



RiverOak Strategic Partners

Applicant's Answers to Second Written Questions

TR020002/D6/SWQ

Examination Document

Project Name:

Manston Airport Development Consent Order

Application Ref:

TR020002

Submission Deadline:

6

Date:

3 May 2019

Ref No.	Respondent	Question
G.2 General and Cross-topic questions (including relevant planning policy)		
G.2.1	The Applicant Thanet District Council (DC)	Emerging Thanet Local Plan What is the latest position concerning the examination of the draft Thanet DC Local Plan to 2031?
		<p>Applicant's Response:</p> <p>The examination into the Thanet Local Plan to 2031 commenced on Tuesday 2nd April 2019. The latest examination programme (dated 28th March 2019) is attached at Appendix G.2.1 part A. The examination is scheduled for five weeks and is due to close on Friday 31st May 2019. Manston Airport is Matter 10 (Economic Development): Issue 7 - Manston Business Park and Manston Airport and was discussed on Wednesday 17th April 2019. The Inspectors issued Matters, Issues and Questions (MIQs) to be discussed at the examination (dated 4th March 2019 – please see Appendix G.2.1 part B). TDC's Matter 10 Statement and RSP's Matter 10 Statement are included at Appendix G.2.1 part C and they respond to the MIQs that the Local Plan Inspectors set in relation to Manston Airport.</p> <p>At the 17th April 2019 hearing session, the Inspector invited discussions from a number of parties including TDC, RSP and SHP. TDC reiterated their position on Manston Airport in the new Local Plan which is to remain 'neutral' and not to compromise the outcome of the DCO. TDC accepted that once the outcome of the DCO was known, that there would need to be a full review of the Local Plan to reflect the decision. TDC, RSP and the Inspector agreed that it would be premature at this stage to define the scope for that review and that this could only happen once the decision was known. The Inspector recommended that more work needed to be done to ensure that Manston Airport was properly addressed in the new Local Plan. He recommended that the new Local Plan needed to have a dedicated section that addressed spatial planning matters in relation to Manston Airport. In that section, text would need to be included to report the latest position with the DCO and the Council's position; the fact that</p>

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		<p>a full review of the Local Plan would need to take place once the DCO decision was known (with dates set for that review); and a new 'contingency' policy needed to be drafted to direct how spatial planning matters at the airport will be addressed both in the event that the DCO is granted and if it is not granted. It was considered that this policy will provide certainty to all parties until the review of the Local Plan. TDC, RSP and SHP agreed to work on a form of wording for the new policy which will be shared to all interested parties participating in the Local Plan examination in advance of a further discussion planned for 31st May 2019. If at that time no agreement can be reached on the policy wording, the Local Plan Inspectors would make a recommendation in their report on the Local Plan and it would fall to TDC to either accept or refuse the recommendation.</p> <p>The Local Development Scheme (agreed 20th March 2019) states that adoption of the Thanet Local Plan to 2031 is expected in Spring 2020. TDC are required to provide for the completion of a review of their Local Plan, regardless of the outcome of the DCO within six months of its adoption in accordance with the Secretary of State's intervention letter dated 28th January 2019. This intervention requirement and the associated timescales allows for the Local Plan Review to reflect the outcome of the DCO.</p>
G.2.2	<p>The Applicant</p> <p>Thanet DC</p> <p>Stone Hill Park Ltd</p>	<p>Stone Hill Park Planning Application</p> <p>Thanet DC's response to first written questions stated that the determination period for the application (OL/TH/18/0660) was extended to 31 March 2019, which has now passed.</p> <p>What is the latest position?</p> <p>Applicant's Response:</p> <p>TDC have extended the application's expiry date again. The new expiry date is 31st August 2019. TDC (Iain Livingstone) has confirmed in an email to RPS dated 27th March 2019 that the extension has been permitted to allow for further information on highways (running the proposals through KCC's strategic transportation model) and environmental matters and any potential revisions to Parameter Plans, Heads of Terms negotiations and reporting the application to Planning Committee. On 9th May 2019, it will have been a year since application OL/TH/18/0660 was validated. TDC have not disclosed what they consider to be</p>

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		missing from the application despite requests for this information, nor have they made any formal request for further information under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

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AQ.2 Air Quality and Emissions		
AQ.2.1	The Applicant	<p>Flight movements</p> <p>Table 6.15 of [APP-044] shows the mix of aircraft used in the air quality assessment.</p> <p>How does this relate to Appendix 3.3 [APP-044] used in the noise assessment?</p>
		<p>Applicant's Response:</p> <p>Table 6.15 of Appendix 6.3 [APP-044] of the ES [APP-033] and Appendix 3.3 [APP-044] are aligned except on two points where the air quality assessment was not updated to take into account late changes in the forecast assumptions:</p> <ul style="list-style-type: none"> - Russian airlines: In the air quality assessment (Table 6.15 of Appendix 6.3 [APP-044]), these services were assumed to be operated by A330-200 (924 movements per year) and Antonov An-124 (308 movements per year) aircraft. This is not based on the latest forecast. The correct forecast is that used in the noise assessment and presented in Appendix 3.3 [APP-044], these services were assumed to be operated by B747-400 aircraft (1,232 movements per year). <p>As to the implications of this change to the air quality assessment, replacing the A330-200 and An-124 movements in the air quality assessment with B747-400 movements would increase annual mean NO₂ concentrations at relevant receptors by less than 0.1 µg m⁻³ in all years, from 26.43 µg m⁻³ at the worst-affected receptor in Year 20 to 26.46 µg m⁻³ (against an objective level of 40 µg m⁻³). This difference does not affect the conclusions of the assessment.</p>

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		- Light aircraft (General Aviation) are not included in Appendix 3.3 [APP-044] as they make a relatively minor contribution both in noise and air quality terms. Nonetheless these aircraft have been included in both the noise and air quality models. The air quality assessment includes 38,000 movements per year from light aircraft (Piper PA28 and PA34 aircraft). A cap on general aviation movements is included in the Noise Mitigation Plan (NMP) [APP-009].
AQ.2.2	The Applicant	<p>Revised Traffic Assessment submitted at Deadline 5</p> <p>The Applicant has set out that an addendum to the Environmental Statement (ES) [APP-033] Chapter 6 Air Quality be produced at Deadline 6.</p> <p>The ExA requires that this is submitted and any consequential changes to the ES be also considered and submitted at this deadline.</p>
		<p>Applicant's Response:</p> <p>An addendum to Chapter 6 the ES [APP-033] which addresses consequential changes from the revised traffic assessment has been submitted at Deadline 6 (document reference TR020002/D6/ESA).</p>
AQ.2.3	The Applicant	<p>Worst Case Scenario Air Quality Assessment</p> <p>The Applicant in response to the ExAs first written question AQ 1.18 stated:</p> <p>“it is now adding an annual limit of ATMs equivalent to the number assessed in the ES, namely, 17,170 cargo plus 9,298 passenger movements, i.e. 26,468 movements in total. This cap has been included in the revised Noise Mitigation Plan (TR020002/D3/2.4) being submitted at Deadline 3. This total includes the movements generated by the 3 recycling stands but does not include general aviation movements.”</p>

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		<p>How many General Aviation movements were modelled in the air quality assessment in the ES [APP-033]?</p> <p>Applicant's Response:</p> <p>The air quality assessment includes 38,000 movements per year from light aircraft (Piper PA28 and PA34 aircraft).</p>
AQ.2.4	The Applicant	<p>NOx emissions</p> <p>ES paragraph 6.1.6 [APP-033] explains that emissions from road traffic cannot be incorporated into contour plots. Consequently, emissions are higher at roadside locations than shown. The ES explains that road traffic concentrations have been included in the assessment of specific receptors with relevant exposure. The ES goes on to state that:</p> <p>“For similar reasons, it has not been possible to include the contribution from road traffic in the ecological assessment of daily mean NOx.”</p> <p>Natural England in their Deadline 5 SoCG state at paragraph 5.1.3:</p> <p>“5.1.3 Natural England raised the following points on air quality: (a) Annual mean NOx for all the years modelled is above the level for ‘insignificance’ at some locations and is not adequately addressed in the biodiversity chapter of the ES”</p> <p>i. Will the Deadline 6 assessment of NOx include road traffic NOx emissions?</p> <p>ii. If not, show how this represents a worst case assessment in air quality terms.</p> <p>Applicant's Response:</p>

Ref No.	Respondent	Question
		<p>i. Yes. The addendum to Chapter 6 of the ES [APP-033] that has been submitted at Deadline 6 includes an assessment of road traffic contribution to annual mean and daily mean NO_x concentrations (document reference TR020002/D6/ESA).</p> <p>ii. Not applicable.</p>
AQ.2.5	The Applicant	<p>Thanet Air Quality Management Area (AQMA)</p> <p>In preparing updated air quality assessment material following release of the revised transport assessment, state whether there are any exceedance of air quality objectives within Thanet AQMA?</p>
		<p>Applicant's Response:</p> <p>No exceedances of any air quality objectives for human health are forecast within the Thanet AQMA or at any other modelled receptor location, in any of the modelled scenarios. Further detail on this can be located in the addendum to Chapter 6 of the ES [APP-033] that has been submitted at Deadline 6 (document reference TR020002/D6/ESA).</p>
AQ.2.6	The Applicant	<p>Register of Environmental Actions and Commitments (REAC)</p> <p>The Updated REAC references 'Bans on older dirtier aircraft'.</p> <p>i. Confirm what aircraft would be banned and how this ban would be applied.</p> <p>ii. Show where this is secured in the draft DCO.</p>
		<p>Applicant's Response:</p>

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		<p>i. The Internal Civil Aviation Organisation (ICAO) have developed a CO₂ standard for aircraft with the support of the Committee on Aviation Environmental Protection (CAEP). This Standard is one of a number of elements aimed at tackling the impact of international aviation on climate change. Compliance with these requirements will become a pre-requisite for the issuance of an aircraft or aircraft engine EASA Type Certificate, which is required to operate aircraft. The standard will be applicable as of 2020.</p> <p>ii. Given that compliance will be a pre-requisite for certification this does not need to be secured in the DCO.</p>
AQ.2.7	The Applicant	<p>Ground transport fleet</p> <p>i. Confirm how modelling work has been taken into consideration the change in ground transport fleet mix over time.</p> <p>ii. Clarify why electric GSE is not proposed to be in place from the outset and</p> <p>iii. Clarify whether the assessment of likely significant effects has over represented the beneficial effect of GSE in years 2 and 6 of operation given that a transition from diesel to electric fleet is proposed?</p> <p>Applicant's Response:</p> <p>i. The modelling assumes that the GSE fleet is all diesel in Year 2 and Year 6, and fully electric (zero emission) in Year 20, as described in Appendix 6.3 [APP-044] of the ES [APP-033]. The amount of GSE activity (i.e. the number of equipment items and their operational hours) is assumed to be proportional to the amount of aircraft activity in each year (where aircraft activity is measured as the aircraft maximum take-off weight summed over all movements in the year). It is acknowledged that there will be a gradual shift to GSE between Year 6 and Year 20, however for the reasons outlined in 'ii' below, a reasonable worst-case has been adopted for the purposes of the air quality assessment, with no electric GSE assumed in Years 2 and 6. As noted</p>

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		<p>above, no exceedances of air quality objectives for human health are forecast at any locations in any assessment year, even when assuming the fleet remains diesel for a substantial period of operation.</p> <p>ii. Although electric airport GSE is becoming available, it cannot be guaranteed either that all required equipment types will be available in suitable electric models, or that sufficient units will become available for purchase (given demand from other airports with more substantial air quality issues), during the early years of operation of the Proposed Development. Consequently, the assumption has been made that no electric GSE is available until after Year 6. Nonetheless, GSE manufacturers are increasingly shifting production towards electric models and as such it is reasonable to assume that by Year 20 it will have been possible to obtain sufficient vehicles to allow a fully electric GSE fleet.</p> <p>iii. The assessment of likely significant effects within Chapter 6 of the ES [APP-033] has not over-represented the beneficial effect of GSE in Year 2 and Year 6 of operation as no electric fleet has been assumed in these years. The modelling assumes that the GSE fleet is all diesel in Year 2 and Year 6 (as described in Appendix 6.3 [APP-044] of the ES [APP-033]), which is considered to be a conservative assumption for the purposes of the air quality assessment.</p>

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Ec.2 Biodiversity, Ecology and Biodiversity (including Habitats Regulations Assessment) (HRA))		
Ec.2.1	The Applicant	<p>Revised Noise and Air Quality Assessment for Deadline 6</p> <p>State whether an addendum will be produced to the Ecology ES chapter [APP-033] to reflect the updated Noise and Air Quality outputs at Deadline 6?</p> <p>The ExA requests that should this be submitted and that any consequential changes should also be considered and submitted at this deadline.</p>
		<p>Applicant's Response:</p> <p>An addendum to the Environmental Statement (ES) [APP-033, 034, 035] has been submitted at Deadline 6 TR20002/D65.2.6 which considers any changes to the potential effects reported in the ES resulting from the use of the Kent County Council (KCC) Thanet Strategic Transport Model (TSTM), including the revised noise and air quality modelling. This work concludes that there are not any changes to the significant impacts reported in Chapter 7 of the ES [APP-033].</p>
Ec.2.2	The Applicant	<p>Ecological surveys</p> <p>What is the current status of the outstanding ecological surveys?</p>

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		<p>Applicant's Response:</p> <p>The Section 53 Notice of Entry permitted access to the site on 4 December 2018. Survey work comprised an external assessment of some of the buildings on site for bats. A subsequent Section 53 Notice permitted entry from 7 January until 1 March 2019. Surveys were undertaken between 17 January 2019 and 31 January 2019 and included those for winter heliotrope and commencement of bat hibernation surveys.</p> <p>Unfortunately, it has not been possible to complete the full suite of ecological surveys as expected as the Section 53 notice was revoked in mid-February 2019 preventing further access to land controlled by Stone Hill Park Ltd. The Applicant acknowledges that a payment to Stone Hill Park for £1,584 was delayed as a result of an administrative error however, this was rectified in good time and it was hoped that access for the surveys would not be revoked. A number of attempts were made to arrange access to the site with Stone Hill Park Ltd, however, these attempts were unsuccessful and as such it has not been possible to access the site since February 2019.</p> <p>It is now expected that access to the site will not be granted to the Applicant until after the Development Consent Order (DCO) has been made. Requirement 8 of the DCO has been put in place as a pre-commencement condition, to allow confirmation of the worst-case scenario assessed in the ES [APP-033] prior to commencement of construction works. It should be noted that since the ES [APP-033] was submitted, the ecological surveys carried out by Stone Hill Park Limited (SHP Ltd) have been made public and they confirm that the worst-case scenario reported in the Applicants ES [APP-033] is indeed highly conservative. The work carried out by SHP Ltd on the application for 3,700 residential dwellings, employment floor space and associated infrastructure can be found on the planning portal (Planning application reference: OL/TH/18/0660). It therefore remains the view of the Applicant that the worst-case scenario considered in the ES [APP-033] is highly conservative and that the provision for circa 38ha of mitigation land as defined in the Mitigation and Habitat Creation Plan (Appendix 7.5 [APP-045] of the ES [APP-033]) will be sufficient to mitigate the ecological effects of the Proposed Development.</p>

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Ec.2.3	The Applicant	<p>Specific bird flightpaths</p> <p>The predicted level of disturbance that will be caused by the Proposed Development at sensitive nearby sites, such as Sandwich and Pegwell Bay, was assessed within the Environmental Statement (ES) in Chapter 7 [APP-033] and Appendix 7.1 [APP-044].</p> <p>It was concluded in the ES that there will not be significant effects on the qualifying bird species of the Sandwich Bay to Hacklinge Marshes SSSI or Thanet Coast and Sandwich Bay SPA/Ramsar as a result of visual and auditory disturbance from aircraft flights.</p> <p>Has the Applicant based this conclusion on its mapping of specific bird species foraging areas?</p> <p>In responding to this question set out your approach with justification.</p> <p>Applicant's Response:</p> <p>The conclusion of Chapter 7 of the ES [APP-033] was based on mapping, presented on Figures 3.2-3.6 in Appendix 7.5 [APP-045], which display the recorded distributions of specific bird species, as detailed in the Winter Bird Survey Report 2016-17 (Appendix 7.5 [APP-045]). These conclusions are supplemented by survey data collected over winter 2018/19, as reported in the Winter Bird Survey Report 2018-19 (at Appendix Ec.2.3 in TR20002/D6/SWQ/Appendices) submitted at Deadline 6.</p>
Ec.2.4	The Applicant	<p>Wildlife Hazard Management Plan</p> <p>Natural England in their SoCG submitted at Deadline 5 state:</p>

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		<p><i>"A Wildlife Hazard Management Plan (WHzMP) and a Habitat Management Plan (HMP) will be prepared post-DCO consent and that the management measures proposed (including bird scaring) would need to comply with guidelines provided in CAA CAP772 (Wildlife Hazard Management at Aerodromes)."</i></p> <p>Who will be consulted on this plan and what will be the mechanism for its approval?</p>
		<p>Applicant's Response:</p> <p>The WHzMP will be produced post-DCO consent, as detailed in Table 3.11 in Chapter 3 of the ES [APP-033] and described in Table 1 'Environmental Plans and Proposed Approval Process' in G.1.11 of 'Applicants Responses to first Written Questions' [REP3-195]. Natural England, Kent Wildlife Trust, Thanet District Council and the Civil Aviation Authority will be consulted on the content of the plan. The CAA is the relevant discharging body. The certificate and licensing process will be undertaken in consultation with the above statutory bodies as part of the airport safeguarding mechanism.</p>
Ec.2.5	The Applicant	<p>The Waterbird Disturbance and Mitigation Toolkit (WDMT)</p> <p>Provide a copy of the WDMT (Cutts et. al, 2013).</p>
		<p>Applicant's Response:</p> <p>A copy of the WDMT is provided at Appendix Ec.2.5 in TR20002/D6/SWQ/Appendices.</p>
Ec.2.6		RIAA PDFs

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	The Applicant	<p>The pdf figures omitted from the original Report to Inform the Appropriate Assessment but re-provided at Deadline 1 in Appendix 7.1 are partially corrupted.</p> <p>Provide a non-corrupted version of the figures.</p>
		<p>Applicant's Response:</p> <p>The Applicant has checked the version of the document submitted to the Examining Authority and this does not appear to be corrupted. At Deadline 1 the Applicant also provided this information to Natural England, who received it uncorrupted. The Applicant is happy to provide documentation to the Examining Authority, and other parties, by means other than via the shared file link used to date if this would assist with the Planning Inspectorate's upload system.</p> <p>In the meantime, Figures 3.1-4.8, supporting the RIAA [APP-044] re-submitted as Appendix 7.1 at Deadline 1 have been re-submitted at Deadline 6 as 'Resubmission of RIAA Appendix 7.1 Figures' and are provided at Appendix Ec.2.6 in TR20002/D6/SWQ/Appendices.</p>
Ec.2.8	The Applicant	<p>Net gain</p> <p>At Deadline 3 the Applicant noted the compensatory habitat had been designed to deliver biodiversity net gain, however this is not quantified.</p> <p>Quantify the net gain.</p>
		<p>Applicant's Response:</p> <p>An assessment of net gain for the scheme is provided at Appendix Ec.2.8 in TR20002/D6/SWQ/Appendices. For the purposes of the ES, a highly conservative worst-case scenario was adopted in order to ensure that sufficient mitigation could be secured</p>

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		through the DCO application process. The net gain calculation presented is based on that worst-case scenario. In order to secure a reasonable net gain from the development, the DCO now commits the Applicant to providing a minimum net gain of 10 Biodiversity Units. This is secured in Requirement 8 of the revised draft DCO submitted at Deadline 6.
Ec.2.9	The Applicant	<p>Thanet Parkway</p> <p>The Applicant's response to question EC1.14 [REP3-195] states that Thanet Parkway has been assessed cumulatively with the Proposed Development, however the Parkway is excluded from further assessment in the Report to Inform the Appropriate Assessment on the basis that the parkway station proposals are not yet at planning. Kent County Council's (CC) response to first written questions states that an application was submitted for the Parkway station in June 2018 [REP3-139].</p> <p>Confirm how this project would affect the in-combination assessment, with particular reference to effects on functionally linked habitat?</p> <p>Applicant's Response:</p> <p>The Thanet Parkway Assessment was accompanied by a 'Winter Bird Survey Report'¹, which did not record golden plover (or any other SPA species) using the application site. Furthermore, the accompanying 'Report to Inform the Habitats Regulation Screening'² concluded that arable habitat present onsite was unsuitable for golden plover, and hence was not functionally linked habitat. Thanet Parkway would not therefore affect the in-combination assessment.</p>

¹ AECOM. January 2017. Appendix 8-B: Wintering Bird Report. Environmental Statement. Thanet Parkway Station. Prepared for Kent County Council.

² AMEY. January 2017. Environmental Statement. Thanet Parkway Station. Appendix 8 - D: Report to Inform Habitats Regulation Assessment Screening – Thanet Parkway Station. CO04300667 HRA/02. Report to Kent County Council.

