings – the Applicant's case based on Basner's research is that 18 awakenings equals disturbance; the Applicant has provided an assessment of heritage assets and public benefits at Deadline 3 (Appendix HE.1.2 to the Applicant's response to first written questions [[REP3-187](#)]).

C3: mitigation – the polluter pays principle does not apply to this project, although considerable mitigation is being provided. The Applicant is proposing a community fund to assist with mitigation of effects on open spaces and is mitigating for noise inside properties. For a DCO application it is a balance between benefits and adverse impacts rather than the polluter pays principle that applies.

C4: sound insulation – now increased to £10k; only one caravan believed to be in permanent occupation other than at Smugglers Leap. Listed buildings and those in conservation areas can still have secondary glazing.

D1: health impacts –

E1: see previous comments at A3ii.

E2: in its Statement of Common Ground with the Applicant, Natural England agrees that the Report to Inform Appropriate Assessment has identified all of the likely significant effects and implications on European Sites (i.e. including Pegwell Bay).

F1: the Transport Assessment is not incomplete, the Applicant is providing a revised Transport Assessment using Kent County Council's traffic model, which will allow KCC to better assess the effect of the project on the county's roads.

G1: the Applicant is not seeking any funding from the government. It is common for investment to fund the project to come forward once development consent has been secured, and the Applicant has put in place mechanisms to guarantee the payment of land compensation and noise mitigation measures.

H1: Thanet District Council has identified sites other than Manston to meet its housing need.

H2: the Applicant does not believe that the landowner's plans for the site are viable or would receive planning permission for many reasons and that the plans not materialising are therefore not 'losses' due to the DCO.

I1: every single DCO application has received more representations against it than for it; this one has a figure much closer to 50/50 than usual.