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		A copy of the 'Winter Bird Survey Report' and 'Report to Inform the Habitats Regulation Screening' are provided at Appendix Ec.2.9 part a and part b in TR20002/D6/SWQ/Appendices .
Ec.2.10	The Applicant	<p>Outfall Works</p> <p>Signpost to and explain how the proposed minor works to the outfall described in your response to first written question Ec1.7 [REP3-195] have been assessed as part of the Report to Inform the Appropriate Assessment.</p>
		<p>Applicant's Response:</p> <p>The potential minor works to the outfall have not been directly assessed as part of the RIAA [APP-044] as they constitute general maintenance of an existing structure. The nature of the works were detailed in the 'Applicants Responses to First Written Questions' [REP3-195] at Ec 1.7, submitted at Deadline 3. Consent from Natural England is required prior to any work being undertaken, and as such an appropriate methodology for both the works and the access would be required. The process for obtaining consent is detailed in Appendix Ec.2.10 in TR20002/D6/SWQ/Appendices. As per Natural England's comment on the Applicant's responses to the ExA's First Written Questions [REP4-057] consent would be granted provided the works take place outside the wintering period to avoid disturbance to the bird interest of the designated sites, and any disturbance to the adjacent mudflat is avoided, or minimised through adoption of appropriate mitigation.</p>

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CA.2 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
CA.2.1	The Applicant	<p>Crown Land</p> <p>Provide an update on negotiations with:</p> <p>i. The Secretary of State for Defence in respect of some sixty-five plots;</p> <p>ii. The Government Legal Department in respect of plots 119a and 050b; and</p> <p>iii. The Meteorological Office in respect of plot 27.</p> <p>The Applicant is reminded that s135 of the Planning Act 2008 states that an order granting development consent may only include provisions relating to the compulsory acquisition of an interest in, or other provisions relating to, Crown land if the appropriate Crown authority consents.</p> <p>Applicant's Response:</p> <p>i. The Applicant has provided the Secretary of State for Defence, through the team at the Ministry of Defence (MoD) with title information relevant to the Secretary of State's interests in land. The MoD is considering this information as well as two draft Statements of Common Ground which seek to record the agreed arrangements between the parties: the first relates to the HRDF, the second relates to the MoD's land interests. The Applicant sent a draft Statement of Common Ground (land interests) to the MoD on 6 March 2019, this details sixty-four plots. Graham Boulden attended the Compulsory Acquisition Hearing held on 20 March</p>

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		<p>2019 on behalf of the Defence Infrastructure Organisation (which is part of the MoD), where he noted that the MoD are yet to respond in detail to either Statement of Common Ground. The Applicant's attempts to contact the MoD are recorded in the Compulsory Acquisition Status Report, the latest version will be submitted at Deadline 6. Since the Compulsory Acquisition Hearing held on 20 March 2019, the Applicant's consultants Osprey have been in contact with the MoD's preferred contractors Aquila to progress matters. The Applicant requested comments from the MoD on the draft Statements of Common Ground on 26 March 2019, 28 March 2019, 3 April 2019, 8 April 2019 and 18 April 2019. The MoD responded on 18 April 2019 with comments on the HRDF Statement of Common Ground but not on the lands Statement of Common Ground which it has held since 6 March 2019. The Applicant will continue to liaise with the MoD and hopes that agreement can be reached prior to 9 July 2019.</p> <p>ii. Refer to CA.2.8</p> <p>iii. Refer to CA.2.7</p>
CA.2.3	The Applicant	<p>Crown Land: High Resolution Direction Finder</p> <p>Set out the current position in respect of negotiations in respect of the future siting of the High Resolution Direction Finder (HRDF) Apparatus on Plot 041 and indicate the likelihood of reaching an agreement on this in advance of the end of the Examination on or before 9 July 2019.</p> <p>The Applicant is reminded that s135 of the Planning Act 2008 states that an order granting development consent may only include provisions relating to the compulsory acquisition of an interest in, or other provisions relating to, Crown land if the appropriate Crown authority consents.</p> <p>Applicant's Response:</p>

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		<p>RSP representatives met senior technical and commercial staff from Aquila (the MOD's HRDF Engineering Authority) on 15th April 2019. In a productive meeting, Aquila proposed the following scope of work:</p> <ul style="list-style-type: none"> • Conduct review of the work undertaken to date • Review of documentation provided by Osprey • Conduct site survey • Area of Influence modelling • Provision of study report <ul style="list-style-type: none"> • Identify potential location/s • Infringement analysis • Recommendations on reuse/new equipment • Commissioning and acceptance plan (requires MOD approval) • Priced proposal for site works <p>It was agreed that Aquila will seek to conduct the work in 2 phases comprising 3 stages:</p> <ul style="list-style-type: none"> • Phase 1a – site feasibility study • Phase 1b – a costed plan for the proposed location • Phase 2 – site works and acceptance <p>Following the meeting (at Aquila's request) a non-disclosure agreement has been signed between Aquila, RSP and Osprey and standard Aquila terms and conditions accepted.</p> <p>Aquila are seeking to complete Phase 1a, which will seek to confirm the suitability of an alternative location, before 9 July. Subsequent negotiations with the other elements of MOD (such as DIO regarding land-ownership and Defence Equipment and Support regarding capability delivery) may extend beyond that date.</p>
CA.2.4		Crown Land: High Resolution Direction Finder

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	The Applicant	<p>The Draft (not agreed) Statement of Common Ground between the Applicant and the Ministry of Defence (HRDF) submitted at Deadline 5 on 29 March 2019 [REP5 – index number to be allocated] states at 3.8 that:</p> <p><i>“RiverOak have not included any provision within the dDCO to specifically cover the HRDF due to the fact that RiverOak proposes to relocate the HRDF to land outside the Order limits separately to the DCO application.”</i></p> <p>Given the apparent lack of progress in finding a suitable site outside the Order Limits, is the Applicant reconsidering that decision?</p>
		<p>Applicant's Response:</p> <p>No, the Applicant maintains its view that the dDCO does not require any specific provision specifically to cover the HRDF as it is proposed that the HRDF will be relocated to land outside the Order limits. The Applicant has made progress in identifying a number of alternative sites for the HRDF outside the Order Limits and has commissioned a technical report from Osprey into the suitability of those sites, which have been discussed with the MoD and Aquila. The parties are agreed in principle that the HRDF can be moved if a suitable relocation site is identified. The MOD's HRDF Engineering Authority, Aquila, have been provided with a copy of the technical report which sets out the details of the alternative site(s) and indicates the Applicant's preferred option, which they are analysing. It is expected that Aquila will confirm the suitability of an alternative location, before the 9 July 2019.</p>
CA.2.5	The Applicant	<p>Crown Land: High Resolution Direction Finder</p> <p>A representative of the Applicant told the ExA at the Compulsory Acquisition Hearing (CAH) held on 20 March 2019 that the HRDF may be redundant to requirements.</p> <p>Provide evidence for this assertion.</p>

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		<p>Applicant's Response:</p> <p>The MoD does not consider HRDF to be redundant to requirements but there could be a break in its use while it is relocated. The Project Marshall Delivery Team have stated informally, and without commitment, that it would be willing to consider a proposal to move, rather than replace the existing HRDF; this would result in a break in service during the move but would save the procurement of an additional system. This option was also raised by Aquila during their meeting with RSP on 15 April 2019 as re-location rather than replacement results in a simpler equipment acceptance process. The alternative is to build and commission a new HRDF installation before decommissioning the old one; in this instance the decommissioned equipment would be redundant and surplus to requirements. Whilst a case will be made to move rather than replace the existing HRDF, the Applicant commits to following whichever course of action is required by the MoD.</p>
CA.2.7	<p>The Applicant</p> <p>The Met Office</p>	<p>Crown Land: The Met Office</p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated] states, in relation to the Met Office, that:</p> <p><i>“The Applicant will continue to contact this party to seek to advance voluntary negotiations and is close to entering into a Statement of Common Ground.”</i></p> <p>The draft (not agreed) SoCG between the Applicant and the Met office submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated] states at 4.1.2 that:</p> <p><i>“The Met Office agrees that the Existing Weather Station will have to be removed from its present site and relocated to a new site.”</i></p>

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		<p>The Applicant is reminded that s135 of the Planning Act 2008 states that an order granting development consent may only include provisions relating to the compulsory acquisition of an interest in, or other provisions relating to, Crown land if the appropriate Crown authority consents.</p> <p>i. Report on progress and on the likelihood of reaching an agreement on this in advance of the end of the Examination on or before 9 July 2019.</p> <p>ii. Will the SoCG contain a statement from the Met Office providing the required consent under s135 of PA2008?</p> <p>Applicant's Response:</p> <p>i. The Applicant and the Met Office have agreed a Statement of Common Ground (SoCG) which will be submitted at Deadline 6. The agreed SoCG confirms at paragraph 4.1.2 that "The Met Office agrees that the Existing Weather Station will have to be removed from its present site and relocated to a new site". The Met Office has confirmed that it can provide the requisite consents itself using delegated powers.</p> <p>The Met Office has provided the Applicant with its desired specifications for a New Weather Station and the Applicant has offered the Met Office airside and landside options in response. The final decision by the Met Office on its preferred location and on the access rights made available are subject to discussions between the parties. The Applicant remains committed to reaching an agreement as to relocation and entering into a voluntary agreement with the Met Office's in respect of its land interests by the end of the Examination period.</p> <p>ii. The Applicant has now received confirmation from the Met Office that the consent process can be dealt with directly between the parties under delegated powers granted to the Met Office by the Secretary of State for Housing, Communities and Local Government (HCLG). This is reflected in the latest agreed version of the Statement of Common Ground to be submitted at Deadline 6.</p>

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		<p>The Applicant and the Met Office have noted the wording of s135 of the Planning Act 2008 and have agreed that s135(1) consent is not applicable. Section 135(1) consent applies in respect of compulsory acquisition powers in a DCO where the Applicant wishes to acquire interests over Crown land which are not held by the Crown. For example, where the Crown have leased the land to a third party. In the present case, the Met Office is holding its lease on behalf of a government department (HCLG) meaning that there is no third party for the purposes of s135.</p> <p>The Applicant will still seek the Met Office's consent to the compulsory acquisition powers in the dDCO however this will be done directly, through a voluntary agreement.</p>
CA.2.8	The Applicant	<p>Crown Land: The Government Legal Department</p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 5 on 29 March 2019 [REP5—index number to be allocated] states, in relation to the Government Legal Department, that:</p> <p><i>"Decision to be made by Government Legal Department as regards bona vacantia land"</i></p> <p>The Applicant is reminded that s135 of the Planning Act 2008 states that an order granting development consent may only include provisions relating to the compulsory acquisition of an interest in, or other provisions relating to, Crown land if the appropriate Crown authority consents.</p> <p>Report on progress and on the likelihood of reaching an agreement on this in advance of the end of the Examination on or before 9 July 2019.</p> <p>Applicant's Response:</p> <p>The Applicant's solicitors have been in contact with the Government Legal Department (GLD) as recently as 23 April 2019 and have been advised that no decision has been made regarding the bona vacantia land as the GLD await approval from the Department</p>

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		<p>for Transport. Originally, the GLD's rationale for not making a decision was that it believed the Department for Transport were likely to wish to preserve an interest in the property and the GLD were accordingly waiting for the Department of Transport to make a decision.</p> <p>On 18 April 2019, the Applicant provided the GLD with Land Registry Official Copies in respect of the Secretary of State for Transport's registered interest at main airport site. The Applicant was advised on 23 April 2019 that despite being previously unaware of the Secretary of State for Transport's registered interests, there has been no change in the GLD's position and no decision has been made regarding the bona vacantia land.</p> <p>The Applicant restates the view given at the Compulsory Acquisition Hearing on 20 March 2019, namely that the two bona vacantia interests relate to a historic licence (plot 19c) and an option to purchase a section of the Northern Grass (plot 50b). Neither of these interests are of a Category 1 nature, i.e. these are not interests owned, occupied or leased by the Crown.</p>
CA.2.9	The Applicant	<p>Special Category Land</p> <p>Plots 185b, 185c, 185d, and 185f are identified in Part 5 of the Book of Reference: Post-Application Revision 1 [REP3-194] as being special category land under s.131 and 132 of the 2008 Planning Act.</p> <p>The ExA notes that:</p> <ul style="list-style-type: none"> • The Draft (not agreed) Statement of Common Ground between the Applicant and Stone Hill Park Ltd states that: <p><i>"SHP has no reason to challenge the Applicant's opinion that s.132 is not engaged in respect of 'Special Category Land' at plots 185b, 185c, 185d and 185f."</i></p> <ul style="list-style-type: none"> • Kent CC Responses to our first questions states that:

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		<p><i>"The County Council agrees that that the land will be no less advantageous to landowners or the public, even if the applicant obtains a right over the land."</i></p> <ul style="list-style-type: none"> • The Signed SoCG with Nemo Link submitted at Deadline 5 on 29 March 2019 [REP5 – index number to be allocated] states that: <p><i>"Nemo Link has no objection in principle to the acquisition by RiverOak of rights over plots 185b, 185c, 185d, 185f and has no comments to make as to the statutory test in section 132(3) of the Act in relation to the acquisition of rights over these plots."</i></p> <ul style="list-style-type: none"> • and Thanet DC's response to our question CA.1.43 states that: <p><i>"Thanet District Council considers that the special category land at plots 185b, 185c, 185d, 185f will be no less advantageous to either the Council or the public, given that it will remain as public open space/cycleway available for use by the public and for maintenance the Council where appropriate."</i></p> <p>Given this, the ExA is minded to recommend that subsections 3, 4 and 5 of s.132 of the Planning Act 2008 do not apply but that subsection 2 of s132 of the Act does apply in that:</p> <p><i>(3) ... the order land, when burdened with the order right, will be no less advantageous than it was before to the following persons—</i></p> <p><i>(a) the persons in whom it is vested,</i></p> <p><i>(b) other persons, if any, entitled to rights of common or other rights, and</i></p> <p><i>(c) the public.</i></p> <p>Either:</p> <p>Comment on the ExA's initial conclusions; or</p>

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		<p>State your objection should this recommendation be included in the ExA's Recommendation Report.</p> <p>Applicant's Response:</p> <p>The Applicant agrees with the ExA's initial conclusions although would prefer it was phrased that subsections (4) and (5) of s.132 of the Planning Act 2008 do not apply but that subsection (3) applies, and that it recommends that the Secretary of State issues a certificate to that effect.</p> <p>As it stands, the text above says that subsection (3) does not apply but then goes on to say it does apply.</p>
CA.2.10	The Applicant	<p>Statutory Undertakers</p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated] lists the following Statutory Undertakers:</p> <ul style="list-style-type: none"> • BT Group plc • Nemo Link Limited • Network Rail Infrastructure • South Eastern Power Networks plc (originally shown as UK Power Networks Services (South East) Limited in the submitted Book of Reference. • Southern Gas Networks plc

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		<ul style="list-style-type: none"> • Southern Water Services Limited <p>Confirm that this remains the complete list of those Statutory Undertakers potentially affected by the request for CA of land and/or rights over land.</p>
		<p>Applicant's Response:</p> <p>The Applicant confirms that the list of statutory undertakers identified in question CA.2.10 and in the Compulsory Acquisition Status Report comprises the complete list of statutory undertakers who may be affected by the request in the dDCO [REP5-002] for compulsory acquisition of land and rights over land.</p>
CA.2.11	The Applicant	<p>Provide an update on progress in achieving agreement with the following Statutory Undertakers:</p> <ul style="list-style-type: none"> • BT Group plc; • Nemo Link Limited; • Network Rail Infrastructure; • South Eastern Power Networks plc; • Southern Gas Networks plc; an • Southern Water Services Limited;

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		<p>including progress in drafting any specific Protective Provisions required by them and highlighting any potential barriers to agreements being reached with these bodies on or before the end of the Examination on 9 July 2019.</p> <p>Applicant's Response:BT Group plc</p> <p>The Applicant has sought to engage with BT Group plc regarding protective provisions and an initial statement of common ground. The dDCO [REP5-002] contains protective provisions for the benefit of electronic communications code operators which include BT Group plc.</p> <p>The following is a list of the Applicant's engagement with BT Group plc regarding protective provisions:-</p> <p>9 February 2018 – Letter from the Applicant seeking to advance voluntary negotiations sent.</p> <p>20 September 2018 – Email from the Applicant with attached letter seeking to advance voluntary negotiations sent</p> <p>4 October 2018 - Email from BDB Pitmans (the Applicant's Solicitors) to Dionne Herelle at BT seeking to contact BT's legal team to engage on the voluntary acquisition of land and rights, attaching letter dated 20 September 2018</p> <p>11 October 2018 - Call between BDB Pitmans and Dionne Price. Dionne's team covers property issues rather than apparatus so she has contacted Openreach to progress this further</p> <p>16 November 2018 - Email from Dionne Herelle to BDB Pitmans attaching document confirming BT's location within the Manston Airport region, and requesting that updates are provided to track development</p> <p>20 November 2018 - Email from BDB Pitmans to Dionne Herelle confirming the Applicant's solicitors have not heard back from OpenReach and asking for a contact in the legal department at BT or OpenReach to discuss the interaction of the proposed development with BT's existing infrastructure at Manston Airport</p> <p>20 November 2018 - Email from Dionne Herelle to BDB Pitmans attaching a response from the OpenReach team and suggesting a contact in the legal team</p> <p>17 December 2018 – Email from BDB Pitmans to Christine Taylor at Openreach forwarding previous correspondence sent to BT and seeking to progress negotiations and updating regarding examination process</p> <p>11 January 2019 – Call from BDB Pitmans to Openreach general number, leaving a message to find out when the Applicant's</p>

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		<p>solicitors were likely to get a response</p> <p>29 January 2019 – Call from BDB Pitmans to Openreach general number to chase regarding a response to progress negotiations, leaving a message with the operator. The operator said that the person dealing with this will be Marc Taylor and that she will pass on the message to him to call back as soon as possible.</p> <p>5 February 2019 - Email from Marc Taylor of BT to BDB Pitmans confirming he will examine the proposals within the next 4 weeks and the provision of Openreach apparatus within the Order limits.</p> <p>8 February 2019 – Email from BDB Pitmans to Marc Taylor sending the link the relevant drawings and a copy of draft Statement of Common Ground seeking to progress negotiations.</p> <p>1 March 2019 - Call between BDB Pitmans and Gavin Young of the Canterbury office who took a message for Marc Taylor noting the urgency of response.</p> <p>1 March 2019 - Follow up letter seeking to advance voluntary negotiations sent.</p> <p>6 March 2019 - Call between BDB Pitmans and Gavin Young who took a message for Marc Taylor. Message also left on Marc Taylor's mobile.</p> <p>6 March 2019 - Email from BDB Pitmans to Marc Taylor as a follow up to the call.</p> <p>7 March 2019 - Call between BDB Pitmans and Marc Taylor who reported that he did not have any specific concerns but noted that the agreement regarding the Statement of Common Ground and protective provisions will come from their legal department. Marc said he would update Oksana on 8 March and they would have a follow up call on 12 March.</p> <p>12 March 2019 - Call between BDB Pitmans and Marc Taylor regarding the Statement of Common Ground and protective provisions .confirming Marc is still waiting for internal confirmation as to who should be the relevant contact.</p> <p>28 March 2019 - Call between BDB Pitmans and Marc Taylor confirming Marc is still locating the relevant contact to review the documents</p> <p>28 March 2019 - Email from Marc Taylor to BDB Pitmans copying in various contacts from BT/Openreach, including their legal team, asking to progress the matter.</p> <p>11 April 2019 - Email from BDB Pitmans to Wessel Dupreez and Marc Taylor of BT/Openreach asking for an update as regards the Statement of Common Ground.</p> <p>17 April – Call from BDB Pitmans to Marc Taylor but no response.</p>

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		<p>2 May 2019 – A further follow up email from BDB Pitmans to Wessel Dupreez and Marc as no response received to the email of 11 April 2019.</p> <p>BT Group plc has not made a representation or provided any comments on the protective provisions contained in the dDCO [REP5-002]. The Applicant remains willing to discuss any comments BT Group plc may have on the protective provisions contained in the dDCO.</p> <p>Nemo Link Limited (Nemo Link)</p> <p>The Applicant has agreed a statement of common ground with Nemo Link [REP3-182]. The statement of common ground confirms that Nemo Link is satisfied with the protective provisions contained in the dDCO [REP5-002].</p> <p>Network Rail Infrastructure Limited (Network Rail)</p> <p>The Applicant and Network Rail have agreed an initial statement of common ground [REP3-179].</p> <p>The Applicant is in discussions with Network Rail on the terms of an agreement which will enable Network Rail to withdraw its representation.</p> <p>Network Rail has requested that the Applicant accepts its standard protective provisions. The Applicant considers that Network Rail's standard protective provisions are unduly onerous and unnecessary given the remoteness of the Proposed Development from Network Rail's infrastructure. Moreover, the compulsory acquisition of subsoil sought in respect of land owned by Network Rail is solely for the purpose of acquiring ownership of an outfall pipeline which is already in situ underneath plot 123. Network Rail's interest in plot 123 is therefore already subject to a third party interest and the effect of the dDCO [REP5-002] is to vest the pipeline in the Applicant, who will become responsible for its maintenance into the future.</p> <p>The Applicant has provided Network Rail with a revised version of Network Rail's protective provisions for consideration, indicating which of the provisions the Applicant is willing to accept. Network Rail has insisted that its standard protective provisions are non-</p>

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		<p>negotiable. In particular the standard protective provisions contain numerous plan-approval mechanisms and significant indemnities which the Applicant does not consider to be proportionate to the extent of the interaction between the Proposed Development and Network Rail's infrastructure. Accordingly, the Applicant does not accept Network Rail's position that its standard protective provisions should apply but remains willing to agree appropriate and proportionate protective provisions with Network Rail. The Applicant is hopeful that agreement will be reached before the end of the examination.</p> <p>Furthermore, the Applicant wrote to Network Rail on 17 April 2019 regarding the voluntary acquisition of subsoil land and rights required for the Proposed Development and awaits Network Rail's response to that letter.</p> <p>South Eastern Power Networks plc (SEPN)</p> <p>The Applicant and SEPN have agreed an initial statement of common ground [REP3-185].</p> <p>The Applicant is in discussions with SEPN with a view to agreeing the protective provisions which will be provided for the benefit of SEPN. The parties have exchanged several draft documents and are broadly aligned on the principles of the protective provisions to be granted. The parties currently disagree on a small number of issues but the Applicant is hopeful that agreement will be reached before the end of the examination.</p> <p>Southern Gas Networks plc (SGN)</p> <p>The Applicant and SGN have agreed an initial statement of common ground [(REP3-175)].</p> <p>The Applicant is in discussions with SGN on the terms of an agreement which will enable SGN to withdraw its representation. The Applicant and SGN are currently in negotiations on the terms of the protective provisions which will be provided for the benefit of SGN. The parties have exchanged several draft documents and are broadly aligned on the principles of the protective provisions to be granted. The parties currently disagree on a small number of issues but the the Applicant is confident that agreement will be reached before the end of the examination.</p>

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		<p>Southern Water Services Limited</p> <p>The Applicant has agreed a statement of common ground with Southern Water Services Limited [REP4-009].</p> <p>The statement of common ground confirms that Southern Water Services Limited is satisfied with the protective provisions contained in the dDCO [REP5-002].</p>
CA.2.12	The Applicant	<p>Representations from Affected Persons</p> <p>The ExA notes that representations have been received from the following Affected Persons:</p> <ul style="list-style-type: none"> • Cogent Land LLP • Robin Cross • Barry James Morris • Kent Facilities • Jeremy Ian de Rose • The Master, Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge • Marcus James Russell • David Steed

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		<ul style="list-style-type: none"> • Stone Hill Park Ltd • Robin Willi <p>The ExA notes that Robin Cross, Jeremy Ian de Rose and Marcus James Russell are listed in the updated Compulsory Acquisition Status Report submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated] as being trustees for RAF Manston Spitfire and Hurricane Memorial Museum.</p> <p>Confirm or otherwise that this is the Applicant's understanding of the total number and extent of sources of representations by Affected Persons other than those by Statutory Undertakers and local authorities.</p> <p>Applicant's Response:</p> <p>The Applicant confirms that it is aware of representations having been made by those named above. The ExA should note that representations made by Crown bodies have not been identified above. Given that Cogent Land LLP only holds a Category 2 interest and all of the other parties hold Category 1 interests, the ExA should note that there are several Category 2 interest holders who have made representations (either relevant representations or written representations). Based on the Planning Inspectorate's website, the Applicant believes the following additional names should be included on the ExA's list:</p> <ul style="list-style-type: none"> • Glenn Horwood • Irene Horwood • Philip Griffiths • Adam Rogers • James Hose

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CA.2.13	The Applicant David Steed	<p>Representations from Affected Persons: David Steed</p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated] states, in relation to David Steed, that for certain plots agreement has been reached ‘for a fixed term’.</p> <p>Explain what ‘fixed term’ means in this context.</p>
		<p>Applicant’s Response:</p> <p>‘Fixed term’ is a reference to the lease the Applicant has obtained over the land at plot 63 and 65. The term itself is for 25 years and further details of the lease are provided in column 11 of the Compulsory Acquisition Status Report, at plots 63 and 65 respectively.</p>
CA.2.14	The Applicant	<p>Representations from Affected Persons: Trustees of the RAF Manston Spitfire and Hurricane Memorial Museum</p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated] states, in relation to Trustees of the RAF Manston Spitfire and Hurricane Memorial Museum, that agreement has been reached (Statement of Common Ground)</p> <p>The updated status report also states that:</p> <p><i>“The Statement of Common Ground contains provisions as to timings of new negotiations and to relocation.”</i></p> <p>Given this, explain how this constitutes and agreement in the context of the status of Compulsory Acquisition negotiations.</p>

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		<p>Applicant's Response:</p> <p>Although it is an agreement, the Applicant accepts that it does not fully cover compulsory acquisition powers. The land is owned as follows:</p> <ul style="list-style-type: none"> - Spitfire and Hurricane Museum: Parcel 045, 048, 048b – freehold; Parcel 047, 047a, 050, 050b, 050c, 050d, 050e, 051b, 053a, 053b - category 2 rights - RAF Manston History Museum: Parcel 047 – lessee <p>The Applicant proposes to retain the lease of the latter, while substituting itself as the freeholder in place of Stone Hill Park Ltd, and acquire the freehold of the former, then granting a lease to the former on the same terms as the latter. If and when the museums are relocated (outside the scope of the DCO), the Applicant will grant a freehold of the relocated sites.</p>
CA.2.15	The Applicant	<p>Representations from Affected Persons: Cogent Land LLP</p> <p>A representation has been submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated] from Cogent Land LLP the owners of the site of a permitted development of housing and other uses at Manston Green.</p> <p>The submission states, inter alia, that:</p> <p><i>“The CPO land incorporates the Manston Green access road (which benefits from full planning permission), the CPO of this land could jeopardise the implementation of the whole development.”</i></p>

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		<p>The ExA notes that in its response to question G.1.6 the Applicant stated that:</p> <p><i>“The application site boundary for OL/TH/14/0050 does include land which is also included within the DCO Order Limits ± but for the acquisition of permanent rights over land not the permanent acquisition of land (see drawing no. NK01847-WSPMSE-01-DR-C-2104 in APP-016). This is land needed for the approach lights in the dDCO which is the exact land which previously accommodated the landing lights when the airport was operational. the proposal would not affect the delivery of the Manston Green site for 785 dwellings.”</i></p> <p>Provide an evidenced comment on the assertion by Cogent Land LLP that the CPO of this land could jeopardise the implementation of the whole development.</p> <hr/> <p>Applicant's Response:</p> <p>The Applicant considers that the assertion is incorrect.</p> <p>The closest element of project to the proposed Manston Green development is Work No. 6 (the construction of new or improved approach lights and navigational aids). The location of work No. 6 is shown on drawing NK018417 RPS-MSE-XX-DR-C-2214 of the Works Plans [APP-018] and on drawing NK01847-WSPMSE-01-DR-C-2104 of the Land Plans [APP-016].</p> <p>As shown on drawing NK01847-WSPMSE-01-DR-C-2104, the Applicant is seeking to acquire permanent rights over this land, not permanent acquisition of the land itself. The Applicant understands that Cogent Land LLP are not the owners of this land but have an option over it.</p> <p>Although the project order limits in this location do overlap with the application site boundary for the Manston Green Development planning permission OL/TH/14/0050), they do not overlap with the proposed access road for the Manston Green development. For clarity, the Applicant has prepared a plan showing the Manston Green development access road and the order limits for the project</p>

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		<p>(see Appendix CA.2.15 in TR20002/D6/SWQ/Appendices). It is clear from this plan that the proposed access road falls outside of the order limits and as such will not be affected by the project.</p> <p>With regard to other elements of the proposed Manston Green Development, as explained in the response to question G.1.6 of the First Written Questions [REP3-195], the Applicant understands that Condition 5 of the planning permission for the Manston Green development requires any reserved matters application submitted pursuant to the outline application to accord with the principles and parameters of the approved parameter plans including Parameter Plan 011 – Land Use and Amount. This plan shows an area of the application site which has been excluded from the developable area so that “the existing airport landing lights could be retained.” It is within this area that the land included within the DCO Order Limits falls. Consequently, if any reserved matters application is submitted for Phase One, it would need to show no development in the area where the landing lights are proposed in the dDCO. Consenting the DCO would therefore not prevent the delivery of the housing scheme.</p>
CA.2.16	The Applicant	<p>Representations from Affected Persons</p> <p>Provide details of negotiations with those Affected Persons who have submitted representations and who are not covered by other questions and comment on the likelihood of reaching an agreement on this in advance of the end of the Examination on or before 9 July 2019:</p> <ul style="list-style-type: none"> • Barry James Morris • Kent Facilities • The Master, Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge • Stone Hill Park Ltd • Robin Willi

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		<p>Applicant's Response:</p> <p>Barry James Morris</p> <p>The ExA will note from the Land Plans at Inset B to Sheet 5 [APP-4.2] that the pipeline runs across Clive Road at plot 97 and Mr Morris is presumed to have a category 1 interest in the subsoil adjacent to his property up to half the width of the said highway. The Applicant has written to Barry James Morris on 16 February 2018, 20 February 2018, 20 September 2018, 20 December 2018 and on 1 March 2019 but no response has ever been received. The Applicant has written to all owners of pipeline plots in April 2019 with a draft voluntary agreement and with a request that the agreements are concluded before the end of the Examination period.</p> <p>Kent Facilities</p> <p>Kent Facilities Limited have a charge over the main airport site. Any voluntary agreement with the owner of the main airport site, Stone Hill Park Limited, would therefore require Kent Facilities Limited's approval. Accordingly, the Applicant believes that a voluntary agreement with Kent Facilities Limited would be dependent on an agreement with Stone Hill Park Limited with whom the Applicant has been seeking to reach an agreement with. The Applicant has written to Kent Facilities Limited, most recently on 1 March 2019 but also on 9 February 2018, however no direct response has been received.</p> <p>The Master, Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge (the College)</p> <p>On 23 February 2018 the Agent for the College advised the applicant that they did not wish to engage with discussions or negotiations prior to the determination of the DCO. The Applicant has since written to the College on 26 February 2018, 21 September 2018 and 1 March 2019 and have been copied to their agent. No responses have been received by the Applicant. The Applicant remains committed to entering into discussions with the College and hopes that the College will engage with it prior to the end of the Examination period.</p> <p>Stone Hill Park Ltd</p>

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		<p>The Applicant can confirm that discussions as to the acquisition of the site continue to take place between the parties. The Applicant will continue to progress discussions with a view to concluding the acquisition before the end of the examination period. It has been and remains the Applicant's preference to acquire the site by agreement rather than relying on powers of compulsion.</p> <p>Robin Willi</p> <p>The ExA will note from the Land Plans at Inset D to Sheet 5 [APP-4.2] that the pipeline runs across the southern side of Meverall Avenue. Mr Willi is presumed to have a category 1 interest in the subsoil below his property at plot 166 and in the highway adjacent to his property up to half the width of the highway at plot 167. The Applicant initially wrote to Mr Willi on 16 February 2018 and were informed by email on 25 February 2018 that Mr Willi did not wish to engage in further discussions. Despite this, the Applicant wrote to Mr Willi on 20 September 2018, 20 December 2018 and on 1 March 2019 but no further response has ever been received. The Applicant is intending to write to all owners of pipeline plots again in April 2019 with a draft voluntary agreement and with a request that the agreements are concluded before the end of the Examination period.</p>
CA.2.18	The Applicant	<p>Associated Development: Land Requirement - Works Nos. 15, 16 and 17</p> <p>The April 2013 DCLG Guidance on associated development applications for major infrastructure projects states that:</p> <p><i>"The definition of associated development, as set out in paragraph 3 above, requires a direct relationship between associated development and the principal development."</i></p> <p>Following the discussions at the Issue Specific Hearing on the draft DCO held in January 2019, the revised version of the draft Development Consent has added the words "airport-related" to the descriptions of Works Nos. 15-17 in Schedule 1.</p> <p>The revised draft DCO does not define 'airport related'.</p> <p>Provide a definition of 'airport related' as it applies to the proposed scheme.</p>

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		<p>Applicant's Response:</p> <p>Requirement 19 was added to the dDCO at Deadline 5 – it links Works 15, 16 and 17 to the nationally significant infrastructure project consisting of works 1 to 11 and 13, requiring the development of the former works to support the operation of the latter, mirroring the test used in the DCLG Guidance on Associated Development.</p> <p>A definition of 'Airport-related' for the purposes of Requirement 19 in Part 1 of Schedule 2 of the dDCO has been submitted at Deadline 6 as development directly related to, or associated with, or supportive of operations at Manston Airport including, but not limited to, offices for various support functions and freight forwarders, freight distribution centres, flight catering, car hire activities, maintenance and valeting operations, support functions for aircraft maintenance, airline training centres, airline computer centres, security facilities, business aviation facilities and storage facilities for airlines.</p>
CA.2.19	The Applicant	<p>Associated Development: Land Requirement - Works Nos. 15, 16 and 17</p> <p>The DCLG Guidance on associated development applications for major infrastructure projects states that:</p> <p><i>“Development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant....”</i></p> <p>Appendix 10 of Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices, submitted at Deadline 5 on 29 March 2019 [REP5–index number to be allocated], states at paragraph 2.1 that:</p> <p><i>“At this point, it is difficult to ascertain who will be occupying a specific amount of space, and on what terms that tenant will be looking for. The applicant has been in extensive conversations with potential end-users to occupy space on the Northern Grass for Airport related purposes, however, these conversations remain commercially confidential.”</i></p>

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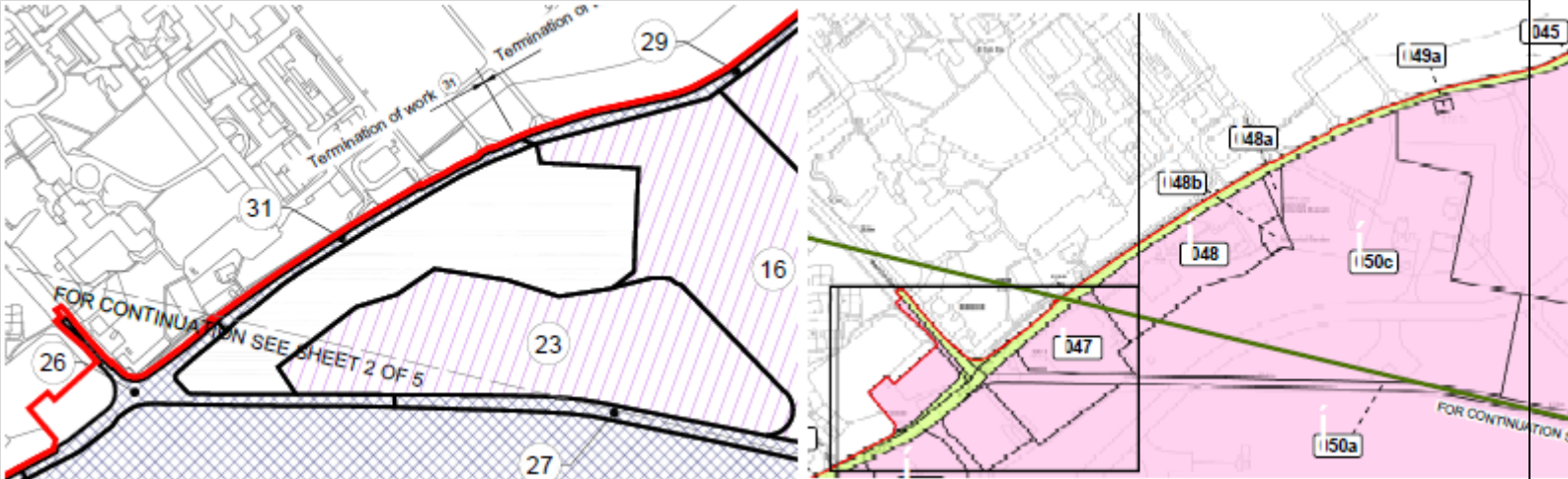
Ref No.	Respondent	Question
		<p>Explain how this statement serves to reassure the ExA that the test in Guidance is being met.</p> <p>Applicant's Response:</p> <p>The Northern Grass is of a type that is necessary support for the airport, and if it is not on the Northern Grass it will be required elsewhere, albeit in a less suitable location. The Northern Grass is the most suitable location for such development as it is brownfield land adjacent to the airport and is allocated for airport use in the local plan. If the development does not take place on the Northern Grass then it is likely to arise further afield in a piecemeal and uncontrolled manner with a worse impact on the local area and less efficient interaction with the airport, and so it is in the public interest that as much of it as possible is sited on the Northern Grass.</p> <p>The fact that the precise nature of the development likely to take place on the Northern Grass is not yet known does not mean that it is only necessary for a source of additional revenue, which it is not. While it will bring revenue, that is not the only reason for the proposed associated development on the Northern Grass, as set out above.</p>
CA.2.20	The Applicant	<p>Land Requirement - Works Nos. 15, 16 and 17</p> <p>The Local Impact Report from Kent CC [REP3-143] states, in relation to archaeology, at paragraph 4.8(3) that:</p> <p><i>"The County Council would accept that [preservation in situ] can be achieved post determination, as long as there is sufficient - and perhaps substantial - flexibility in the development design to enable preservation to be achieved. The applicant explained in the teleconference that this can be achieved in the North Grass Area through reduction of the area of business development if required, as that would not compromise the overall position of airport development."</i></p> <p>Justify the extent of the sites shown for Works Nos. 15, 16 and 17 if a reduction of the area of business development would not compromise the overall position of airport development.</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>The Applicant recognises the possibility that unrecorded archaeological remains may be present on the Northern Grass Site. As it is not possible for the Applicant to carry out further surveys at this stage to confirm where on the Northern Grass these remains may be located, the Applicant has included flexibility in the masterplan to alter the layout of buildings to ensure archaeological finds can be preserved in situ.</p> <p>The Applicant will seek to alter the layout while retaining the overall floor space as far as possible, for example by rearranging the configuration of the buildings and using the vertical limits of deviation to include additional storeys on some buildings, but accepts there are circumstances where the full development may not be able to be built. If that happens it does not mean that the development is any less needed and will have to be provided elsewhere.</p>
CA.2.21	The Applicant	<p>Land Requirement – Plots 015b, 017, 020, 021, 022, 023, 024, 025</p> <p>Appendix 1: <i>Details of the Purpose for Which Compulsory Acquisition and Temporary Possession Powers Are Sought</i> of the Statement of Reasons [APP-012] shows the purpose for which Plots are required for plots 015b, 017, 020, 021, 022, 023, 024, 025 as being glide path safeguarding. Plots 017, 020, 021, 022, 023, 024, 025 are to be permanently acquired solely for this purpose.</p> <p>Your response to ExA question CA.1.5 [REP3-201] states that:</p> <p><i>“aerodrome licensees will ensure that the Obstacle Limitation Surfaces (OLS) are safeguarded against any development that may impact upon their operation.”</i></p> <p>You cite Civil Aviation Publication (CAP) 738 (Safeguarding of Aerodromes). The ExA notes that this appears to deal with a process of consultation between a local planning authority and consultees which may be statutory or unofficial. (para 1.1.)</p>

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Ref No.	Respondent	Question
		<p>Demonstrate why you require permanent acquisition to safeguard Obstacle Limitation Surfaces rather than a process of statutory consultation or, for example, through a restrictive covenant?</p> <p>Applicant's Response:</p> <p>The Applicant has sought permanent acquisition of these plots in order to safeguard a particularly sensitive piece of electronic navigation aids equipment; the Instrument Landing System (ILS). The ILS is used to guide the approach of an aircraft onto the threshold of the runway. It is therefore critical to ensure protection of the ILS signal against interference or disruption by obstacles or structures in the ILS' vicinity. The ILS needs to be positioned close to the runway and the threshold. The plots are close to runway 28 and its threshold.</p> <p>This equipment relies on the uninterrupted propagation of electromagnetic (radio) signals and pilots rely entirely, during low visibility conditions, on the accuracy of the information displayed to them on the instruments in the aircraft cockpit. CAA technical safeguarding criteria define the required areas around such equipment to ensure its safe operation.</p> <p>The plots referred to above (015b, 017, 020, 021, 022, 023, 024, 025) were previously safeguarded by the former Manston Airport operators / owners for this reason. A restrictive covenant would relinquish total control of those plots in a sensitive area so risking the accuracy of the equipment and its safe deployment.</p>
CA.2.22	The Applicant	<p>Land Requirement</p> <p>The Applicant's Comments on Local Impact Reports submitted for deadline 4 on 8 March [REP4-028] states that:</p> <p><i>"The Museums and Memorial Gardens will be retained within a safeguarded museums area that also includes the former RAF Manston ATC Tower and the former RAF Battle Headquarters. These features will be retained within the context of an active airfield, contributing positively through the continuation of aviation operations."</i></p>

Ref No.	Respondent	Question
		<p>Show where this is secured in the draft DCO or in the documents that are listed in Schedule 10 of the draft DCO.</p> <p>Applicant's Response:</p> <p>The DCO would not authorise any works to the museums and memorial gardens; there are no works where they are located on the Works Plans (below left), and so they will be retained by default. The museums and memorial garden are parcels 47, 48 and 48b on the Land Plans (below right), and as can be seen, there are no works in the DCO on those parcels.</p> 
CA.2.23		Acquiring by voluntary agreement

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Ref No.	Respondent	Question
	The Applicant	<p>DCLG Guidance related to procedures for the compulsory acquisition of land (2013) advises at paragraph 25 that, as a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</p> <p>The ExA has made a procedural decision in the Rule 6 letter to require the Applicant to provide an updated CA Status Report at Deadline 5, to accompany the responses to these questions.</p> <p>The ExA notes that the updated Status Report states that, out of some 163 Affected Persons, only those Persons related to the acquisition of the Jentex site are shown, unequivocally, to have reached agreement.</p> <p>Given this:</p> <p>i. Detail your approach to negotiation with Affected Persons including the timing and nature of negotiations held since your response to the ExA's first questions was submitted on 15 February; and</p> <p>ii. set out your intended timescales for reaching agreements.</p> <p>Applicant's Response:</p> <p>i. The Applicant notes the following passage from the DCLG Guidance related to procedures for the compulsory acquisition of land (2013) at paragraph 25 which is of particular relevance to the pipeline plots:</p> <p><i>"Where proposals would entail the compulsory acquisition of many separate plots of land (such as for long or linear schemes) it may not always be practicable to acquire by agreement each plot of land."</i></p> <p>Since 15 February 2019, the Applicant has again contacted all Category 1 interest holders, inviting them to enter into negotiations. These letters were sent on 1 March 2019 and resulted in direct responses from 11 Affected Persons whom the Applicant had not yet heard from, several of these Affected Persons requested further information which the Applicant has now provided. In April</p>

Ref No.	Respondent	Question
		<p>2019, the Applicant wrote to those along the pipeline route with draft voluntary agreements and a fact sheet. The April developments will be reflected on the next iteration of the CA Status Report whereas the March 2019 letters were included in the CA Status Report submitted at Deadline 5.</p> <p>ii. The Applicant remains committed to obtaining as many agreements before 9 July 2019 and has informed pipeline plot owners of this in the letters sent in April 2019, however it can only reach an agreement where the other party engages. As stated at the CAH hearing the Applicant believes the lack of engagement land owners is reflective of the minimal nature of the interest it is seeking.</p>
CA.2.24	The Applicant	<p>Acquiring by voluntary agreement</p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 5 on 29 March 2019 [REP5 – index number to be allocated] states, in relation to Avman Engineering Limited and Polar Helicopters Limited that agreement has been reached (Statement of Common Ground).</p> <p>The updated status report also states that:</p> <p><i>“The Statement of Common Ground contains provisions as to timings of new negotiations and to relocation.”</i></p> <p>Given this, explain how this constitutes an agreement in the context of the status of Compulsory Acquisition negotiations.</p> <p>Applicant's Response:</p> <p>The Statements of Common Ground (“SoCG”) capture the agreement the Applicant has reached with both parties as part of their ongoing Compulsory Acquisition negotiations. Whilst the SoCGs do not themselves provide for voluntary acquisition of the parties' interests, they include some important provisions agreed between the parties, namely that the Applicant has agreed with both parties that it:</p>

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Ref No.	Respondent	Question
		<ul style="list-style-type: none"> would seek to find suitable premises on the site for the relocation of their businesses subject to such relocation being compatible with the Applicant's proposed plans and the powers as approved; and would involve both parties in the masterplanning process in order for them to be informed of any developments in the masterplanning process which may affect their businesses. <p>Furthermore the Applicant has also agreed to involve Polar Helicopters Limited in the Airspace Change programme with the CAA in relation to the airspace needs of helicopter operations.</p>
CA.2.25	The Applicant	<p>Acquiring by voluntary agreement</p> <p>DCLG Guidance related to procedures for the compulsory acquisition of land (2013) advises at paragraph 25 that, as a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</p> <p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices, submitted at Deadline 5 on 29 March 2019 [REP5—index number to be allocated], states at paragraph 12.3 that:</p> <p><i>"SHP had suggested that the Applicant lease the site for a period. Mr Freudmann inaccurately summarised the offer as being for 25 years. In fact it was for 125 years."</i></p> <p>The length of the potential lease appeared from Mr Freudmann's comments to be a clear factor in RSP's decision on this offer.</p> <p>If this is not the case, set out the reasons for RSP's decision on the suggestion by SHP that the Applicant lease the site.</p>
		Applicant's Response:

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		<p>The Applicant understood the lease proposed by SHP to be for a period of 125 years at the time the proposal was received. At the CA hearing Mr Freudmann misspoke regarding the length of the proposed lease. The duration of the proposed lease was not a reason for refusing the offer. As noted in the Applicant's Written Summary of Case put Orally – Compulsory Acquisition Hearing [REP5-011], the Applicant's letter responding to the offer and setting out its concerns regarding the offer was included by SHP as an appendix to its Responses to Written Questions. For ease of reference, the letter (dated 21 March 2018) is attached (at Appendix CA.2.25 in TR20002/D6/SWQ/Appendices). It can be seen from the attached that there were a number of issues with the offer raised by the Applicant to which SHP did not respond satisfactorily. It was in light of those unacceptable conditions that the proposal was not accepted. In any event, the Applicant and SHP have been in negotiations regarding the site's freehold for some time. The Applicant is hopeful that these negotiations can be concluded satisfactorily shortly.</p>
CA.2.26	The Applicant	<p>Jentex Contaminated Land Liabilities</p> <p>The Applicant submitted at Deadline 5 in the record of Compulsory Acquisition Hearings in Appendix 2 which states:</p> <p><i>“GEA-18996b-16-204, May 2016</i></p> <p><i>4.1.6.1 Significant organic contamination with reference to human health was detected at three locations: MBH102, MTP103 and MTP107.”</i></p> <p><i>GEA-18996-15-134 Rev A, October 2016</i></p> <p><i>“8.2 It should be noted that the investigation represents a preliminary assessment only and it is acknowledged that further investigation will be required at a later date.</i></p> <p><i>8.5 Further investigation is required beneath residual tanks and below the area of the active Environmental Permit. This investigation is only possible once these have been fully decommissioned and overhead power lines etc. removed to permit access.”</i></p>

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		<p>The Applicant stated at the Compulsory Acquisition Hearing held on 20 March 2019 that these two reports provided them with “a <i>clean bill of health</i>”.</p> <p>When does the Applicant anticipate that the further site investigations will be performed in order for the remediation liabilities to be quantified?</p>
		<p>Applicant's Response:</p> <p>Further site investigations will be carried out prior to commencement of construction works. This commitment is secured via the REAC.</p>
CA.2.27	The Applicant	<p>The Book of Reference: Post-Application Revision 1 [REP3-194] contains a number of new interests in land. These are set out in the Schedule of Changes to Book of Reference [REP3-180].</p> <p>In addition to the plots related to the Jentex Fuel site, we note for example, that: Robert Montgomery LLP has been added in respect of Plots 008, 012, Karen Elisabeth Morse has been added in respect of plot 45, and Andrew Ralph Lane, Barbara Julie Stead, Costa Limited, Decimus Property (Minster) Limited, Jane Barbara Bowyer, Jane Lane, Janet Dear, Kevin Michael Patrick Dear, Kerry Sanders, Murdad Takaloo, Nicholas John Evans, Paul Allen Freeman, and Wilson & Wilson Limited have been added in respect of properties.</p> <p>Outline the procedure which you have adopted to inform and consult with these Affected Persons.</p>
		<p>Applicant's Response:</p> <p><u>Karen Elisabeth Morse</u></p>

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		<p>Ms Morse is presumed to have a category 1 interest in the subsoil adjacent to her property up to half the width of the highway, at plot 45 (Manston Road). This is apparent from the Land Plans at Sheet 3 [APP-4.2]. The Applicant wrote to Ms Morse on 1 March 2019 explaining the extent of interference with her land but no response has yet been received.</p> <p><u>Wilson & Wilson Limited</u></p> <p>Wilson & Wilson Limited have become the freehold owners of land on the west side of Laundry Road, Minster. This is not within the Order Limits but the Applicant considers that they may have a right to claim compensation. The Applicant wrote to Wilson & Wilson as recently as 1 March 2019, but also on 4 April 2018 and 21 September 2018. However no response has ever been received.</p> <p><u>Robert Montgomery LLP</u></p> <p>From diligent inquiry the Applicant has identified that the two parties removed from Category 2 of the Book of Reference, Robert Archibald Charles Montgomery and Lucy Ann Handley Montgomery are Directors of this limited liability partnership. Accordingly the Applicant has written to Robert Montgomery LLP to establish if there is any greater interest.</p> <p>The remainder of the listed parties, namely Andrew Ralph Lane, Barbara Julie Stead, Costa Limited, Decimus Property (Minster) Limited, Jane Barbara Bowyer, Jane Lane, Janet Dear, Kevin Michael Patrick Dear, Kerry Sanders, Murdad Takaloo, Nicholas John Evans, Paul Allen Freeman are owners of Category 3 interests whom the Applicant has not written to as they are not owners, lessees or occupiers of land the Applicant is seeking to compulsorily acquire, nor do they have an interest in the land, or the power to sell and convey, or release the land. However, as part of the Applicant's duty of diligent inquiry, the Applicant wrote to these additional Category 3 parties in April 2019. For the avoidance of doubt, these parties would have been aware of the existence of the DCO through public notices placed by the Applicant in local newspapers prior to the Compulsory Acquisition hearing.</p>
CA.2.28		<p>The basis for assessing the value of the land for the purposes of Article 9 was discussed at the CAH held on 20 March 2019.</p>

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	The Applicant	<p>At that CAH, a representative of the Applicant, Mr Smith from CBRE, indicated a relationship between the estimation of value and the designation of, and policies relevant to, the site of the proposed scheme in Thanet DC's emerging local plan.</p> <p>The Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices states at Appendix 1, paragraph 3 that:</p> <p><i>"The Applicant has allowed for a quantum of contingency sufficient to accommodate such a change in Thanet District Council's emerging plan."</i></p> <p>i. State, the amount of contingency allowed for in the estimate of value.</p> <p>The ExA notes that the Written Summary of Stone Hill Park Ltd's (SHP) Oral Submissions put at the Compulsory Acquisition Hearing held on 20 March 2019, submitted at Deadline 5 on 29 March [REP5-031] restates part of Appendix 6: Compensation Assessment to SHP's Written Representations [REP3-025]. In paragraph 8.2, Avison Young (formerly GVA) states:</p> <p><i>"The compensation provision made in RSP's funding statement is insufficient to meet the compensation obligations resulting from a made DCO. It is important to note that RSP's most recent offer of £20m excludes any value associated with residential development potential, demonstrating the need for RSP's funding provision and business case to be reassessed to reflect significantly higher compensation liabilities."</i></p> <p>ii. Provide a reasoned response to this statement.</p> <div> <p>Applicant's Response:</p> <p>i. Contingency for such changes is included in the land compensation figure of £7.5m. It is not possible to quantify what element of that total corresponds to such a contingency, as contingency is inherent in any assessment of 'hope value'. In any event in this case the potential changes to the Thanet District Council Local Plan will have no bearing on the level of compensation. The site is not being promoted for any particular use in the emerging Local Plan but it</p> </div>

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		<p>remains in the countryside where there is a general emerging policy presumption against inappropriate development which by definition is harmful to the countryside especially where adverse environmental effects cannot be avoided or mitigated. The site will not become a housing allocation as it is not needed to meet TDC's housing needs. However, the Local Plan Inspectors have recommended the need for a 'contingency policy' in the emerging Local Plan so that the site is safeguarded for aviation uses through policies in the emerging Local Plan until the outcome of the DCO is known. Policy text is currently being drafted for discussion at the Local Plan Examination on 31st May 2019. Notwithstanding this, the Applicant's consultants (CBRE and RPS) believe the Stone Hill Park project to be undeliverable and contrary to relevant planning policies so the prospects of securing a planning permission for housing redevelopment are very slim. Therefore the emerging local plan policies will have no effect on the land value.</p> <p>ii. RSP's offer to acquire the land was not based on its value but rather a commercial decision to remove the majority of the land subject to compulsory acquisition. As mentioned above, the Applicant's consultants do not believe that a residential development is deliverable at the site, nor is the site being promoted in the emerging Thanet Local Plan for housing and therefore its value does not reflect such a development.</p>
CA.2.29	The Applicant	<p>In the Written Summary of SHP's Oral Submissions put at the CAH held on 20 March 2019, submitted at Deadline 5 on 29 March [REP5-index number to be allocated] SHP state at paragraph 7.6 that:</p> <p><i>"The Applicant should not be able to rely on the powers in the Compulsory Purchase (Vesting Declarations) Act 1981, as amended by Article 26, in respect of SHP's land. These powers, where they would relate to any of SHP's freehold land, are wholly inappropriate."</i></p> <p>Comment on this statement and for the reasons given for it in the SHP submission.</p> <p>Applicant's Response:</p> <p>The Applicant does not consider that there is any reason why SHP's land should be able to be acquired by General Vesting Declaration rather than Notice to Treat in the event that compulsory acquisition powers are granted. The reasons given are that (a)</p>

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		<p>the Applicant should be satisfied that SHP owns the land, and (b) the Applicant may abuse the process and give an unduly low estimate of compensation so that it need only pay a low amount in an advance payment. The Applicant rejects these assertions.</p> <p>While the Applicant has engaged in diligent enquiry to establish the owners of the land it is possible that undiscovered owners of land or rights may still exist, which could be acquired using the GVD method. Almost every DCO allows the GVD method to be used despite diligent enquiry having been employed to establish ownership in those cases; there is no special reason for not doing so in this case.</p> <p>The Applicant has employed CBRE, one of the leading companies advising on compulsory acquisition valuations, and should be entitled to rely on its advice. To suggest otherwise would be to cast doubt on the reliability of such a company, and by extension, other companies providing expert advice.</p>
CA.2.31	The Applicant	<p>In the Written Summary of SHP's Oral Submissions put at the Compulsory Acquisition Hearing held on 20 March 2019, submitted at Deadline 5 on 29 March [REP5-index number to be allocated] SHP state at paragraph 7.3, with reference to Article 18 (Authority to survey and investigate the land) that:</p> <p><i>"...the wide powers sought by the Applicant to survey and investigate land are inappropriate and are likely to have a blighting impact on land held by SHP."</i></p> <p>i. Comment on this statement.</p> <p>ii. Have such possible blighting effects been taken into account in your estimate of possible compensation payable and reflected in the figure in Article 9?</p>
		Applicant's Response:

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Ref No.	Respondent	Question
		<p>i. The powers contained in article 18 will only become available if and when the DCO is granted; they cannot have a blighting effect now, and are indeed equivalent to those in section 53 of the Planning Act 2008. Indeed, the Department for Transport has recently carried out extensive works at the site which are much greater in extent than such surveying powers would entail. If the Applicant is granted the DCO and it contains compulsory acquisition powers over Stone Hill Park's land it will exercise those powers very soon after the DCO and so any blighting effect would be very short-lived. In any event Stone Hill Park has no entitlement to statutory blight as it does not have a qualifying interest and there is no general ability to claim compensation for blight.</p> <p>ii. As set out above this is not a valid head of claim, and even if it were it would be for a very short duration and hence a very low amount.</p>
CA.2.32	The Applicant	<p>In the Written Summary of SHP's Oral Submissions put at the Compulsory Acquisition Hearing held on 20 March 2019, submitted at Deadline 5 on 29 March [REP5-index number to be allocated] SHP state at paragraph 5.3:</p> <p><i>"Following variation of the agreement with the Secretary of State for Transport (which post-dated SHP's response to the Examining Authority's written questions), a restriction on title has recently been recorded against title numbers K873634 and K803975. This covers substantially all of SHP land to the south of Manston Road). The restriction was recorded on 28.02.2019 and states that "no transfer or lease of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by Secretary of State For Transport of Great Minster House, 33 Horseferry Road, London SW1P 4DR or their conveyancer."</i></p> <p>Given this, should the Secretary of Transport be registered as an Affected Person in the Book of Reference?</p> <p>Applicant's Response:</p> <p>The Applicant has considered the title information dated 20 March 2019 with HM Land Registry Title numbers K803975 and K873634. A restriction was added to the titles of the main airport site on 28 February 2019 in favour of the Secretary of State for Transport. The Applicant can confirm that the Secretary of State for Transport should now be registered as an Affected Person in</p>

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Ref No.	Respondent	Question
		Part 1 of the Book of Reference. The Applicant is still seeking a view from the Secretary of State as to the nature and extent of the interest in land and wrote to the Department of Transport on 15 April 2019. This will be reflected in the next iteration of the Book of Reference. The Examining Authority should note that there was no such interest in land before 28 February 2019, the Applicant not being informed until the day of the Compulsory Acquisition hearing on 20 March 2019.
CA.2.33	The Applicant All Parties	<p>Compelling Case in the Public Interest</p> <p>Section 122 of Planning Act 2008 requires that the Secretary of State must be satisfied that there is a compelling case in the public interest for the Compulsory Acquisition.</p> <p>The Applicant and all parties are reminded that the ExA considers that responses to other questions and submissions to, and arising from, Issue Specific Hearings, particularly those on need and on socio-economic issues are pertinent to this statutory requirement.</p>
		<p>Applicant's Response:</p> <p>Noted.</p>
CA.2.34	The Applicant All Parties	<p>Restrictive Covenants</p> <p>The Applicant and all parties should note that there are questions on this issue in the section below, DCO.2.</p>
		<p>Applicant's Response:</p>

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Ref No.	Respondent	Question
		Noted.
CA.2.35	The Applicant All Parties	Temporary stopping up and restriction of use of streets The Applicant and all parties should note that there are questions on this issue in the section below, DCO.2.
		Applicant's Response: Noted.

APPENDICES

Ref No.	Respondent	Question
DCO.2 Draft Development Consent Order (DCO)		
DCO.2.1	To note by all parties	<p>The ExA considers it may be helpful to set out the sequence to date of iterations of the draft DCO, Explanatory Memorandum and Works Plans.</p> <ul style="list-style-type: none"> • A draft DCO was submitted with the Application documents [APP-006] and published on 14 August 2018. • A revised draft DCO was submitted in clean [REP3-186] and tracked [REP3-193] versions at Deadline 3, on 22 February 2019. • This was accompanied by Draft Development Consent Order Validation Report [REP3-189]. • A second revised draft DCO was submitted in clean [REP5-index number to be allocated] and tracked [REP5-index number to be allocated] versions and in a Word (tracked) version [REP5-index number to be allocated] at Deadline 5, on 29 March 2019. • An Explanatory Memorandum [APP-007] was submitted with the Application documents and published on 14 August 2018. • A revised Explanatory Memorandum was submitted in clean [REP3-200] and tracked [REP3-199] versions at Deadline 3, on 22 February 2019. • A second revised Explanatory Memorandum was submitted in clean [REP5-index number to be allocated] and tracked [REP3-index number to be allocated] versions at Deadline 5, on 29 March 2019. • Works Plans [APP-018] were submitted with the Application documents and published on 14 August 2018.

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Ref No.	Respondent	Question
		<ul style="list-style-type: none"> • Revised Works Plans [REP3-197] were submitted at Deadline 3, on 22 February 2019.
		<p>Applicant's Response:</p> <p>Noted.</p>
DCO.2.10	The Applicant	<p>Associated Development</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated] has added a definition of associated development as follows:</p> <p><i>“associated development” has the same meaning as in section 115 (development for which development consent may be granted) of the 2008 Act</i></p> <p>S115 (2) of the 2008 Planning Act states that:</p> <p><i>“Associated development” means development which is associated with the development</i></p> <p>Explain how the introduction of this definition supports your categorisation of ‘associated development’ in, inter alia, Schedule 1 of the Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated].</p>
		<p>Applicant's Response:</p>

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Ref No.	Respondent	Question
		<p>'Associated development' has a general meaning in the Planning Act 2008. There is nothing in the Act or in guidance stating that associated development is 'necessary' or 'required' for the nationally significant infrastructure project (NSIP). It is clear that development at an airport that is not part of the NSIP but is airport-related is 'associated' with the NSIP by virtue of being of a similar nature, part of a single project, and only included because of the existence of the NSIP, as is the case here. The guidance only states that it should support the operation of the NSIP (amongst other things), as in this case.</p>
DCO.2.11	The Applicant	<p>Article 2 - Interpretation</p> <p>Justify the omission of a phrase relating to possible environmental effects apart from those identified in the environmental statement in the definition of “commence” in the Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated].</p>
		<p>Applicant's Response:</p> <p>The phrase has not been used in recent transport DCOs granted by the Secretary of State for Transport (the Port of Tilbury (Expansion) Order 2019, the Silvertown Tunnel Order 2018, the M20 Junction 10a Development Consent Order 2017) and the same definition of 'commence' has been used, for consistency in drafting and decision-making.</p>
DCO.2.12	The Applicant	<p>Article 2 - Interpretation</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated] states that:</p> <p><i>““maintain” in relation to the authorised development includes to inspect, repair, adjust, alter, remove, refurbish, replace, improve or reconstruct provided that such actions do not give rise to any new or materially different worse environmental effects from those identified in the environmental statement”</i></p>

Ref No.	Respondent	Question
		<p>Which body or bodies is to certify that such actions do not give rise to any new or materially different worse environmental effects from those identified in the environmental statement?</p> <p>Applicant's Response:</p> <p>As in the above orders, there is no body identified to sign off the opinion of the Applicant that maintenance would not give rise to effects beyond those assessed, just as the Applicant is entitled to build the identified works without further sign-off, in the expectation that it will adhere to the DCO given the criminal sanctions that apply should it not. There will be an Operational Environmental Management Plan approved by the Secretary of State.</p> <p>To build works outside those permitted or carry out maintenance beyond that assessed would be a breach of the DCO and hence a criminal offence – any party can challenge the Applicant on that basis and in particular the local planning authority is entitled to enter the land if it has grounds to suspect that an offence of breach of the DCO has been committed under sections 163 and 164 of the Planning Act 2008.</p>
DCO.2.13	The Applicant	<p>Article 2 – Interpretation</p> <p>Justify the omission of the definition of 'limits to deviation' in the Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated].</p> <p>Applicant's Response:</p> <p>There is no definition of 'limits of deviation' because the phrase is not used in the DCO other than in the title of Article 6.</p>

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Ref No.	Respondent	Question
DCO.2.14	The Applicant	<p>Article 5(1) - Maintenance of drainage works</p> <p>i. Justify the apparent breadth of this statement of limits of the undertaker's responsibility.</p> <p>ii. Define who or what may be the "person responsible" in this Article.</p>
		<p>Applicant's Response:</p> <p>i. Article 5 merely preserves existing responsibilities for drainage of land. Section 72 of the Land Drainage Act 1991 lists defence against water, irrigation, warping and management of the level of water in a watercourse under the definition of 'drainage'.</p> <p>ii As provided in section 14 of the Land Drainage Act 1991, internal drainage boards (for which none exists for the order land, although the River Stour (Kent) IDB covers an area to the south) and local authorities have drainage powers. In particular, local authorities have powers 'so far as may be necessary for the purpose of preventing flooding or mitigating any damage caused by flooding in their area'.</p>
DCO.2.15	The Applicant	<p>Article 6 – Limits of deviation</p> <p>Article 6(2). This Article appears to allow for unlimited vertical deviation subject to approval by SoS in consultation with Environment Agency.</p> <p>i. Show where and how has this been assessed in the ES?</p> <p>ii. How would it be assessed in the future?</p>

Ref No.	Respondent	Question
		<p>Bearing in mind the advice in The Inspectorate's Advice Note 15 that: "... <i>details fixed by the terms of the DCO can only be changed if authorised, and following adherence with the prescribed approach explained in section 153 of and Schedule 6 to the PA2008</i>" the ExA consider that this could result in a material change to the project which has not been examined.</p> <p>iii. How would this be consulted upon?</p> <p>iv. Why is the relevant planning authority not listed as an approving authority or as a consultee?</p> <hr/> <p>Applicant's Response:</p> <p>i. The article only allows for unlimited vertical deviation downwards, not upwards. The potential for downwards deviation has been considered in the ES and mitigation has been proposed in the form of further approvals for such works being required from the Secretary of State in consultation with the EA and Southern Water.</p> <p>Note that given the presence of the aquifer below the land in question this article contains more protection than usual for varying the vertical position of works: the Silvertown Tunnel Order 2018 can be varied to any extent downwards without any further permission (article 5).</p> <p>ii. Downward deviation can be carried out in accordance with article 6 of the DCO subject to approval of the Secretary of State. As mentioned above it would require assessment if it had materially worse or additional environmental effects. Note that this would not constitute a change to the DCO and hence would not require the Schedule 6 change process to be followed; it is merely the fulfilment of a process already set out in the DCO.</p> <p>iii. Regulation 22(3) of the 2017 regulations sets out the consultation process that would be covered in these circumstances.</p> <p>iv. As with other subsequent signings off, the Applicant considers that the Secretary of State would be better placed to take such a role given the complexity of the issue and that the effects of the project extend beyond a single local authority's boundaries.</p>

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Ref No.	Respondent	Question
DCO.2.16	The Applicant	<p>Article 6 – Limits of deviation</p> <p>i. Explain between the maximum height above OD of the radar tower constructed as part of Work no.4 (74.0 metres) and the height given in Schedule 1 Work No.4 (a maximum building height of 27m).</p> <p>ii. State, with reference to this Work and, similarly to Works No.12 and No.14 which height takes precedence.</p>
		<p>Applicant's Response:</p> <p>i. The heights are intended to be the same, i.e. 27 metres above ground level is equivalent to 74 metres above ordnance datum, since ordnance datum is 47 metres below ground level at that point.</p> <p>ii Although the heights are intended to be the same in all cases, if there was a discrepancy then both restrictions would operate separately and so the lower of the two would be the maximum height permitted.</p>
DCO.2.17	The Applicant	<p>Article 9 - Guarantees in respect of payment of compensation, etc.</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated] includes <i>“a guarantee by a parent company of the undertaker”</i> in Article 9(2)(f).</p> <p>Which company will be the parent company of the undertaker?</p>
		<p>Applicant's Response:</p>

Ref No.	Respondent	Question
		The undertaker, i.e. the Applicant, does not have a single parent company, but is 90% owned by RiverOak Investments (UK) Ltd and 10% owned by RiverOak Manston Ltd.
DCO.2.19	The Applicant	<p>Article 9 - Guarantees in respect of payment of compensation, etc.</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated] includes the Secretary of State as the approving body in Art. 9 Guarantees in respect of payment of compensation, etc.</p> <p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated] states at paragraph 3.23 that:</p> <p><i>"The report of the Transport Select Committee inquiry into small airports in 2015 is provided at Appendix 8, supporting the case that the Secretary of State would be the better body to approve the guarantee provided at Article 9. The project also affects a wider area than that of Thanet District Council, further suggesting a higher-level body would be more appropriate."</i></p> <p>i. Indicate on which parts of the 2015 report of the Transport Select Committee inquiry into small airports you rely on as your justification for retaining the Secretary of State as the approving body in this Article.</p> <p>ii. Show how these support your position.</p> <p>Applicant's Response:</p> <p>i. The Applicant relies on the report generally and specifically on the following extracts:</p> <p>48. ... However, we question whether a small district council has sufficient funds or legal and financial expertise to handle a case of this magnitude. For example, TDC told us that it spent £26,000 on legal advice in relation to the proposed CPO.⁶⁸ That</p>

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		<p>sum was unlikely to provide TDC with adequate advice in relation to indemnification by a US company or to allow it to understand RiverOak's business plan and operating model...</p> <p>53. The DfT interceded in the Manston case following TDC's decision not to proceed with a compulsory purchase order. In December 2014, the Minister of State, DfT, John Hayes MP, chaired a meeting with interested parties and agreed to co-ordinate work across Government to explore all options to secure the airport's future. That the DfT judged it necessary to intervene in the Manston case shows the extent to which Kent County Council failed to fulfil its strategic oversight role.</p> <p>Conclusions and Recommendations</p> <p>13. We expect higher-tier local government bodies to fulfil their strategic oversight functions by supporting local planning authorities in resolving one-off, complex cases involving nationally significant transport assets. (Paragraph 48)</p> <p>14. Kent County Council has the legal and financial resources to assess complex CPO cases. Despite having agreed a motion to support Thanet District Council, it failed to deploy those assets. In failing to support Thanet District Council's scrutiny of the proposed CPO at Manston, Kent County Council also failed to fulfil its strategic oversight function as the local transport authority. (Paragraph 52)</p> <p>15. That the DfT judged it necessary to intervene in the Manston case shows the extent to which Kent County Council failed to fulfil its strategic oversight role. (Paragraph 53)</p> <p>ii. Recommendation 13 implies that lower-tier local authorities require support when resolving complex cases involving nationally significant transport assets (Manston Airport being the actual example used); recommendations 14 and 15 report that Kent County Council failed to act when it should have and the DfT had to step in. To avoid a repeat of this situation the Applicant has given the DfT the role of approving body in the first place.</p> <p>The DfT is able to perform this role as it has set up a unit to discharge DCO requirements and has the role of discharging very similarly-worded requirements in several other DCOs, such as the Testo's Junction DCO.</p>

Ref No.	Respondent	Question
DCO.2.20	The Applicant	<p>Articles 11 and 12 - Construction and maintenance of new, altered or diverted streets and Temporary stopping up and restriction of use of streets.</p> <p>The ExA recommend that the streets referred to should be identified on the Access and Rights of Way Plans listed at Schedule 10 and words be included in this Article that reference that plan.</p> <p>Comment.</p> <p>Applicant's Response:</p> <p>Article 11 does not give a power to construct new, altered or diverted streets, it controls how this may be carried out when it is authorised by other parts of the dDCO (e.g. the works that consist of highway alterations, such as Work Nos.25 to 32).</p> <p>Article 12 is the same as equivalent articles in other recent DCOs, e.g. the Port of Tilbury (Expansion) Order 2019 (article 13), the Millbrook Gas Fired Generating Station Order 2019 (article 11), the A19/A184 Testo's Junction Alteration Development Consent Order 2018 and ensures consistency of decision-making.</p>
DCO.2.21	The Applicant	<p>Article 12 - Temporary stopping up and restriction of use of streets.</p> <p>Article 12(2) states that:</p> <p><i>"...the undertaker may use any street temporarily stopped up or restricted under the powers conferred by this article and which is within the Order limits as a temporary working site..."</i></p> <p>Show where the use of streets as temporary working sites been assessed in the Environmental Statement?</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>Figure 12.3a in APP-042 sets out the areas where construction activities have been assessed and some of these consist of highways improvements on existing highways; there are also activities across the 'northern grass' area, which may have highways laid out across it which are adopted and subsequently require to be diverted while these works are being carried out (as contemplated by the answer to question CA.1.31).</p>
DCO.2.22	The Applicant	<p>Article 12(2)</p> <p>In its response to ExA question DCO.1.2 [REP3-139], Kent CC states that:</p> <p><i>"KCC is not content with the wording of Article 12(2). The County Council requests that the wording is altered to require the applicant to seek written consent from the Highway Authority to be able to use the highway as a temporary working site.</i></p> <p><i>The County Council notes that utility companies, as statutory undertakers, have a right to access and maintain any plant. The NRSWA 1991 Guidance on Measures necessary where apparatus is affected by Diversionary Works - A Code of Practice (appendix 1) states that when a highway, which is subject of a stopping up order, contains undertakers' apparatus, the Highway Authority should be aware of the undertaker's need for adequate access or protection and should discuss the intended closure at an early stage. The statutory undertaker should be consulted with and given an opportunity to divert any mains/plant.</i></p> <p><i>With regards to permissions for access, once a stopping up order has been raised then this is no longer public highway and therefore in theory, any utility will not need to request road space from KCC as Highway Authority in order to access their plant/apparatus. The wording should be altered to require the applicant to seek written consent from the Street Authority (i.e. the Highway Authority) to use the highway as a temporary working site."</i></p> <p>The ExA notes that Article 12(2) has not been amended to take these comments into account.</p>

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		<p>Either:</p> <ul style="list-style-type: none"> • Justify why this Article should remain as drafted; or • Provide draft wording to take account of Kent CC's comments.
		<p>Applicant's Response:</p> <p>As mentioned in the answer to question CA.2.20, this article is identically worded to articles in many granted DCOs, and there is no reason specific to this project to depart from it.</p> <p>KCC's concerns relate to utilities contained in a highway that is stopped up under this power; however, powers over utilities' apparatus are already dealt with by the dDCO, in particular the protective provisions for utilities in Schedule 9. KCC will not have responsibility for ensuring that statutory undertakers continue to have access to their apparatus; that will be the responsibility of the Applicant.</p>
DCO.2.23	The Applicant	<p>Article 14 - Access to Works</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated] states that:</p> <p><i>"The undertaker may, for the purposes of the authorised development, and with the consent of the street authority, form and layout means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development provided that this does not result in any materially new or materially worse environmental effects".</i></p> <p>i. State whether this is designed to allow for works beyond those specified in Schedule 1.</p>

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Ref No.	Respondent	Question
		<p>ii. State which body or bodies are to certify whether or not development does result in any materially new or materially worse environmental effects.</p> <p>The ExA is considering adding the phrase “from those identified in the environmental statement” at the end of this Article.</p> <p>iii. Comment.</p>
		<p>Applicant's Response:</p> <p>i. No, this is covered by item (a) in the list starting at the end of the numbered works.</p> <p>ii. No body is to certify this, just as no body is to certify that the works being carried out generally are within the scope of the DCO. See the answer to question DCO.2.12 for a fuller explanation.</p> <p>iii. Agreed, added to Deadline 6 version of the dDCO.</p>
DCO.2.24	The Applicant	<p>Article 18 - Authority to survey and investigate the land</p> <p>Justify the insertion of the phrase “and on the Secretary of State” in 18(2).</p>
		<p>Applicant's Response:</p> <p>This text was added to the article at Deadline 3, and as recorded in the notes at the start of the tracked change version [REP3-193], it was in response to Stone Hill Park Ltd's concerns that the Secretary of State may be using the land for Operation Brock/Stack or a successor operation.</p>

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Ref No.	Respondent	Question
DCO.2.25	The Applicant	<p>Article 18 - Authority to survey and investigate the land</p> <p>The ExA is considering amending Article 18(7)(a) to read “<i>Operation Stack has been declared by Highways England and/or Kent Police</i>”.</p> <p>Comment.</p>
		<p>Applicant's Response:</p> <p>Agreed and updated in Deadline 6 version of the DCO [TR020002/D6/2.1].</p>
DCO.2.26	The Applicant	<p>Article 19(1) – Compulsory acquisition of land</p> <p>The ExA recommend that the words “<i>as described in the Book of Reference</i>” should be added to the end of the sentence.</p> <p>Comment.</p>
		<p>Applicant's Response:</p> <p>In the Applicant's view those words are unnecessary because the definition of 'Order land' in article 2 already refers to the land being described in the book of reference. However if the Examining Authority considers it necessary the Applicant has no objection to the inclusion of these words</p>
DCO.2.27		<p>Article 21 - Time limit for exercise of authority to acquire land compulsorily</p>

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Ref No.	Respondent	Question
	The Applicant	<p>Article 21(2) states that:</p> <p><i>“The authority conferred by article 29 (temporary use of land for carrying out the authorised development) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.”</i></p> <p>Article 29(3)(a) sets a limit of one year for the temporary use of land.</p> <p>Clarify whether there is any possible conflicts between the time limits set in Article 21 and Article 29</p>
		<p>Applicant's Response:</p> <p>The Applicant does not believe the articles to be in conflict. Article 21(2) prevents land subject to compulsory acquisition from starting to be temporarily occupied after the compulsory acquisition power has lapsed; article 29(3) deals with how long land may be temporarily occupied providing that it started to be temporarily occupied before the compulsory acquisition power lapses.</p> <p>Note that article 29(3)(a) sets a limit of one year for the temporary use of land <i>beyond the completion of the part of the development set out in the Schedule</i>, not just one year. (So for example if the schedule lists Work No. 3 in respect of some land, and Work No. 3 takes three years to be completed, the land could be occupied temporarily for four years).</p>
DCO.2.28	The Applicant	<p>Article 22 - Compulsory acquisition of rights and restrictive covenants</p> <p>Article 22(1) allows for the imposition of restrictive covenants.</p> <p>The Applicant is referred to paragraph 26 of Advice Note 15: <i>“Before deciding whether or not the power is justified the Secretary of State will need to consider issues such as proportionality; the risk that the use of land above or below a structure could be sterilised if it has to be acquired outright in the absence of a power to impose restrictive covenants”.</i></p>

Ref No.	Respondent	Question
		<p>For information rather than claiming precedence, the Applicant is also referred to the Secretary of State's decision at paragraph 62 of the M4 Motorway (Junctions 3 to 12) (Smart Motorway) DCO <i>"to remove the power to impose restrictive covenants and related provisions as he does not consider that it is appropriate to give such a general power over any of the Order land as defined in article 2(1) in the absence of a specific and clear justification for conferring such a wide-ranging power in the circumstances of the proposed development and without an indication of how the power would be used"</i>.</p> <p>In the absence of any draft restrictive covenants within the draft DCO or in the application documents, set out your justification for not specifying the nature, geographic limitation and content of such restrictive covenants.</p>
		<p>Applicant's Response:</p> <p>The Applicant believes that to continue to include this power would allow lesser impositions on existing landowners to be imposed if it were possible to impose a restrictive covenant rather than acquiring the land outright. In the answer to CA.1.30 the Applicant gave the example of land around the pipeline running from the main site to Pegwell Bay; and in question CA.2.21 the Examining Authority suggests this could be done in relation to the glide path.</p> <p>While the Applicant currently believes that outright compulsory acquisition is necessary for all the land subject to that power in its application, it may find later once detailed design has been completed that the lesser imposition of a restrictive covenant may be possible. If the Examining Authority and the Secretary of State are uncomfortable with that position, then the possibility of imposing restrictive covenants instead of outright acquisition could be removed, but to the Applicant this appears a welcome and proportionate example of flexibility.</p>
DCO.2.29	The Applicant	<p>Article 34 - Felling or lopping of trees and removal of hedgerows</p> <p>The ExA is considering whether to include the phrase "no actions under this Article may be commenced until a landscaping scheme for that part, which sets out details of all proposed hard and soft landscaping works, has been submitted to and approved</p>

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	Thanet DC	<p>in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.” into this Article.</p> <p>Comment.</p> <p>Applicant's Response:</p> <p>The suggested text mirrors requirement 10, which relates to the authorised development. The Applicant accepts that the power under article 34 could be exercised separately from the commencement of the authorised development, but suggests that it would be preferable to add text to requirement 10 rather than article 34, as follows:</p> <p>After ‘commenced’ add ‘nor may powers under article 34 (felling or lopping of trees and removal of hedgerows) be exercised’.</p>
DCO.2.30	The Applicant	<p>Article 35 - Abrogation of agreement</p> <p>Cite the legal basis for the unilateral abrogation of an agreement between two parties.</p> <p>Applicant's Response:</p> <p>The abrogation of agreements is authorised by the Planning Act 2008 through. Item 3 (‘The abrogation or modification of agreements relating to land’) in Schedule 5, introduced by section 120 (What may be included in an order granting development consent).</p>
DCO.2.31		Article 36 - Application of landlord and tenant law

Ref No.	Respondent	Question
	The Applicant	<p>Why do you consider this Article to be necessary in the circumstances of this particular project.</p> <p>Applicant's Response:</p> <p>As set out in the Applicant's summary of the case it made at the DCO Issue Specific Hearing in January [REP1-004] (item al), an operator at or of the airport may be granted a lease over the operation land its operations cover, and the Applicant would wish to be able to terminate such a lease at the same time as it terminated the operator's agreement to operate the airport. There may be an overall operator of the airport with a lease, or an operator of some function of airport operations such as security with a lease of part of the area.</p>
DCO.2.32	The Applicant	<p>Schedule 1: Authorised Development</p> <p>Describe what is meant by "associated pavement and infrastructure" in the description of Work No.8.</p> <p>Applicant's Response:</p> <p>The word 'and' from the above phrase is superfluous and has been removed from the Deadline 6 version of the DCO [TR020002/D6/2.1]. The infrastructure mentioned is the electrical and drainage items which will be within the pavement such as lights, slot drains, electrical ground power cabinets (If needed) and gullies.</p>
DCO.2.33	The Applicant	<p>Schedule 1: Authorised Development</p> <p>Justify the inclusion of Work No.12 — The construction of a new passenger terminal facility with a maximum building height of 15m under 'Associated Development' rather than under the s14 and 23 list of works.</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>The NSIP is to increase the capability of the airport to provide cargo facilities – the passenger terminal is therefore not part of that but is rather classified as associated development. The increase in passengers will not reach the threshold of 10 million per annum that would make it an NSIP in its own right.</p>
DCO.2.34	The Applicant	<p>Schedule 1: Authorised Development</p> <p>The Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated] includes the words “<i>airport related</i>” within the description of Works Nos. 15. 16 and 17.</p> <p>Show how the references to Use Classes B1 and B8 serve to ensure that these works are ‘airport related’.</p>
		<p>Applicant's Response:</p> <p>The references to classes B1 and B8 do not serve to ensure that the works are airport-related (which is ensured by the use of the word ‘airport-related’), but restrict the use classes that are permitted to the two specified. Requirement 19 of the DCO ensures that works 15, 16 and 17 must only be developed and used to support the operation of the NSIP.</p>
DCO.2.35	The Applicant	<p>Schedule 2 – Requirements</p> <p>Requirement 1 – Interpretation</p> <p>With reference to, for example, Requirement 11, justify the deletion of the meaning of “contaminated land” from Requirement 1 – Interpretation.</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>The DCO does not contain the phrase 'contaminated land' (other than in the heading to requirement 11), and there is therefore no need for the definition. The change from 'contaminated land' to 'land affected by contamination' was made at Deadline 3 in response to the relevant representation of the Environment Agency [RR-0538].</p>
DCO.2.36	The Applicant	<p>Schedule 2 – Requirements</p> <p>Requirement 5 - Detailed design of fuel depot</p> <p>The ExA is considering adding “...and the relevant planning authority” at the end of this Requirement.</p> <p>Comment.</p>
		<p>Applicant's Response:</p> <p>The Applicant does not object to that addition, and has made the change in the latest version of the DCO [TR020002/D6/2.1].</p>
DCO.2.37		<p>Schedule 2 – Requirements</p> <p>Requirement 5 - Detailed design of fuel depot</p> <p>The ExA is considering adding:</p>

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Ref No.	Respondent	Question
		<p><i>(3) (5) Prior to any part of the authorised development being occupied the undertaker must obtain confirmation in writing from the Environment Agency that the fuel depot site, Work No.19, has been remediated according to the standards required by the Environment Agency</i></p> <p>Comment.</p> <p>Applicant's Response:</p> <p>The Applicant considers that the wording of Requirement 11 has the same effect, and is as requested by the Environment Agency in its relevant representation [RR-0538]. Requirement 11 provides that no part of the authorised development can be occupied until a verification report demonstrating the completion of the works set out in the approved remediation scheme has been approved by the Secretary of State. The Environment Agency must be consulted on the written scheme and programme for remediation measures and the verification plan. This applies to all remediation of contamination, not just that relating to Work No. 19. If the Examining Authority were minded to involve the Environment Agency further (despite them not requesting such involvement), they could be added as a consultee in paragraph 11(5) rather than to requirement 5.</p>
DCO.2.38	The Applicant	<p>Schedule 2 – Requirements</p> <p>Requirement 5 - Detailed design of fuel depot</p> <p>The updated Register of Environmental Actions and Commitments states in relation to Work No.19 [check] states that:</p> <p><i>“Design will be undertaken beyond BAT and will include: bund construction, specification of storage tanks. double bunded tanks, bund to be underlain by impermeable membrane (e.g. visqueen), joints to be sealed with a hydrophobic sealant to prevent leakage, and concrete to include self-sealing material (e.g. xypex) and to be specified to water impermeable standard with additional reinforcement to limit cracks to e.g. <0.2 mm.”</i></p>

Ref No.	Respondent	Question
		<p>Demonstrate how the proposed specifications for Work No.19 contained in the Updated Register of Environmental Actions and Commitments [REP4-] are adequately secured through Requirement 5.</p>
		<p>Applicant's Response:</p> <p>Requirement 5(2) requires that the detailed design of the fuel depot reflects the relevant actions and commitments set out in the REAC, which includes the text above; it is then approved by the Secretary of State in consultation with the EA and the HSE, and must be carried out in accordance with such approval. The Applicant considers that this adequately secures the commitments set out in the question.</p>
DCO.2.39	The Applicant	<p>Schedule 2 – Requirements</p> <p>Requirement 7 - Operation environmental management plan</p> <p>The ExA recommend that reference should be made in Requirement 7(b) to the:</p> <ul style="list-style-type: none"> • Framework Travel Plan; • Public Rights of Way Management Strategy; • Car Park Management Strategy; and • Airport Surface Access Strategy. <p>Comment.</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>Noted. This will be reflected in the revised draft DCO submitted at Deadline 6 [TR020002/D6/2.1].</p>
DCO.2.40	The Applicant	<p>Schedule 2 – Requirements</p> <p>Requirement 13 – Surface and foul water drainage</p> <p>The ExA is considering whether this Requirement should contain phasing for the completion of the elements of the relevant Work in advance of the start of operation of the Proposed Development.</p> <p>Comment.</p>
		<p>Applicant's Response:</p> <p>The Applicant agrees in principle but in practice it may be difficult to separate out elements of drainage infrastructure and assign them to phases. For example there are two large attenuation ponds (Work No. 23), which will cater for several phases of the project. Drainage infrastructure local to the elements of a phase (e.g. gullies and manholes), will, however, be installed before that phase is brought into operation. All pavement areas will be suitably drained and discharge attenuated and treated as necessary before being brought into operation.</p>
DCO.2.41	The Applicant	<p>Schedule 2 – Requirements</p> <p>Requirement 13 – Surface and foul water drainage</p>

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		<p>The ExA is considering “<i>Natural England</i>” after “<i>Kent County Council</i>” in line 2 of sub-clause (2) this Requirement.</p> <p>Comment.</p>
		<p>Applicant's Response:</p> <p>The Applicant accepts this addition, which is reflected in the Deadline 6 version of the dDCO [TR020002/D6/2.1].</p>
DCO.2.43	Kent CC The Applicant	<p>Schedule 2 – Requirements</p> <p>Requirement 16 - Archaeological remains</p> <p>In its response to DCO.1.4 [REP3-139] Kent CC stated that:</p> <p>KCC can provide some wording into Requirement 16 that allows for preservation following evaluation of those areas but would need to be sure that this does not counter the principle of the permitted development and make the requirement unworkable. It would be best to agree this requirement with Historic England.</p> <p>i. Provide a report on any actions consequent on this offer.</p> <p>ii. Provide any draft agreed wording.</p>
		<p>Applicant's Response:</p> <p>The Applicant is happy to consider, and if possible accept, wording proposed by Kent County Council. It has asked KCC for such wording but has not yet received it.</p>

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DCO.2.44	The Applicant	<p>Schedule 2 – Requirements</p> <p>Requirement 19 - Airport-related commercial facilities</p> <p>Requirement 19 - Airport-related commercial facilities states that:</p> <p><i>“Works Nos. 15, 16 and 17 must only be developed and used to support the operation of Works Nos. 1 to 11 and 13.”</i></p> <p>The ExA note that the word ‘support’ is used in April 2013 MHCLG Guidance on associated development applications for major infrastructure projects.</p> <p>i. Define, including through the use of examples, what is meant by “support” in this Requirement.</p> <p>ii. How would this ensure that works 15, 16 and 17 are required for aviation purposes?</p>
		<p>Applicant's Response:</p> <p>i. The word support is, as has been noted, intended to reflect the use of the word in MHCLG guidance on associated development to avoid any charge that Works 15 to 17 are not compliant with such guidance. The guidance does not explain the meaning of support in that context; the Applicant therefore understands it to have its ordinary meaning of ‘strengthen, maintain’ (Collins), i.e. the facilities provided by those works would, together with the airside facilities, provide a more complete service for the airport’s cargo customers.</p> <p>ii. By supporting works that are a nationally significant infrastructure project concerning aviation, this wording would ensure that they were for aviation purposes (although note that the word ‘required’ does not appear in the guidance). To make doubly sure, however, each work is additionally required to be ‘aviation-related’.</p>

Ref No.	Respondent	Question
DCO.2.45	The Applicant	<p>Discharging Authority</p> <p>You have included the Secretary of State as the discharging authority in a number of Articles and Requirements.</p> <p>You are reminded that PINS Advice note fifteen: Drafting Development Consent Orders, Version 2 July 2018 states at Para 19.3:</p> <p><i>“If an applicant proposes that the approval of matters be required from a discharging authority other than the relevant planning authority, the Applicant should consult with that discharging authority ahead of submitting the application and consider whether it has the required resources and expertise to perform that function.”</i></p> <p>i. Have you consulted with the Secretary of State’s office?</p> <p>ii. Has the Secretary of State’s office agreed to the references to the Secretary of State in this respect?</p> <p>Applicant’s Response:</p> <p>i. Yes, the Applicant has contacted the Secretary of State’s office, but not until December 2018. Advice note fifteen was amended to include the text quoted above after the application was made.</p> <p>ii. The Secretary of State responded on 26 April 2019, to advise that he was not willing to discharge the requirements. His response and the Applicant’s subsequent request for him to reconsider are appended at Appendix DCO.2.45 in TR020002/D6/SWQ/Appendices.</p>
DCO.2.46		Additional Articles or Requirements

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	The Applicant All parties	<p>The ExA is considering inserting a new Article under principal Powers which specified that the operation of the airport is subject to a total annual air transport movement limit and is subject to a total annual General Aviation movement limit.</p> <p>The quantum of these limits will be set out by the ExA in further drafts of the DCO following further Examination through Written Questions and Issue Specific Hearings.</p> <p>Comment.</p>
		<p>Applicant's Response:</p> <p>It is the Applicant's view that having the limits in the Noise Mitigation Plan (as at present) and requiring the development to be operated in accordance with the Noise Mitigation Plan, a certified document, has the same legal effect as having the limits in the DCO itself. The Applicant believes that having all noise mitigation measures (which an ATM limit would principally be) in once place would be more convenient.</p>
DCO.2.47	The Applicant All parties	<p>Additional Articles or Requirements</p> <p>The ExA is considering inserting a Requirement into the draft DCO stating that an aircraft cannot take-off or be scheduled to land at night between 2300 and 0600 and that 'scheduled' be defined in Requirement 1 – Interpretation.</p> <p>Comment.</p>
		<p>Applicant's Response:</p> <p>The main answer to this question is the same as the answer to the previous question (DCO.2.46) – the legal effect of having the restriction in the DCO or in the Noise Mitigation Plan is the same.</p>

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		A definition of 'scheduled' is not currently included in the Noise Mitigation Plan, nor is it included in the Airports National Policy Statement; the Applicant does not believe that one is necessary. The Applicant is content to replace the word 'scheduled' in the Noise Mitigation Plan with 'timetabled' if that would assist in avoiding ambiguity. The airport's website will include details of the timetabled arrivals and departures of all aircraft. This will enable verification of genuine late arrivals. This is reflected in the updated Noise Mitigation Plan submitted at Deadline 6.
DCO.2.48	The Applicant All parties	<p>Additional Articles or Requirements</p> <p>The ExA notes that the Register of Environmental Actions and Commitments [APP- 010] references:</p> <p><i>"Measures to optimise local recruitment during construction and operation, including possible measures to ensure linkages to local training initiatives and/or voluntary agreements relating to local recruitment."</i></p> <p>The ExA notes the reference in the Preliminary Meeting of the need to consider 'education' as well as training and the subsequent inclusion of this word in the list of Principal Issues.</p> <p>The ExA is considering inserting a Requirement into the draft DCO requiring the drawing up and implementation of policies and programmes relating to the employment of local labour and the provision of training and education schemes.</p> <ol style="list-style-type: none"> i. Comment on the value and implementability of such a Requirement. ii. If agreeable to such a Requirement, provide draft wording that may be acceptable to the Applicant. <p>Applicant's Response:</p> <p>i. The Applicant is keen that local opportunities for recruitment to jobs created, directly or indirectly, by the construction and operation of airport, and for education and training for such jobs are realised. It is expecting to conclude a section 106 agreement</p>

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		<p>with Kent County Council on this topic but would welcome further obligations in this field so that they can be considered to be benefits of the project.</p> <p>ii. Suggested wording (not currently included in latest draft):</p> <p>(1) No part of the authorised development is to commence until an employment and skills plan has been submitted to, and approved in writing by, the Secretary of State, following consultation with the relevant planning authority and the relevant local education authority to the extent that it relates to matters relevant to their function.</p> <p>(2) The employment and skills plan must contain–</p> <ul style="list-style-type: none"> (a) chapters addressing: <ul style="list-style-type: none"> (i) legal compliance, (ii) reporting procedures, an (iii) obligations to be placed upon third parties including local educational establishments and bodies; (b) plans and policy documents including: <ul style="list-style-type: none"> (i) Local Hiring Policy, (ii) Education and Skills Policy, (iii) Workplace Training Policy; (c) provision for the establishment of a Local Employment Partnership Board to include the relevant planning authority and the relevant local education authority and other relevant stakeholders as appropriate, to assist in the delivery of the plans and policies listed under (b); and (d) provision for a process under which the contents of the employment and skills plan is continually reviewed against relevant best practice and any consequent changes are submitted for approval by the Secretary of State.

Ref No.	Respondent	Question
DCO.2.49	The Applicant All parties	<p>Additional Articles or Requirements</p> <p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated] states at paragraph 10.1 that:</p> <p><i>"The Applicant does not agree with SHP's proposals for inclusion in the dDCO, except that it would be prepared to adopt the equivalent to the Crichel Down rules in relation to SHP's interest."</i></p> <p>Provide possible drafting for inclusion in the draft DCO embedding the principles inherent in the Crichel Down rules.</p>
		<p>Applicant's Response:</p> <p>Suggested article 19(3) and (4) (not currently included in latest draft):</p> <p>(3) The undertaker will treat the Crichel Down Rules as applying to land acquired by it under this article it as if it were a UK government department.</p> <p>(4) In this article 'Crichel Down Rules' means the rules contained in 'Guidance on Compulsory purchase process and the Crichel Down Rules' published by the Ministry of Housing, Communities and Local Government in February 2018 or any successor to such rules.</p>
DCO.2.50	The Applicant All parties	<p>Additional Articles or Requirements</p> <p>The ExA is considering whether it should be a requirement that the authorised development must not be commenced until measures set out in sections 2, 3, 4 and 5 of the revised Noise Mitigation Plan have been implemented.</p>

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Ref No.	Respondent	Question
		Comment.
		<p>Applicant's Response:</p> <p>The measures incorporated in sections 2, 3, 4 and 5 of the Noise Mitigation Plan envisage that compensation and mitigation schemes will be established prior to the commencement of the airport operations. The mechanisms for making a claim are adequately set out in the Noise Mitigation Plan and therefore the Applicant does not consider it necessary to add any additional articles or requirements.</p>
DCO.2.51	The Applicant	The ExA request that the Applicant check that all references to other documents contained in the draft DCO, particularly references in Schedule 10, refer to the latest versions of those documents.
	To be noted	<p>Applicant's Response:</p> <p>The DCO has been updated to include the latest versions of the documents listed in Schedule 10.</p>

Ref No.	Respondent	Question
F.2 Funding and Resources		
F.2.1	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] states at paragraph 3.1 that:</p> <p><i>“restructuring was estimated to be complete by the end of April.”</i></p> <p>The Applicant must note that the ExA require that any answers to these second questions to be submitted at Deadline 6 (3 May 2019) must reflect and be informed by that completed restructuring.</p>
		<p>Applicant's Response:</p> <p>Noted. Restructuring has now been completed.</p>
F.2.2	The Applicant	<p><i>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated] states at paragraph 3.1 that:</i></p> <p><i>“restructuring was estimated to be complete by the end of April.”</i></p> <p>The Applicant must note that the ExA require that any answers to these second questions must be accompanied by an Updated Funding Statement (in both tracked and clean versions) with an explanation of, and a justification for, any changes between it and the submitted version [APP-013]</p>

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		<p>Applicant's Response:</p> <p>A revised Funding Statement is provided at Deadline 6 (reference TR020002/D6/3.2 clean copy; TR020002/D6/3.2T tracked copy preceded by explanation of the changes).</p>
F.2.3	The Applicant	<p>The Applicant is reminded that Regulation 5(2)(h) requires that an application be accompanied by a statement to indicate how an order that contains the authorisation of compulsory acquisition is proposed to be funded.</p> <p>The Applicant is further reminded that DCLG Guidance related to procedures for the compulsory acquisition of land (2013) advises at para. 9 that the applicant should be able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available.</p> <p>The Applicant is reminded that information in the public domain at http://rsp.co.uk/news/the-formation-and-funding-of-riveroak-strategic-partners/ states that:</p> <p><i>“comprehensive details of our funding partners and investment arrangements will of course be provided to PINS as part of the DCO application, providing solid evidence of our ability to meet all of the financial obligations associated with the acquisition, reopening and operation of the airport.”</i></p> <p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] states at paragraph 3.3 that:</p> <p><i>“...the investors wished to remain confidential...”</i></p> <p>i. Explain how this latter statement conforms to, and supports, a system of Examination which is designed to be open and transparent.</p>

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		<p>ii. Explain how this latter statement confirms to RSP's own commitment to provide comprehensive details of its funding partners.</p> <p>iii. Suggest ways in which the ExA may recommend to the Secretary of State on issues surrounding the availability of funding in the face of a desire for confidentiality relating to that issue.</p> <hr/> <p>Applicant's Response:</p> <p>i. and ii. The Applicant acknowledges the Planning Inspectorate's desire for openness and transparency in the examination process. The Applicant has sought to provide sufficient information in all instances to assist the Examining Authority in its examination of this application. However, the Examining Authority will equally appreciate the unavoidable constraints of commercial confidentiality, particularly in the context where private individuals are involved in funding the project and investing in major infrastructure.</p> <p>A balance must be struck between providing sufficient information to the Examining Authority to enable it properly to consider the application and report to the Secretary of State whilst at the same time protecting the commercial interests of investors. Plainly it is in the national interest to encourage private investment in infrastructure which is to the benefit of the UK economy. Indeed it was to encourage this kind of investment that Business Investment Relief was introduced in 2012. Business Investment Relief is an HMRC-approved scheme introduced to encourage non-domiciled UK residents to invest in the UK and does not require those using it to be disclosed. For the Examining Authority to insist on full disclosure of those individual investors has the potential to undermine this type of investment in the UK.</p> <p>iii. If the Examining Authority has any residual concerns as to the funding position following Deadline 6, the Applicant suggests that it provides the Examining Authority with an unredacted statement, identifying the individuals who have invested and are committed to further investment, together with a version where such confidential information is redacted. The Examining Authority then takes the former into account and publishes the latter. If it does not wish to take information into account that is</p>

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		not openly available then it leaves the issue to the Secretary of State to decide (e.g. in the form of a recommendation to grant the DCO subject to the Secretary of State being satisfied as to the availability of funding).
F.2.4	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated] states at paragraph 3.2 that:</p> <p><i>“The Applicant’s intention is that RiverOak Manston Limited, a UK registered company, would be its sole owner”</i></p> <p>Information in the public domain, held at Companies House, shows that, at 18 July 2018, RiverOak Manston Limited (Company number 10286975) had a share capital of 4 shares at £1.00 each and that the accounts for a dormant company were made up to 31 July 2017 were filed on 11 April 2018.</p> <p>i. State whether Manston Limited is still a dormant company.</p> <p>ii. Provide filed accounts made up to 31 July 2018 or later.</p> <p>Applicant's Response:</p> <p>The restructuring that has recently taken place has resulted in MIO transferring its interest in RiverOak Strategic Partners Limited to RiverOak Investments (UK) Limited, a newly incorporated company registered in the UK. The result of this is that RiverOak Strategic Partners Limited is now owned as to 90% by RiverOak Investments (UK) Limited and as to 10% by RiverOak Manston Limited. The revised group structure is shown at Appendix F.2.4 in TR020002/D6/SWQ/Appendices.</p> <p>i. Neither RiverOak Investments (UK) Limited nor RiverOak Manston Limited are dormant companies. As the letter from RSP's accountants confirms (at Appendix F.2.4 in TR020002/D6/SWQ/Appendices), RiverOak Manston Limited and RiverOak Investments (UK) Limited are both investment holding companies.</p>

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		ii. The filed accounts for RiverOak Manston Limited are at Appendix F.2.4 part C (in TR020002/D6/SWQ/Appendices). As this is an investment holding company rather than a trading company these accounts do not have a profit and loss statement.
F.2.5	The Applicant	<p>Information in the public domain, held at Companies House, shows that the filed accounts for the Applicant, RSP Ltd, a dormant company, are those made up to 31 July 2017.</p> <p>Provide filed accounts made up to 31 July 2018 or later.</p>
		<p>Applicant's Response:</p> <p>RSP Ltd is not a dormant company within the meaning of the Companies Act - see the letter from accountants (at Appendix F.2.4 in TR020002/D6/SWQ/Appendices). The filed accounts up to 31 July 2018 are provided at Appendix F.2.5 (in TR020002/D6/SWQ/Appendices).</p>
F.2.6	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] has omitted any reference to the answers given at the Compulsory Acquisition hearing related to the Applicant's subsidiary companies and other related companies.</p> <p>Your answer to our question F.1.2 states that:</p> <p><i>"The Applicant, RiverOak Strategic Partners Limited, has three subsidiary companies: RiverOak Operations Limited, RiverOak AL Limited and RiverOak Fuels Limited."</i></p> <p>i. Provide filed accounts made up to 31 July 2018 or later for the three companies listed in the Applicant's response to ExA question F.1.2: RiverOak Operations Limited, RiverOak AL Limited and RiverOak Fuels Limited.</p>

Ref No.	Respondent	Question
		<p>ii. Confirm whether RiverOak MSE Limited should be added to the list of subsidiary companies.</p> <p>iii. If so, provide filed accounts made up to 31 July 2018 or later for RiverOak MSE Limited.</p> <p>iv. Explain the different roles of RiverOak Strategic Partners Limited and its subsidiary companies in the proposed scheme.</p> <p>v. Confirm which company will be the undertaker.</p> <p>Applicant's Response:</p> <p>i. The filed accounts for RiverOak AL Limited up to 31 July 2018 are provided at Appendix F.2.6 (in TR020002/D6/SWQ/Appendices)The accounts for RiverOak Operations Limited up to 31 July 2018 are not yet available for the reasons explained in the account's letter at Appendix. RiverOak Fuels Limited (which owns the Jentex site) is a newly incorporated company and has not yet completed a year's trading. Therefore it has no filed accounts.</p> <p>ii. Yes. RiverOak MSE Limited should be added to the list of subsidiary companies and now appears on the organogram at Appendix F.2.4.</p> <p>iii. RiverOak MSE Limited is a newly incorporated company established to acquire the title to the airport site. It has been trading for less than a year. Therefore it has no filed accounts.</p> <p>iv. An organogram of the companies' structure is provided at Appendix F.2.4 part A (in TR020002/D6/SWQ/Appendices). RiverOak Investments (UK) Limited and RiverOak Manston Limited are holding companies that own the Applicant, RSP Limited. RSP Limited is also a holding company which holds 100% interest in four subsidiary companies; RiverOak AL Limited, RiverOak Operations Limited, RiverOak Fuels Limited and RiverOak MSE Limited.</p> <p>RiverOak AL Limited is a trading company and holds the lease on the approach lights on the eastern end of the runway. RiverOak Operations Limited is a trading company that will be responsible for the operation of the airport in the event that the DCO is</p>

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		<p>granted. RiverOak Fuels Limited is a newly established company that acquired title to the Jentex fuel site in September 2018. RiverOak MSE Limited is a newly established company that is intended to hold the title to the freehold of the airport.</p> <p>v. As explained above RiverOak Strategic Partners Ltd is the undertaker.</p>
F.2.7	The Applicant	<p>The Applicant's response to question CA 1.20 states that:</p> <p><i>The Applicant can confirm that the land contained in Plot Numbers 071, 072, 072a and 77 (being the Jentex Fuel Facility) was acquired by RiverOak Fuels Limited on 17 September 2018. RiverOak Fuels Limited is a wholly owned subsidiary of the Applicant."</i></p> <p>Riveroak Fuels Ltd was incorporated on 24th August 2018 with a share allocation with a total aggregate nominal value of £1 with Riveroak Strategic Partners as the sole shareholder.</p> <p>The Land Registry entry for the Jentex Site provided as Appendix 3 to the Applicant's states that:</p> <p><i>"The price stated to have been paid on 17 September 2018 was £2,300,000."</i></p> <p>Provide evidence of Riveroak Fuels Ltd having expended this sum.</p>
		<p>Applicant's Response:</p> <p>See attached completion statement (at Appendix F.2.7 in TR020002/D6/SWQ/Appendices) in respect of the Jentex purchase which shows RiverOak Fuels Limited purchasing the site for the sum of £2,418,185.00.</p>

Ref No.	Respondent	Question
F.2.8	The Applicant	<p>Information in the public domain, held at Companies House, shows that note 10 to the Financial Statements for Freudmann Tipple International Ltd for the period ended 30th March 2018 states that:</p> <p><i>“During the year, the company held funds in trust for RiverOak Operations Limited, a company of which Mr A Freudmann is a director. At the balance sheet date, the company held £588,906.”</i></p> <p>The Applicant's response to ExA question F.1.2 [REP3-195] lists RiverOak Operations Limited as a subsidiary company of the Applicant.</p> <p>i. Describe the relationship between the Applicant and Freudmann Tipple International Ltd.</p> <p>ii. State the amount held in trust for RiverOak Operations Limited by Freudmann Tipple International Ltd as at 30th March 2019.</p> <p>iii. State the purpose for which these funds are held.</p> <p>Applicant's Response:</p> <p>i. The relationship between the Applicant and Freudmann Tipple International Ltd relates to the provision of banking services. Pursuant to the trust deed (at Appendix F.2.8 in TR020002/D6/SWQ/Appendices) between the Applicant and Antony Freudmann, the Applicant has the exclusive use of the bank account of FTI Limited, referred to at recital A of the trust deed.</p> <p>ii. The amount varies from the time to time. Funds are drawn down from the investors and then expended on costs associated with the project. As at 30th March 2019 the balance was £250,904.07</p> <p>iii. These funds are held to cover costs associated with the project.</p>

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F.2.9	The Applicant	<p>The Draft (not agreed) Statement of Common Ground between the Applicant and Cogent Land LLP [REP4-015] lists under matters not yet agreed between the parties:</p> <p><i>“5.1 The extent of, and who would pay for, mitigation measures that will satisfy Thanet District Council in discharging Condition 35.</i></p> <p><i>5.2 The extent of, and who would pay for, mitigation measures that will satisfy any requirements for noise mitigation as a result of the Development for future development of land within the control of Cogent Land LLP.</i></p> <p><i>5.3 The extent of, and who would pay for, any measures required to mitigate the effects described in Table 18.5 of the Environmental Statement Volume 3 Chapters 17 to 18 [APP-035].”</i></p> <p>i. Provide an update on the position on this issue.</p> <p>ii. Show where this putative responsibility is included in estimates of costs for the scheme.</p> <p>Applicant's Response:</p> <p>i. The Applicant has recently held discussions with Cogent Land Limited where details of the noise contours were explained. The Applicant remains of the view that it is for the promoters of the Manston Green development to comply with any conditions of their planning permission, including those related to noise mitigation.</p> <p>As described in the Applicant's response to question G.1.6 of the ExA's First Written Questions [REP3-195]. The Applicant considers that the decision to grant outline planning permission for the Manston Green development (planning permission OL/TH/14/0050) was taken in full recognition that Manston Airport could become operational again.</p> <p>Consequently, the permission was granted subject to several 'safeguarding' conditions to protect the future residents in the event that aviation uses resumed at the airport. This includes, for example, Condition 35 which prevents certain phases of</p>

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		<p>development from commencing until a scheme for protecting the development from aircraft noise has been submitted to the Local Planning Authority. Condition 36 also prevents any dwellings from being built in the Noise Category C area as set out in Policy EP7 of the Thanet Local Plan 2006. The Applicant therefore considers that noise mitigation measures should be provided by Cogent Land LLP in accordance with its permission.</p> <p>ii. In any event, none of the proposed properties in the Manston Green Development fall within the year 20 63db daytime noise contour or the 55db night-time noise contour (at Appendix F.2.9 in TR020002/D6/SWQ/Appendices). As such they would not qualify for compensation under the Applicant's compensation scheme as outlined in the Noise Mitigation Plan [REP5-008].</p> <p>On the basis that the Applicant does not consider that it has responsibility to provide noise mitigation measures for the scheme, the costs of this are not included in the estimates of costs for the scheme.</p>
F.2.10	The Applicant	<p>The Local Impact Report from Kent CC [REP3-143] states at paragraph 3.1 that:</p> <p><i>"The County Council would expect monies to be secured to improve the surface of the existing and diverted bridleways to a minimum width of 3m along the entire length, which will include bridleways TR8 and TR10. KCC can supply a cost for this work."</i></p> <p>The Applicant's Comments on Local Impact Reports states that:</p> <p><i>"The PRowMS included proposals to improve TR8 to a 3m width. TR10 was not identified as an affected route"</i></p> <p>The Updated Register of Environmental Actions and Commitments includes (at page 36 tracked version) PRow TR10 in the list of locations experience significant effects in respect of visual impact.</p> <ol style="list-style-type: none"> i. Show where this putative responsibility is included in estimates of costs for the scheme. ii. Explain the apparent anomaly as to whether TR10 is affected or not.

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		<p>Applicant's Response:</p> <p>i. The cost of the widening of TR8 and the landscape works to TR10 are included in the overall scheme costs which include all landscaping measures.</p> <p>ii. The PRowMS appended to the Transport Assessment (TA) [APP-060 to APP-074] re-submitted by the Applicant at Deadline 5 considers the two PRowS that require diversion or closure (TR8 and TR9 respectively) as a result of the extent of the Proposed Development. It does not include changes or improvements to TR10 as this is not necessary, nor was it raised by the KCC PRow officer at the time of discussion (refer to Appendix A of PRowMS appended to the TA) [APP-060 to APP-074].</p> <p>With regard to the reported visual impact, a significant effect has been assessed, however, the widening and surfacing of the route suggested by Kent County Council (KCC) would not provide mitigation and as such is not considered to be an appropriate mitigation measure for such an effect. The mitigation measures relating to visual impact proposed in Table 11.107 and Table 11.11 of Chapter 11 of the ES [APP-033,034,035] assume high levels of vegetative screening in the foreground that will obscure views during the operational phase of the Proposed Development. This mitigation will form part of the detailed Landscape Masterplan (Drawing reference NK018417-RPS-MSE-XX-DR-C-2051) and Design Guide [REP4-024] to be prepared and signed off by the SoS prior to commencement of construction.</p>
F.2.11	The Applicant	<p>The Local Impact Report from Kent CC [REP3-143] states at paragraph 3.2 that:</p> <p><i>"In respect of ongoing maintenance, it will be expected that the site operators will take on ongoing maintenance responsibilities for any landscaping and enhancements along the bridleway and PRow network."</i></p> <p>Show where this putative responsibility is included in estimates of costs for the scheme.</p>
		<p>Applicant's Response:</p>

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		KCC is currently responsible for maintenance of the public rights of way. As shown on the Rights of Way and Access Plan [APP-020], the length of the diverted bridleway is shorter than the bridleway in situ at present. Responsibility for ongoing maintenance of the PRow should remain with the highway authority. There is no justification for transferring responsibility to the Applicant. The Applicant does not think it appropriate that this responsibility should be adopted by the Applicant.
F.2.12	The Applicant	<p>The Statement of Common Ground between the Applicant and the RAF Manston Spitfire and Hurricane Memorial Museum [REP3-191] states at paragraph 4.1.5 that:</p> <p><i>“RiverOak will make a significant financial contribution to the capital costs of a relocated museum ... as well as to the fit-out and removal costs.”</i></p> <p>Show where this putative responsibility is included in estimates of costs for the scheme.</p>
		<p>Applicant's Response:</p> <p>The potential relocation of the museums is not part of the DCO application. Any costs associated with that relocation do not need to be identified or secured through the DCO process. In the event that the museums wish to relocate in the future, statements of common ground have been agreed between them and the Applicant which address this possibility. The museums are content with this arrangement which is outside the scope of this application.</p>
F.2.13	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] states at paragraph 3.3 that:</p> <p><i>“The shareholders of MIO Investments are the project's investors”</i></p> <p>Information in the public domain at http://rsp.co.uk/news/the-formation-and-funding-of-riveroak-strategic-partners/ states that:</p>

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		<p><i>"We have provided all required details of our company ownership structure to Companies House"</i></p> <p>i. Provide a copy of the documentation provided to Companies House.</p> <p>ii. Provide a link to the Companies House website showing where details of MIO Investments are to be found.</p>
		<p>Applicant's Response:</p> <p>i. MIO's interest has now been transferred to RiverOak Investments (UK) Limited a newly incorporated company registered in the UK. The company's structure is shown on the organogram at Appendix F.2.4 in TR020002/D6/SWQ/Appendices. The directors of RiverOak Investments (UK) Limited are Nick Rothwell, Rico Seitz, Gerhard Huesler and HLX Nominees Limited (the same directors as MIO Investments).</p> <p>ii. MIO is registered outside the UK and is not registered at Companies House.</p>
F.2.14	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] states at paragraph 3.3 that:</p> <p><i>"The shareholders of MIO Investments are the project's investors"</i></p> <p>In the Applicant's Response for Deadline 1: Enclosure 1 to Main Letter re. s51 Advice on Funding you state that:</p> <p><i>"The Applicant has recognised that the lack of transparency in relation to the Belize entity in particular has given rise to a number of questions."</i></p> <p>Information in the public domain at http://rsp.co.uk/news/the-formation-and-funding-of-riveroak-strategic-partners/ states that:</p>

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		<p><i>"MIO Investments Limited is a company registered in the Commonwealth territory of Belize."</i></p> <p>i. Show how the continuing use of MIO Investments as the project's investors serves to address the lack of transparency in relation to the Belize entity.</p> <p>ii. Provide details of, or a link to, company details for MIO Investments.</p> <p>Applicant's Response:</p> <p>i. MIO's ownership in the Applicant has now been transferred to RiverOak Investments (UK) Limited, as UK registered entity as explained above.</p> <p>ii. MIO is a Belize registered company and its company number as shown on the organogram provided Appendix F.2.4 in TR020002/D6/SWQ/Appendices is 162208. Its certificate of incorporation, register of directors and memorandum and articles of association are provided at Appendix F.2.14.</p>
F.2.15	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] states at paragraph 3.3 that:</p> <p><i>"The shareholders of MIO Investments are the project's investors ... their loans to MIO Investments had been subject to due diligence and approval by HMRC under the Business Investment Relief scheme and declared in their tax returns."</i></p> <p>You have provided redacted copies of three letters, each dated 1 December 2016, from Business Investment Relief, HMRC (reference numbers 0498, 0499 and 0500).</p> <p>Each of these letters refers to <i>"the proposed investment in RiverOak Strategic Partners Ltd"</i> not, as you state, to MIO Investments.</p>

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		<p>The letters from HMRC state that:</p> <p><i>“If any of the circumstances or the nature of the investment differ from those described by you, or other facts come to light which have an impact on whether the investment is a qualifying investment, HMRC will not be bound by this opinion.”</i></p> <p>Would the opinion of the HMRC remain valid if the nature of the loan has changed?</p>
		<p>Applicant's Response:</p> <p>Please see Appendix F.2.15-17 in TR020002/D6/SWQ/Appendices.</p>
F.2.16	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] states at paragraph 3.3 that:</p> <p><i>“The shareholders of MIO Investments are the project’s investors ... their loans to MIO Investments had been subject to due diligence and approval by HMRC under the Business Investment Relief scheme and declared in their tax returns.”</i></p> <p>You have provided redacted copies of three letters, each dated 1 December 2016, from Business Investment Relief, HMRC (reference numbers 0498, 0499 and 0500).</p> <p>Each of these letters states that:</p> <p><i>“I remind you that:</i></p> <p><i>As the person claiming relief, you are wholly responsible for the accuracy of the information supplied to HMRC.</i></p>

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		<p><i>This opinion is based solely on the information you provided and will not apply in any circumstances beyond those described by you."</i></p> <p>Given these two statements, justify your statement that "the loans to MIO Investments had been subject to due diligence... by HMRC".</p>
		<p>Applicant's Response:</p> <p>Please see Appendix F.2.15-17 in TR020002/D6/SWQ/Appendices.</p>
F.2.17	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] states at paragraph 3.3 that:</p> <p><i>"The shareholders of MIO Investments are the project's investors ... their loans to MIO Investments had been subject to due diligence and approval by HMRC under the Business Investment Relief scheme and declared in their tax returns."</i></p> <p>You have provided redacted copies of three letters, each dated 1 December 2016, from Business Investment Relief, HMRC (reference numbers 0498, 0499 and 0500).</p> <p>Each of these letters states that:</p> <p><i>"Although we have provided this assurance please be aware that we do have reservations about the above company's likely trading position. As such we expect you and your agent to keep the position under review and to expect that HMRC will do likewise. With that in mind it would be helpful if, for the two years after the claim is made, a "white notes" entry is made on your tax return to summarise the position as this may help avoid us having to open formal enquiries."</i></p>

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		<p>i. Comment, in respect of each of the three investors, on the statement by HMRC that, it does “have reservations about the ... company’s likely trading position”.</p> <p>ii. Has the claim been made?</p> <p>iii. Have “white notes” entries been made on the tax returns for the three investors?</p> <p>iv. Has HMRC opened formal enquiries into any of the three investors?</p>
		<p>Applicant's Response:</p> <p>Please see Appendix F.2.15-17 in TR020002/D6/SWQ/Appendices.</p>
F.2.18	The Applicant	<p>The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-number to be allocated] states at paragraph 3.1 that:</p> <p><i>“the restructuring [is] taking longer than expected in part due to the ongoing discussions with Stone Hill Park (SHP) regarding the acquisition of the site.”</i></p> <p>Explain how the ongoing discussions with Stone Hill Park regarding the acquisition of the site have delayed the restructuring.</p>
		<p>Applicant's Response:</p> <p>The discussions with Stone Hill Park themselves took longer than expected because the Department for Transport changed the terms of the deemed planning permission in January 2019 from that contained in the Town and Country Planning (Operation Stack) Special Development Order 2015 (as amended by the 2017 Order) to that contained in the Town and Country Planning</p>

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		<p>(Manston Airport) Special Development Order 2019, which made extensive changes to the extent and scope of the permission with consequent effects on the acquisition. The coming into force of the 2019 Order was then accompanied by extensive works at the site by the DfT, as the Examining Authority will have seen on the accompanied site inspection, further complicating the terms of the acquisition.</p> <p>The progress of discussions with Stone Hill Park indicated that a voluntary disposal was likely. The Applicant has always been committed to acquiring the site by agreement if possible. To that end it has continued to engage with Stone Hill Park during the DCO examination and reached a point at which acquisition by agreement appeared likely. During the course of these discussions a new agreement was reached between Stone Hill Park and the DfT, the implications of which were not immediately transparent to other parties considering investment in the project. They required much more time to consider those implications than was available in the context of the DCO process. Given the urgency of providing the ExA with further information as to the restructure and of bringing ownership of the Applicant onshore an alternative restructure was put in place, Under this restructure, funds continue to be available to complete a negotiated acquisition.</p>
F.2.19	The Applicant	<p>Resource Implications – Implementation of the Project</p> <p>The Applicant is reminded that that DCLG Guidance related to procedures for the compulsory acquisition of land (DCLG (2013) Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land, April) states that:</p> <p><i>“Any application for a consent order authorising compulsory acquisition must be accompanied by a statement explaining how it will be funded. This statement should provide as much information as possible about the resource implications of ... implementing the project for which the land is required.”</i></p> <p>The Planning Inspectorate’s advice to the Applicant under s.51 of PA2018, in a letter dated 14th August 2018 states that:</p> <p><i>“...the Inspectorate considers that the Funding Statement poses substantial risk to the examination of the application.”</i></p> <p>Show what steps you have taken thus far to minimise that risk.</p>

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		<p>Applicant's Response:</p> <p>The Applicant has made significant efforts to minimise the risk identified by the ExA in its section 51 advice. It has carried out a restructuring to replace the Belize registered company with a company registered in the UK. It has amended the joint venture agreement which now applies as between RiverOak Manston Limited and RiverOak Investments (UK) Limited to ensure that these companies are responsible for meeting the costs of compulsory acquisition and costs associated with the noise mitigation plan. The letter from PwC submitted with the application shows that the directors of RiverOak Investments (UK) Limited hold substantial funds to meet those costs, and the JVA commits them to using those funds to meet the costs associated with compulsory acquisition, and costs associated with the noise mitigation plan.</p> <p>In addition the Applicant has provided further information as to the group structure including a letter from the accountants Calder and Co (at Appendix F.2.4 in TR020002/D6/SWQ/Appendices) and an updated Funding Statement at Deadline 6 (document reference TR020002/D6/3.2).</p>
F.2.20	The Applicant	<p>The Applicant is reminded that the DCLG Guidance related to procedures for the compulsory acquisition of land (DCLG (2013) Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land, April) states that:</p> <p><i>“Any application for a consent order authorising compulsory acquisition must be accompanied by a statement explaining how it will be funded. This statement should provide as much information as possible about the resource implications of ... implementing the project for which the land is required.”</i></p> <p>You stated in F.1.11 that:</p> <p><i>“The Applicant will submit an updated funding statement as soon as the restructuring mentioned in the Deadline 1 cover letter (REP1-001) is complete.”</i></p>

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		<p>The ExA notes that an updated Funding Statement has not been provided at Deadline 5 despite the Applicant's statement in its Response for Deadline 1: Enclosure 1 to Main Letter re s51 Advice on Funding that:</p> <p><i>"...it is anticipated that [the restructuring] will be complete and that further details can be put into the public domain by Deadline 3 (8 February)."</i></p> <p>Explain why you have failed to meet your anticipated deadline of 8 February, and subsequent Deadlines 4 (8 March) and 5 (29 March).</p>
		<p>Applicant's Response:</p> <p>The delay in the submission of a revised Funding Statement is a result of the delay in concluding the restructuring of the company. There are two reasons for the delay to the restructuring. The first being that external parties originally intended to participate in the restructuring were unable to meet the timescales inherent in the DCO examination process. Consequently a modified restructuring has taken place which has brought the original MIO ownership onshore as anticipated at the compulsory acquisition hearing in March. That restructure was completed at the end of April. The second related reason concerns the complications surrounding the potential acquisition of the site as set out in response to question F.2.18 above.</p>
F.2.21	The Applicant	<p>The Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated] states at paragraph 3.15 that:</p> <p><i>"The Applicant has now spent £14.5m on the project ..."</i></p> <p>Provide proof of this statement.</p>
		<p>Applicant's Response:</p>

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		<p>The Applicant has spent £12.8 million on the process to date as certified by its accountants (at Appendix F.2.21 part B in TR020002/D6/SWQ/Appendices). In addition £2.418 million on the acquisition of the Jentex site as shown in the completion statement (at Appendix F.2.7 part B in TR020002/D6/SWQ/Appendices), giving rise to a total of £15.2 million spent on the project to date.</p>
F.2.22	The Applicant	<p>The Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated] states at paragraph 3.15 that:</p> <p><i>“...[the] funders continue to have a further £30m set aside to include its costs until the grant of the DCO and to pay for land acquisition and noise mitigation costs.”</i></p> <p>You have provided a redacted copy of the joint Venture Agreement at Appendix 4 to Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated].</p> <p>This Agreement is characterised as being a Loan Note Instrument constituting up to £15,000,000 interest-free non-convertible loan stock 2025.</p> <p>Show where the remaining £15,000,000 is set aside.</p> <p>Applicant's Response:</p> <p>The PwC letter submitted with the application (Appendix 3 of APP-103) confirms the existence of two separate bank accounts, each with in excess of £15 million in unencumbered funds. Those bank accounts are held by investors in MIO Investments and now in RiverOak Investments (UK) Limited. The Joint Venture Agreement commits £15 million to funding the project that being the combined cost of compulsory acquisition and costs associated with the noise mitigation plan. There are further funds available when required albeit not specifically committed to the project. It is highly unlikely that RSP and its capital partners would walk away from the very significant financial and time commitment they have invested in this project to date.</p>

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F.2.23	The Applicant	<p>You have provided a redacted copy of the joint Venture Agreement at Appendix 4 to Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated].</p> <p>This states that:</p> <p><i>"The JVC is a private company limited by shares incorporated in England under the CA 2006 and has an issued share capital of one ordinary share of £1 which is held by ROML."</i></p> <p>Provide the Company Registration number for the JVC.</p>
		<p>Applicant's Response:</p> <p>To clarify the Joint Venture Company (JVC) is RiverOak Strategic Partners Limited, the Applicant. The company registration number is 10269461.</p>
F.2.24	The Applicant	<p>You have provided a redacted copy of the joint Venture Agreement at Appendix 4 to Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated].</p> <p>This states at 2.1.1 that:</p> <p><i>"The business of the JVC ... is applying for and obtaining a Development Consent Order, including powers, rights and authorisations needed to acquire all relevant land and rights reasonably necessary to operate the Airport (or making such acquisition even without such an order)"</i></p> <p>What purpose would be served by the JVC acquiring all relevant land and rights without the benefit of a DCO?</p>

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		<p>Applicant's Response:</p> <p>The purpose in acquiring the land and rights without the benefit of the DCO would be to assemble land through voluntary agreement prior to the grant of the DCO, such as the Jentex acquisition and lease of the approach lights.</p>
F.2.25	The Applicant	<p>You have provided a redacted copy of the joint Venture Agreement at Appendix 4 to Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated].</p> <p>This includes references to RiverOak Investment Corp. described as a Delaware limited liability corporation.</p> <p>i. Provide the UK Company Registration number for RiverOak Investment Corp.</p> <p>ii. Explain the role of RiverOak Investment Corp in the proposed project.</p> <p>Applicant's Response:</p> <p>i. RiverOak Investment Corp. is not registered in the UK so has no UK company registration. Its Delaware registration number is 3028870 see Appendix F.2.25 part A (in TR020002/D6/SWQ/Appendices).</p> <p>ii. RiverOak Investment Corp (RIC) has no involvement in the proposed project. RIC was the original promoter of the project, but the Applicant bought all the rights in and obligations of the project from RIC in mid-December of 2016, at the same time that the Joint Venture (RSP) was formed. RIC has not had any involvement since it sold its interest in 2016. Prior to December 2016, George Yerrall and Niall Lawlor were partners of RIC and Tony Freudmann was acting as a consultant to RIC. On advice, RSP, a UK registered company was created to promote the DCO application. A letter to the then leader of Thanet District Council explaining RIC's role at the time is attached at Appendix F.2.25 part B in TR020002/D6/SWQ/Appendices.</p>

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F.2.26	The Applicant	<p>You have provided a redacted copy of the joint Venture Agreement at Appendix 4 to Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated].</p> <p>This states at paragraph 9.2 that:</p> <p><i>"The first Business Plan shall be prepared by the Board as soon as reasonably practicable following the occurrence of the Project Success Event"</i></p> <p>i. Explain the status of the business model provided at Appendix F.1.5 of Appendices to Answers to First Written Questions [REP3-187].</p> <p>ii. Define 'Project Success Event'.</p>
		<p>Applicant's Response:</p> <p>i. The first Business Plan referred to in paragraph 9.2 is a commercially sensitive internal document which informed the investors' decision to fund the DCO process. The business model provided to the ExA is derived from the Business Plan but is an edited version of that document for reasons of commercial confidentiality.</p> <p>ii. "Project Success Event" is defined in the Joint Venture Agreement (Appendix 4 to REP5-011) as:</p> <p><i>the later of the following events:</i></p> <ul style="list-style-type: none"> <i>• the Secretary of State for Transport (or such other relevant government officer) having granted a Development Consent Order pursuant to sections 104 or 105 of the Planning Act 2008 (including powers, rights and authorisations needed to acquire the land registered at the Land Registry with title number K803975) provided that no application for permission to bring judicial</i>

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		<p><i>review proceedings has been made within the requisite time period for bringing such application (being, as at the date of this agreement, six weeks from the date of the Secretary of State's decision to grant the Development Consent Order); and</i></p> <ul style="list-style-type: none"> <i>• a final judgment from a court of competent jurisdiction dismissing any judicial review proceedings in respect of the Development Consent Order.</i>

Ref No.	Respondent	Question
HE.2 Historic Environment		
HE.2.1	The Applicant	<p>Policy</p> <p>The Infrastructure Planning (Decisions) Regulations 2010 state that when deciding an application which affects listed building or their setting and conservation areas, the decision maker must have regard to the desirability of preserving the listed building or its setting and preserving or enhancing the character or appearance of the conservation area. Paragraph 5.200 of the Airports National Policy Statement states that when considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State will give great weight to the asset's conservation. The Heritage Assets and Public Benefit Paper [Appendix HE.1.2, REP3-187] acknowledges that less than substantial harm would be caused by the proposal to 3 scheduled monuments, 10 listed buildings and 2 conservation areas.</p> <p>i. Do you consider that considerable importance and weight should be given to any harm caused to a heritage asset?</p> <p>ii. Where less than substantial harm is found in respect of a number of heritage assets, do you consider that more weight can reasonably be attached in the overall planning balance to a number of "less than substantial" harms than would be the case if only one asset were (less than substantially) harmed?</p> <p>iii. Do you consider there to be a scale of harm within the metric of 'less than substantial harm'?</p> <p>Applicant's Response:</p> <p>(i) Considerable importance and weight should be given to any harm to designated heritage assets which may be affected by the construction or operation of Manston Airport, reflecting the Court of Appeal's judgement in the case of Barnwell vs East Northamptonshire DC 2014 which found that Parliament's intention in enacting Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 was that '<i>decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings</i>' when carrying out the balancing exercise'. Section 3 of the Infrastructure Planning</p>

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		<p>(Decisions) Regulations 2010 No. 305, also sets out that when deciding an application which affects a listed building or its setting, a scheduled monument or its setting, and to the character of a conservation area that the decision-maker must have “regard” to any harm.</p> <p>(ii) The judgement of the weight that should be applied to a number of less than substantial harms is case-specific and depends on the scale of harm and the significance of those heritage assets. It is entirely possible, therefore, that these harms could be less heavily weighted than a hypothetical harm to a single heritage asset. It is therefore appropriate to consider the limited degree of harm to individual designated heritage assets and the preservation of the archaeological interest and the structure and appearance of the heritage assets in question, which is discussed within Section 9.10 of Chapter 9 of the ES [APP-034].</p> <p>(iii) It is clear that there is a scale of harm to be considered in the balancing exercise. ANPS 5.203 sets out that “<i>Any harmful impact... should be weighed against the public benefit of development, recognising that the greater the harm... the greater the justification that will be needed for any loss</i>”. Furthermore, the balancing exercise at ANPS 5.205 presupposes that not all harms are equal. NPPG (at Paragraph: 019 Reference ID: 18a-019-20140306) comments about how harms can be minimised. GPA3 [refer to Appendix HE.2.1 in TR20002/D6/SWQ/Appendices]¹, sets out at Step 4: <i>Explore ways to maximise enhancement or reduce harm</i> that “<i>For some developments... good design may reduce or remove the harm, or provide enhancement.</i>”</p>
HE.2.2	The Applicant	<p>Noise and heritage assets</p> <p>The ES Vol 1, Chapter 9 [APP-033], 9.6.21 states that the assessment considered the effect of noise on heritage assets in line with Historic England’s Aviation Noise Metric Study.</p> <p>i. Provide a copy of the Aviation Noise Metric Study.</p> <p>ii. Provide further information with regards to the ‘scoping out’ of heritage assets within Ramsgate.</p>

¹ Historic England 2017 *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*

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		<p>iii. Confirm (or otherwise) that the assessment using the Noise Metric Study was applied using the current situation, ie a baseline assessment was done assuming no aviation noise for comparison with the 'with aviation' scenario.</p> <p>Applicant's Response:</p> <p>(i) A copy of the Aviation Noise Metric Study has been provided at Appendix HE.2.2 in TR20002/D6/SWQ/Appendices.</p> <p>(ii) As set out in Chapter 9 of the ES [APP-034], a scoping exercise was carried out in line with the Aviation Noise Metric (ANM). This process was presented in Appendix 9.1 [APP-052] of the ES [APP-034], with the results of the scoping exercise set out at Table E.3.</p> <p>The ANM sets out two sets of criteria for scoping heritage assets into assessments: these reflect the potential change, using the N60 contours (number of occasions in a time period where noise exceeds 60dB LAMax) (Section 5.2), and the identification of heritage assets where specific noise environments contribute positively to setting (Section 5.3). As there are currently no flights from Manston Airport, the N60=20 contour was used as an initial scoping boundary, in line with section 5.4.4 of the ANM. Heritage assets within this area were reviewed against the four categories identified at Section 5.3 of the ANM as potentially being sensitive to a change to heritage significance arising from aviation noise.</p> <p>Within the scoping boundary, only 7 designated heritage assets within Ramsgate were identified as potentially sensitive under these criteria, as follows:</p> <ul style="list-style-type: none"> • Grade I listed Church of St. Laurence, Ramsgate (1336662) and 25 associated Grade II listed headstones, mausolea and tomb groups; • Grade I listed Church of St. George, Ramsgate (1085430) four associated Grade II listed tomb groups and Grade II listed railings; • Grade II* listed Montefiore Synagogue (1051632) and associated Grade II listed gatepiers and toilets; • Grade II listed St. Augustine's Abbey, St. Augustine's Road (1281732); • Grade I listed Church of St Augustine, St. Augustine's Road (1281779);

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		<ul style="list-style-type: none"> • Albion Place Gardens, Grade II registered Park and Garden (1001386); and • Grade II listed Eastcliff Bandstand (1096005). <p>Other than the Eastcliff Bandstand and Albion Square Gardens, which fall into Category B, and Ramsgate Conservation Area, these assets are all ANM Category A - places of worship and associated burial grounds.</p> <p>The implications of predicted changes to the noise environment for each of these heritage assets was been further considered in line with ANM disturbance thresholds, taking into consideration their existing settings. This is set out at Table E.3 of Appendix 9.1 [APP-052] of the ES [APP-034].</p> <p>Predicted noise levels at the Church of St. George, the Montefiore Synagogue, St. Augustine's Abbey and Church of St. Augustine are below 54 dB $L_{Aeq,16hr}$ in all assessment scenarios. This is below the levels that the ANM notes at paragraph 5.4.4 that would be disturbing to otherwise quiet heritage assets and that noise would be unlikely to interfere with existing sounds that contribute to significance. These assets were consequently scoped out of detailed further assessment.</p> <p>The Grade II listed church of St. Lawrence, Ramsgate, is located adjacent to the A255/B2014 junction, opposite a petrol station and the churchyard is within 300m of the Canterbury – Ramsgate railway. The presence of modern traffic and rail noise is an existing and defining element of the setting of these assets, which are consequently not sensitive to the predicted change.</p> <p>Albion Place Gardens is a park, a class of assets identified by the ANM as potentially sensitive to change in noise environment, but is bounded by roads on all sides, including the B2054 Madeira Walk, which is the principal route through the town along the seafront and has car parking to two sides. Any expectation of a quieter environment is relative to the soundscape of the surrounding streets, meaning that this asset would not be sensitive to the predicted change.</p> <p>Eastcliff Bandstand derives significance from the audibility of specific soundscapes at specific times, but it is located within an urban area with a number of existing sources of noise, primarily arising from traffic movements on the adjacent B2054 Wellington Crescent and would not be sensitive to the predicted change.</p>

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Ref No.	Respondent	Question
		<p>Ramsgate Conservation Area comprises the historic core of a busy resort and port town. In the majority of the area, the existing soundscape is provided largely by traffic noise, with occasional noise from harbour and marina operations, which reinforce the area's historic and functional links with the sea. Aviation noise is not considered likely to give rise to any adverse perceptual change in the setting of the area and no adverse effects are anticipated. This asset was consequently scoped out of detailed further assessment.</p> <p>(iii) It is confirmed that the assessment applies the ANM using the current baseline situation, which was developed using noise measurements undertaken for the noise and vibration assessment (Chapter 12 of the ES [APP-034]). No regard has been had to any aviation noise arising from past use of Manston Airport.</p>
HE.2.3	The Applicant	<p>Noise and heritage assets</p> <p>Paragraphs 12.7.70 to 12.7.72 of Volume 2, Chapter 12 of the ES [APP-034] state that during the daytime significant adverse noise effects have been identified at Ramsgate, Pegwell Bay and Manston. The effect would be characterised as a perceived change in quality of life for occupants of buildings in these communities or a perceived change in the acoustic character of shared open spaces within these communities, and that during the night-time similar effects would occur in Ramsgate, Manston, Wade and West Stourmouth.</p> <p>i. Given this statement, do you consider that your conclusions with regards to lack of harm to heritage assets in Ramsgate, including the conservation area, and the conservation area at St Nicholas at Wade remain the same?</p> <p>ii. Would a perceived change in the acoustic character of shared open spaces preserve or enhance the character of the conservation areas at Ramsgate and St Nicholas at Wade?</p> <p>iii. Would a perceived change in the acoustic character of shared open spaces preserve the setting of relevant listed buildings in Ramsgate and St Nicholas at Wade?</p>

Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>(i) Conclusions with regards to lack of harm to the significance of heritage assets in Ramsgate, including the conservation area, and the conservation area at St. Nicholas at Wade remain valid.</p> <p>The assessment presented within Chapter 9 of the ES [APP-034] considers heritage assets within the definition set out by the ANPS and considers change to heritage significance as set out by ANPS, GPA3 and the ANM. GPA3 is provided at Appendix HE.2.1 in TR20002/D6/SWQ/Appendices, the ANM is provided at Appendix HE.2.2 in TR20002/D6/SWQ/Appendices, while the ANPS is provided at Appendix HE.2.3 in TR/20002/D6/SWQ/Appendices.</p> <p>The effect of aviation noise on heritage significance depends on the effect that a changed noise environment would have on the heritage interests (as defined in ANPS, Conservation Principles² and GPA2³) (the latter two provided at Appendix HE.2.3 in TR20002/D6/SWQ/Appendices) of a heritage asset rather than the considerations that apply to assessment of the effect of aviation noise on human receptors as presented in Chapter 12 of the ES [APP-034]. As per GPA3 and ANM, it is only where the significance of these heritage assets is sensitive to noise change that an adverse effect would arise. Increased noise at the levels predicted would not affect the receptor's ability to understand or appreciate the heritage interests of these conservation areas.</p> <p>(ii) The identified change to the character of open space would not affect the heritage interests of these conservation areas. It is therefore assessed that no harm would arise and the character of those conservation areas would be preserved.</p>

² English Heritage 2008 *Conservation Principles* (<https://historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesandguidanceapril08web/>) and Historic England 2017 *Conservation Principles: Consultation Draft* (<https://historicengland.org.uk/content/docs/guidance/conservation-principles-consultation-draft-pdf/>)

³ Historic England 2015 *Historic Environment Good Practice Advice in Planning: 2 Managing Significance in Decision-Taking in the Historic Environment* (<https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2/>)

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		(iii) The identified change to the character of open space would not affect the heritage interests of these listed buildings. It is therefore assessed that no harm would arise and the settings of these listed buildings would be preserved.
HE.2.4	The Applicant	<p>Visual effects</p> <p>Flightpaths for arriving and departing aircraft would overfly parts of the Ramsgate Conservation Area and various listed buildings within the town. Arriving aircraft would also overfly the conservation area at St Nicholas at Wade and listed buildings therein.</p> <p>i. Do you consider the visual effect of overflying aircraft would have any effect on the character and appearance of such conservation areas? If so, would this preserve or enhance such character and appearance?</p> <p>ii. Do you consider the visual effect of overflying aircraft would have any effect on the setting of listed buildings underneath the flightpath? If so, would such an effect preserve the setting of the relevant listed buildings?</p> <p>Applicant's Response:</p> <p>(i) It is not considered that visibility of aircraft movements would have any effect on the character of these conservation areas as heritage assets.</p> <p>Visibility of aircraft movements would be infrequent and transient in the overall experience of these conservation areas and would be screened in many views. Visibility of aircraft movements is therefore not considered likely to affect the contribution of setting to significance of conservation areas.</p> <p>(ii) It is not considered that the visibility of aircraft movements would have any effect on the significance of these listed buildings. Visibility of aircraft movements would be infrequent and transient in the overall experience of the heritage assets and would be clearly perceptually separated from the assets. Visibility of aircraft movements is therefore not considered likely to give rise to change to setting of these conservation areas.</p>

Ref No.	Respondent	Question
HE.2.5	The Applicant	<p>Non designated heritage assets</p> <p>Historic England [REP3-162, REP3-204] consider that the T2 Hangar, WWII Dispersal Bay, RAF Manston Control Tower and the RAF Manston WWII Battle HQ are potentially nationally important and note that if so should be preserved. HE think that further survey and assessment is needed to properly understand their significance, and the quantum and design of the development should be sufficiently flexible to allow for their preservation and sustainable use within the development scheme, should further assessment confirm that this is warranted. The Heritage Assets and Public Benefit Paper [Appendix HE.1.2, REP3-187] states that the T2 Hangar and WWII Dispersal Bay would be demolished, and that loss could be appropriately mitigated by recording of the structures meaning residual harm would be less than substantial. The RAF Manston Control Tower and RAF Manston WWII Battle HQ would be located within the safeguarded museums area.</p> <p>i. Do you consider that further survey and assessment is necessary to define the significance of the T2 Hangar and WWII Dispersal Bay?</p> <p>ii. If so, outline how the design may be altered to accommodate the preservation and sustainable use of those structures not already protected within the design.</p> <p>In asking this question, the ExA notes that the dispersal bay is the only one remaining at Manston, and that the T2 Hangar steel frame may be considered of significance in a group setting.</p> <p>Applicant's Response:</p> <p>(i) No. The significance of these heritage assets, as set out at Section 9.9 of Chapter 9 the ES [APP-033], was expanded at Table 4.2 of Appendix HE1.2 (REP3-187) of the 'Applicants Responses to first Written Questions' [TR020002/D3/FWQ]. This assessment acknowledges that the T2 Hangar and the dispersal pen hold some significance for historic interest but represent much-altered and isolated survivals of wider schemes which have been fragmented by successive phases of development of the airfield. This survival means that these features are intrinsically of reduced significance and no longer comprise elements of</p>

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		<p>a discernibly coherent group. The Historic England Listing Selection Guide for Military Structures (provided at Appendix HE2.5 in TR/20002/D6/SWQ/Appendices) notes that outside key sites identified in the Historic Military Aviation Sites Guidance (provided at Appendix HE2.5 in TR/20002/D6/SWQ/Appendices)⁴, it is only groups (of buildings, fighter pens and defences) and individual examples of strong intrinsic or associational importance, which would be considered as of national significance.</p> <p>(ii) The limited significance of these heritage assets outwith any coherent asset group means that it is not considered that further amendments to design are required to accommodate their preservation.</p>
HE.2.7	The Applicant	<p>Draft Written Scheme of Investigation</p> <p>The draft WSI [REP4-019] contains limited reference to contamination /pollution. Any works must be carried out in a strictly controlled manner to ensure that contaminants are not exposed, and releases allowed to air, land or controlled waters, which could cause pollution or human health effects.</p> <p>Consider whether the provisions of the draft WSI could be strengthened or cross referenced to the land quality section of the CEMP [Appendix 3.2 of APP-044].</p> <p>Applicant's Response:</p> <p>Reference will be made in a revised draft WSI to the need to consider issues of contamination and pollution in design of investigative works and working procedures by referring to the appropriate provisions within the Construction Environmental Management Plan (CEMP) [APP-011]. Control of hazards caused by contamination during archaeological fieldwork would be achieved by the adoption of agreed best-practice control measures and detail design of investigative works.</p>

Ref No.	Respondent	Question
HE.2.8	The Applicant	<p>Draft Written Scheme of Investigation</p> <p>The draft WSI [REP4-019] states, in paragraph 5.5.2 "Where the landowner decides to retain artefacts, adequate provision must be made for recording them."</p> <p>i. Is this a standard provision used in WSIs?</p> <p>ii. If so, provide further examples or if not, justify.</p>
		<p>Applicant's Response:</p> <p>(i) This is a commonly-used condition and reflects legal position that the landowner retains ownership of all archaeological materials other than those protected by statute (i.e. military remains, human remains and treasure). While ownership would be normally transferred to the relevant recipient museum, Thanet does not have an active recipient museum to receive archaeological material.</p> <p>(ii) An equivalent provision was included at Section 5.7.2 of the WSI for the Richborough Connection Project which is available on the Infrastructure Planning website at: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020017/EN020017-002222National_Grid_5.4.3F(B)_Archaeological_Mitigation_WSI.pdf</p> <p>This provision is in accord with the ClfA <i>Standard and guidance for archaeological excavation</i>⁵ which sets out at 3.10.4 that, '...ownership of objects rests with the landowner, except where other law overrides this... The archaeologist undertaking the fieldwork or the planning archaeologist must make this clear at the inception of the project (in the brief/project outline, WSI</p>

⁵ Chartered Institute for Archaeologists 2014 *Standard and guidance for archaeological excavation*.
https://www.archaeologists.net/sites/default/files/ClfAS&GExcavation_1.pdf

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		<i>or project design)' and at 3.10.6 that '...it is the responsibility of the archaeologist undertaking the fieldwork to endeavour to obtain the written consent of the landowner for finds donation and deposition with the recipient museum.')</i>
HE.2.9	The Applicant	<p>Listed buildings – sound insulation</p> <p>Answers to various first written questions appear to state that there are no listed buildings falling within the provisions of the proposed Dwelling Noise Insulation Scheme (DNIS).</p> <p>For the avoidance of doubt confirm whether or not there are any listed buildings lying within the DNIS.</p>
		<p>Applicant's Response:</p> <p>There are no listed buildings within the DNIS, as detailed within Action no. 13 of 'Applicants Hearing Note on Actions requested at the Issue Specific Hearing on Noise and Vibration, held on 22 March 2019' [REP5-010] submitted at Deadline 5.</p>

Ref No.	Respondent	Question
LV.2 Landscape and Visual		
LV.2.1	The Applicant For information	The Applicant is informed that, at the ISH on Landscape and Visual Issues to be held in the week beginning 3 June 2019, a presentation will be requested showing the design approach and principles outlined in the Design Guide [REP4-024] submitted at Deadline 4 on 8 March and any other relevant documents.
		<p>Applicant's Response:</p> <p>Noted. The Applicant has sought and obtained more particulars from the Examining Authority's as to the scope, length and style of the presentation that it seeks from the Applicant. This presentation will be provided at the hearing on the 3 June.</p>
LV.2.2	Dover DC The Applicant	<p>Dover DC</p> <p>Dover DC's Local Impact Report [REP3-227] states at paragraph 5.7 that:</p> <p><i>"The proposed development would result in a visual impact and change in landscape however with regard to the impact from receptors located within the Dover District, further information is required..."</i></p> <p>The Draft Statement of Common Ground between the Applicant and Dover District Council submitted for deadline 4 on 8 March [REP4-003], Dover DC states that:</p> <p><i>"In response to the consultation on the Preliminary Environmental Information Report DDC requested further engagement with the Applicant in order to assess the landscape and visual impact of the proposals and any alternatives from receptors located within the Dover District.</i></p>

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		<p><i>To date, DDC has not received any further correspondence from the Applicant on this matter.”</i></p> <p>The Applicant's position stated within the Draft Statement of Common Ground between the Applicant and Dover District Council submitted for deadline 4 on 8 March [REP4-003] does not appear to deal with the request for further engagement.</p> <p>Set out the current position and whether further engagement has, or is to, take place.</p> <p>Applicant's Response:</p> <p>It is not correct to say that no engagement has taken place since the Preliminary Environmental Information Report (PEIR) submission. DDC have been a consultee on all documentation produced for the DCO application and have been offered the opportunity to comment through those channels. In addition, the Draft Statement of Common Ground [REP4-003] between the Applicant and Dover District Council (DDC) has been under discussion for some months and was submitted to the ExA at Deadline 4.</p> <p>It is assumed that DDC do not have any concerns regarding the LVIA presented in the ES at Chapter 11 [APP-033,034,035] and the applicant is happy to ensure that DDC is consulted on landscape matters during the detailed design of the scheme following the making of the DCO.</p>
LV.2.5	The Applicant	<p>The Applicant's Comments on Local Impact Reports submitted for deadline 4 on 8 March [REP4-028] states that:</p> <p><i>“The Museums and Memorial Gardens will be retained within a safeguarded museums area that also includes the former RAF Manston ATC Tower and the former RAF Battle Headquarters. These features will be retained within the context of an active airfield, contributing positively through the continuation of aviation operations.”</i></p> <p>Show where this is secured in the draft DCO or in the documents that are listed in Schedule 10 of the draft DCO.</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>Please refer to the Applicant's answer to question CA.2.22.</p>
LV.2.6	The Applicant	<p>Thanet DC's LIR [REP3-010] states that:</p> <p><i>"As no detailed mitigation has been produced, nor has this been integrated into the Masterplan, we are not in a position to assess whether the impact on visual receptors and the landscape of the district will be acceptable or not."</i></p> <p>Paragraph 1.3 of the Design Guide submitted at deadline 4 on 8 March shows "Sustainable: Environmental Mitigation" as one of five aims for the project.</p> <p>Does the Updated Register of Environmental Actions and Commitments and LVIA provide sufficient details of mitigation in respect of landscape and visual impact or other details provided elsewhere in the Applicant's documentation?</p> <p>Applicant's Response:</p> <p>Requirement 4 of the DCO secures compliance with the Design Guide [REP4-024] and the updated Register of Environmental Actions and Commitments (REAC) [APP-010] respectively. The REAC identifies all of the mitigation identified in the ES [APP-033, 034, 035], including a number of specific measures relating to landscape and visual impact. It provides sufficient details of the proposed mitigation. Both the Design Guide [REP4-024] and detailed landscape masterplan [drawing reference NK018417-RPS-MSE-XX-DR-C-2051] will need to be approved by the Secretary of State in consultation with the appropriate local authorities. The Applicant considers that the Requirements of the DCO secure the mitigation detailed in the REAC [APP-010].</p>

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Ref No.	Respondent	Question
LV.2.9	The Applicant	<p>Your response LV.1.4 [REP3-195] states, in relation to the trees close to the boundary, on the Northern Grass, they are relatively young and not considered likely to perform a critical ecological function although this will be confirmed as the surveys progress.</p> <p>Report on the progress of relevant surveys.</p>
		<p>Applicant's Response:</p> <p>From an ecological perspective, the only trees that were identified as requiring further survey to confirm their ecological value are nine trees in the grounds of the Spitfire & Hurricane Memorial Museum, and a single tree in the east of the Northern Grass Area, adjacent the Manston Court residential area. These were identified on a precautionary basis and in fact none of these trees are to be affected by the Proposed Development, since they lie within a safeguarded area. Should any subsequent agreement with the Museums require modifications to this area that may affect those trees, this would be subject to a separate consenting process. For information, the trees referred to in the above question were all identified as having moderate bat roost potential in Chapter 7 of the ES [APP-033,034,035], specifically Appendix 7.11 [APP-045] and require climbing survey to confirm the potential for any bat use.</p>
LV.2.10	The Applicant	<p>Your response to LV.1.5. [REP3-195] states that planting east of Spitfire Way/south of Manston Road would be implemented by Year 10.</p> <p>i. Explain why this planting is to be implemented at this late stage in the development of the proposed project</p> <p>ii. At what stage will this planting become mature?</p>
		<p>Applicant's Response:</p>

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Ref No.	Respondent	Question
		<p>i. It is acknowledged that the planting referred to above could be brought forward in the programme to ensure earlier establishment of the proposed mitigation. The Applicant therefore agrees that this planting will be implemented during Phase 2 of the Proposed Development, once the necessary demolition works have taken place.</p> <p>ii. It is not possible to determine a timeframe in which the planting would be mature as this is dependent on the species planted and a high number of other variables including management which determine growth rates. As a guide as to heights of trees at a determined timeframe, the IEMA document <i>Predicting the growth of tree and hedge planting when determining the effectiveness of mitigation</i> [at Appendix LV.2.10 in TR20002/D6/SWQ/Appendices¹] indicates that if planted as 60-80cm high transplants, trees may attain a height of 7-7.5m after 15 years.</p>
LV.2.11	The Applicant	<p>Your answer to LV.1.20 [REP3-195] states that:</p> <p><i>“The intermittent and transient nature of the presence of overflying aircraft would not equate to visual changes that are of a long duration and so are not considered to be significant.”</i></p> <p>Show the analysis and methodology used to arrive at this conclusion of non-significance.</p> <p>Applicant's Response:</p> <p>A description of the applied methodology and analysis has been submitted at Deadline 6 as Appendix LV2.11 in TR20002/D6/SWQ/Appendices.</p>

¹ Available at
https://www.iema.net/assets/uploads/EIA%20Articles/landmark_practice_article_predicting_the_growth_of_tree_and_hedge_planting_when_determining_the_effectiveness_of_mitigation.pdf

Ref No.	Respondent	Question
LV.2.12	The Applicant	<p>Whilst you have provided night time viewpoints at Table 11.6. of the ES, you have not provided indicative night time wireframes showing the potential effects of airport lighting.</p> <p>Provide indicative night time wireframes showing the potential effects of airport lighting.</p>
		<p>Applicant's Response:</p> <p>It is not possible to provide a wireline in relation to airport lighting. Wirelines are used to represent built development and are generally produced to support visual impact assessment by showing an impression of the most visible aspects of a scheme. In the case of the mast and the lighting splay, the mast itself is a small feature that will be viewed from distance and as such is not particularly prominent in any view. For this reason, it is not necessary to provide a wireline specific to this feature anymore than it would be for other specific features of the Proposed Development. In terms of night-time views, the mast itself will not be visible and the lighting from the mast has been captured within the Lighting Assessment submitted at Deadline 3 as part of the 'Applicants Response to the First Written Questions' [TR020002/D3/FWQ/Appendices]. It is not possible to create a wireline for the effect of the lighting from the mast which is the main source of night-time effects on views.</p>
LV.2.13	The Applicant	<p>Your answer to LV.1.41 [REP3-195] states in relation to Work No. 3 that:</p> <p><i>"There is an error on the Engineering Drawings and Sections – the error relates to the finished ground level rather than the maximum roof level. The correct ground level is 47m, and not 50m as shown."</i></p> <p>Has this error affected the stated height of any other Works?</p>
		<p>Applicant's Response:</p>

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Ref No.	Respondent	Question
		This error has not affected the stated height of any other Works.
LV.2.14	The Applicant	<p>The table provided as part of your response to LV.1.7 [REP3-195] appears to show a significant reliance on planning and bunding to the eastern perimeter and southern side of the proposed scheme.</p> <p>Whilst the Design Guide [REP4-024] submitted at Deadline 4 on 8 March shows types of planting and an indicative drawing of planting and bunding, it does not show views of elements of the proposed scheme 'filtered out' by the planning.</p> <p>Can these be provided?</p>
		<p>Applicant's Response:</p> <p>Viewpoints have been provided as Appendix LV.2.14 in TR20002/D6/SWQ/Appendices.</p>

Ref No.	Respondent	Question
ND.2 Need		
ND.2.1	The Applicant	<p>Forecasts</p> <p>While accepting that there may be no standard methodology for forecasting air freight, in the Need and Operations Hearing (21/03/19) it was accepted that the Azimuth report [APP-085] did not account for viability and that the forecasts contained within the ES were indicative.</p> <p>Given the above, are the Azimuth forecasts effectively therefore an assessment of potential, or a wish list?</p> <p>Applicant's Response:</p> <p>The Azimuth Report doc ref] provides an assessment of potential demand in the South East of England, which is known to experience significant capacity constraints. Volume II of the report provides a qualitative study of potential demand for Manston airport, informed by the assessment of overall demand in the South East in Volume I The forecast contained in Volume III in turn draws on the qualitative study of potential demand. The forecast is more than a wish list or assessment of potential. Rather, it is an evidence based assessment of likely levels of cargo and passenger traffic at Manston.</p> <p>The viability assessment is a separate consideration. It is informed by the forecast demand for Manston airport and considers whether the infrastructure required to meet that demand can viably be delivered. The fact that the forecast is separate from the viability assessment reinforces the independence of the forecast. It was not prepared to produce any specific number of ATMs to show that the project would be viable. It was for the Applicant to consider whether the project was commercially viable. This was not part of the Azimuth Report.</p> <p>This would be the case in any sector. For example, the forecast for the need for a particular pharmaceutical product would show the number of people likely to be affected by a particular condition over a period of years. A viability study would show whether the size of the potential market would warrant the investment in research and development of a product to target the condition.</p>

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		As with the air transport forecast for Manston Airport, the need is clearly demonstrated through the need case and the forecast, with viability considered separately.
ND.2.2	The Applicant	<p>Forecasts</p> <p>The forecasts in the Azimuth report [APP-085] result partly from discussions with industry figures. Of these 24 interviewees seven could be described as local businesses, with a further two as Kent promotional bodies. At the Need and Operations Hearing (21/03/19) you stated that these were supplemented with interviews and conversations with other experts and industry figures.</p> <p>Provide further evidence over such conversations and discussions, including a list of those interviewed and their conclusions relating to the proposed scheme.</p>
		<p>Applicant's Response:</p> <p>Numerous conversations and discussions took place with industry members which informed the figures in the Azimuth Report. These include representatives from key UK airports and from a range of airlines. These discussions are commercially sensitive and necessarily confidential, both in the detail of the conversation and in the identity of the airport/airline.</p> <p>The Applicant has also been in contact with industry bodies including attending the London Infrastructure Summit at the invitation of London First, is in regular contact with international aviation organisations such as Bas International, worldwide aircraft charter experts, and potential users of Manston Airport such as Sound Moves.</p> <p>Interviewees were not invited to express conclusions on the proposed scheme. Rather, they were asked to provide insight on current limitations and opportunities in the sector. A key issue raised in those discussions was the capacity constraints in the UK's airport infrastructure in the South East. Constrained airports generally tend to favour the passenger market with the result that dedicated freighters can experience difficulties getting landing/take-off slots, rapid handling and sufficient and suitable warehousing.</p>

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ND.2.3	The Applicant	<p>Forecasts - Exports</p> <p>At the Need and Operations Hearing (21/03/19) it was stated that of the proposed perishable goods, there was a clear demand for importing such goods and also for exporting fish and shellfish. Markets also being targeted include F1 cars and racehorses.</p> <ol style="list-style-type: none"> Confirm the expected business generated from such exports (in terms of tonnages and ATMs). Confirm (or otherwise) that there would be little market for exporting other perishable goods. Which airport(s) do fish and shellfish currently export from? Which airport(s) do a) race horses, b) F1 cars, and c) luxury cars currently import and export from? Would the export of such goods from Manston have displacement effects in socio-economic terms?
		<p>Applicant's Response:</p> <p>i. The rationale and forecasts for fish and shellfish, and for perishables is as follows:</p> <p><u>Fish and shellfish</u></p> <p>Fish and shellfish are a considerable market for exports from the UK.</p> <ul style="list-style-type: none"> In 2017, the UK exported 446,500 tonnes of fish and shellfish at a value of £1.89 billion. Export markets include the US, Spain, China, South Korea, Taiwan, Canada, Vietnam, Hong Kong and the UAE. As such, 52 ATMs per year are forecast. The Manston forecast assumes a seasonal operation of one rotation (2 ATMs) per week for 26 weeks. It also assumes less than 0.5% of the total export.

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		<p>The UK also imports seafood from China, Denmark, Sweden, Vietnam, India, Netherlands, Poland, Spain, Russia, Ecuador, Faroe Islands, Germany, Norway, Ghana, Bangladesh, Iceland, Canada, U.S.A., Thailand and France. To the year ended August 2017, just under 700,800 tonnes were imported into the UK with a value of around £3.21 billion.</p> <p>The export movement of fresh fish and shellfish was identified as a potential market for Manston at the macro analysis. During the interview stage it was reported that some exporters were having to truck from the south to the north to air freight their product. Data from government sources found that, in 2017, the UK exported 446,500 tonnes of fish and shellfish (see Seafood Industry Factsheet at Appendix ND.2.3 Part A in TR020002/D6/SWQ/Appendices).</p> <p>Geographic analysis of demand and supply established that export markets include the US, Spain, China, South Korea, Taiwan, Canada, Vietnam, Hong Kong and the UAE. Given the geographical location of these markets, an aircraft type was identified and a conservative forecast for the proportion of the total current tonnage that Manston could capture was defined.</p> <p>The forecast assumes less than 0.5% of the total export market (approximately 2,000 tonnes) to take account of other forms of transport, competition, etc. From all the information available, and the seasonal nature of the product, the forecast from Year 2 includes one rotation (2 ATMs) per week for 26 weeks carried on a B-777.</p> <p><u>Racehorses</u></p> <p>Racing is an international sport and live animals such as horses are flown to and from the UK to destinations such as Australia, Dubai, Hong Kong, Singapore and the US. This is a specialist transport, where the welfare of the animals rather than weight is the major consideration.</p> <p>A conservative 52 ATMs per year are forecast for Manston within the charter airlines forecast. The forecast for live animal operations such as racehorses is for two ATMs (one flight) per week for 26 weeks of the year (52 ATMS annually) to take account of seasonality operated on a Category E aircraft, with the B-777 generally the preferred option. This increases to two flights or four ATMs per week for 26 weeks in Year 4 of operation.</p>

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		<p><u>Other markets</u></p> <p>Other niche markets such as Formula 1 and the transport of Rock bands and artists' live concert stage sets and equipment are not forecast separately but included in the forecast for charter operations.</p> <p>Information provided suggests two based aircraft at Manston, driven by the specialist facilities and capacity at all times during operating hours. The Manston forecast includes one based aircraft with four rotations per week. Cargo is frequently specialist and outsized items and also includes the movement of live animals such as racehorses, at one flight (2 ATMs) per week for six months of the year. Specialist items such as luxury and racing cars are also included in the forecast as general charter.</p> <p>It should be noted that aircraft may be carrying full loads but dropping or collecting part loads at Manston. This possibility is modelled into the load factors.</p> <p>ii. A report by the House of Commons Environment, Food and Rural Affairs Committee dated 7 February 2018 and entitled Brexit: Trade in Food (included at Appendix ND.2.3 part B in TR020002/D6/SWQ/Appendices) says that, "The UK's food and farming industry generates over £110 billion a year and employs one in eight people in the UK. Trade is vital to the industry. The EU is the UK's single largest trading partner in agri-food products, accounting for 60% of exports and 70% of imports." The Steer Report (2018) found that, alongside clothing, fruit and vegetables are the two largest 2-digit SITC product groups imported by air. (paragraph 4.11 in Appendix ND.1.13 of REP3-187). The UK exported £22.1 billion in food and drink in 2018, up 2.5% from the previous year. 38.5% by value of this is destined for non-EU countries. The top 10 export food and drink products in 2018 were whisky, chocolate, cheese, salmon, wine, gin, beef, beer, breakfast cereals, and pork. Wheat-based products such as cakes, bread, biscuits and pasta find markets around the world, with United Arab Emirates, Hong Kong, and Australia accounting for around 10% of UK wheat-based good exports. Together the South East, London and the East export £6.59 billion, 28.6% of the UK's total. (see data from the Food and Drink Federation at Appendix ND.2.3 part C in TR20002/D6/SWQ/Appendices)</p> <p>Other markets for agricultural trade include meat, dairy, oilseeds, potatoes and cereals, with UK producers currently finding markets in EU countries. Since Brexit will fundamentally change the UK's relationship with the EU, potentially removing tariff-free trade, exporters may look to other non-EU countries to find markets. If trade continues within the EU, transportation by road may</p>

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		<p>be slowed due to customs arrangements. In both scenarios, exporters may look to air freight for their perishable items, although cost will clearly be an issue.</p> <p>iii. There seems to be no one, specialist airport that handles seafood. Fish and shellfish are imported and exported through all main freight airports, sometimes consolidated as bellyhold, perhaps due to the lack of specialist facilities and capacity for dedicated freighters.</p> <p>iv. a) Racehorses: Stansted and Heathrow are currently England's main airports for equine transportation, with Prestwick serving Scotland. On occasions Biggin Hill has been used. In Europe, Liege Airport transports around 3,000 horses every year. In terms of airlines, Emirates carries around 1,000 horses annually on its flights, always on dedicated freighter aircraft.</p> <p>b) Each team competing in the FIA Formula One World Championship travels around 160,000 kilometres (100,000 miles) a year between races and test sessions. Teams generally move cars by road, trucking within Europe and by air freight further afield. The number of races outside Europe is continuing to expand. Teams have purpose designed and built cargo crates, which fill all available space in the aircraft hold. At present, most of the teams use dedicated freighters chartered by Formula One Management (FOM) with DHL currently serving as the logistics partner. Flights are from London (usually from Heathrow or Stansted) and Munich to race events.</p> <p>c) Known as the London Supercar Season (although private cars are transported throughout the year), August and September sees large numbers of luxury cars with Middle Eastern owners descend on Knightsbridge and Mayfair particularly. However, The cost of transporting these cars can be in excess of £20,000. Qatar Airways, Emirates (with Emirates Wheels from Dubai) and Etihad Airways offer door-to-door cargo and delivery services for vehicles. Vehicles come from across the Middle East including UAE, Saudi Arabia, Kuwait and Qatar. Demand is for slots at London airports, generally using B777s and A330s or similar, with the cargo either accommodated in a single row or in a side-by-side configuration. Since slots for dedicated cargo operators are constrained at Heathrow, Manston would offer an ideal substitute, being close to London and without constraints for imports or exports.</p> <p>v. It is unlikely that any displacement effect would be felt at Heathrow. Should Stansted Airport become more constrained or decide to handle less dedicated freighters, the displacement effect of moving freighters to Manston would be negated by the</p>

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		increase in passenger flights and associated handling. For Biggin Hill, the transportation of horses is a very small part of their market so is unlikely to make any substantial difference to their operation.
ND.2.4	The Applicant	<p>Forecasts - Exports</p> <p>Paragraph 3.2 of Volume 3 of the Azimuth Report [APP-085] states that export would be to countries including global for parcels and packages, China for the export of luxury items, the Middle East for export of fish and shellfish, Pakistan for the export of consumer goods, Russia for the export of luxury items and the US for a range of exports.</p> <p>Provide further information on the precise nature of such exports and likely market size, aside from those dealt with under ND. 2.3.</p> <p>Applicant's Response:</p> <p>The research conducted identified the following geographic markets:</p> <ul style="list-style-type: none"> • Africa particularly for the import of flowers, fruit and vegetables. Over the past two decades, the UK has become increasingly reliant on imports of fruit and vegetables. Much of this originates in countries such as Kenya (the UK accounts for a quarter of fresh produce exports from this country, including beans, peas and cut flowers, and more than half of tea exports), South Africa (the second biggest source of fresh fruit to the UK after Spain) and Algeria. • China for the import of consumer goods and export of luxury items • Middle East particularly for export markets, with the UAE the UK's largest export market in the Middle East. • Pakistan and India including the export of clothing and the import of consumer goods • Russia for gas and oil equipment and the export of luxury items • US for a range of import and exports. Top import categories in 2018 were aircraft, precious metal and stone (such as gold), machinery, and electrical machinery. Top exports to the US from the UK include pharmaceuticals, cars, works of art and power generators.

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		<p>The Steer Report (2018, page 27) [Appendix ND.1.13 in REP3-187] quantifies UK import and export tonnage in 2017 to the top non-EU trading partners as shown in below:</p> <p>2017 UK air import and export tonnages</p> <table><tr><th>Country</th><th>Tonnes ('000s)</th><th>Approx. Import %</th><th>Approx. Export %</th></tr><tr><td>Canada</td><td>22.4</td><td>50%</td><td>50%</td></tr><tr><td>USA</td><td>331.4</td><td>60%</td><td>40%</td></tr><tr><td>Brazil</td><td>21.4</td><td>75%</td><td>25%</td></tr><tr><td>Turkey</td><td>44.6</td><td>30%</td><td>70%</td></tr><tr><td>UAE</td><td>38.1</td><td>15%</td><td>85%</td></tr><tr><td>Kenya</td><td>48.3</td><td>90%</td><td>10%</td></tr><tr><td>South Africa</td><td>28.0</td><td>60%</td><td>40%</td></tr><tr><td>Pakistan</td><td>27.8</td><td>85%</td><td>15%</td></tr><tr><td>India</td><td>83.1</td><td>75%</td><td>25%</td></tr><tr><td>China</td><td>198.4</td><td>70%</td><td>30%</td></tr><tr><td>Hong Kong</td><td>82.0</td><td>70%</td><td>30%</td></tr><tr><td>Singapore</td><td>21.5</td><td>25%</td><td>75%</td></tr><tr><td>Japan</td><td>36.7</td><td>40%</td><td>60%</td></tr></table>	Country	Tonnes ('000s)	Approx. Import %	Approx. Export %	Canada	22.4	50%	50%	USA	331.4	60%	40%	Brazil	21.4	75%	25%	Turkey	44.6	30%	70%	UAE	38.1	15%	85%	Kenya	48.3	90%	10%	South Africa	28.0	60%	40%	Pakistan	27.8	85%	15%	India	83.1	75%	25%	China	198.4	70%	30%	Hong Kong	82.0	70%	30%	Singapore	21.5	25%	75%	Japan	36.7	40%	60%
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		<table><tr><td>South Korea</td><td>20.5</td><td>60%</td><td>40%</td></tr><tr><td>Australia</td><td>27.1</td><td>15%</td><td>85%</td></tr><tr><td>Total</td><td>1,031.3</td><td>624,000</td><td>407,000</td></tr></table> <p>The forecast for Manston Airport's proportion of the UK top 15 non-EU trading partners, excluding e-commerce integrators since this is effectively growth business, (and excluding military and humanitarian) is less than 4% of the imports and less than 9% of the exports. Even if total tonnages are used (including ecommerce integrators, military and humanitarian), the Manston Airport import forecast is for around 6% of imports and around 14% of exports.</p> <p>Temperature controlled products including perishables and pharmaceutical products are growing markets for air freight. Manston Airport would be able to provided specialist facilities for carriers of these goods.</p> <p>Pharmaceuticals comprise 1.9% of all air cargo volume and ageing populations are forecast to drive demand for temperature sensitive healthcare products. In 2018, Government figures show that the UK exported £24.7 billion of medicinal and pharmaceutical produces and imported a similar figure. The Steer Report (2018) says that in 2017 around 90,000 tonnes were exported and 79% were carried by air.</p> <p>25% of vaccines reach their destination degraded because of incorrect shipping, 30% of scrapped pharmaceuticals can be attributed to logistics issues alone, and 20% of temperature-sensitive products are damaged during transport due to a broken cold chain. Pharmaceutical companies are therefore demanding best practice airport handling facilities and Manston would be able to provide these in the South East. The forecast ATMs and tonnage for pharma is included within that shown for scheduled and charter airlines.</p> <p>Perishables were a staple of past operations at Manston and, with the development of the airport to include specialist handling facilities, this is expected to be a key market. See examples provided previously.</p> <ul style="list-style-type: none">• The UK imports 4,013 million tonnes (£3,890 million) of fruit and• Imports 2,198 million tonnes (£2,406 million) of vegetables every year.	South Korea	20.5	60%	40%	Australia	27.1	15%	85%	Total	1,031.3	624,000	407,000
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		<p>The UK's export of fresh produce is increasing, with tonnes of 177,000 tonnes of fruit and 130,000 tonnes of vegetable exports worth around £266 million in 2017. The East and South of the Country (Manston's catchment area) are important producers.</p> <p>The import of flowers is dominated by the Netherlands (74%), followed by Kenya and Colombia. Manston was previously used for these loads, where volume rather than weight is a key factor.</p> <p>The UK imports nearly £20 billion (around 2.4 million tonnes) in clothing. Rapid delivery of fashion items from the countries importing highest import volumes - China, Turkey, Italy, India, Bangladesh and Sri Lanka requires air freight operations and this cargo market is included in the Manston forecast. It is clear that runway capacity is not the only issue as intelligence suggests at least one large importer requires airside facilities, which may not be available at Stansted or East Midlands Airport.</p> <p>Telecoms and electrical equipment form a considerable and growing market for air freight. Imports of telecoms and sound equipment increased by 165% over the five years to 2018¹. The UK imported £10.6 billion, some 900,000 tonnes of consumer electronics accessories in 2017, mainly from China and other East Asian countries².</p> <p>Aircraft components represent 4.3% of the UK's exports, totalling some £15 billion. These items were included in the scheduled airlines forecast.</p>
ND.2.5	The Applicant	<p>Forecasts</p> <p>It is stated in the Applicant's Written Summary of Case put Orally – Need and Operation Hearing [Submitted at DL5, Ref not yet assigned] that Manston would offer “<i>unconstrained, state of the art freight, digitalised freight handling facilities - speciality handling (for race horses); refrigerated storage facilities; flexible warehousing (eg to accommodate outsized freight) and security clearance</i>” and that this would be an offer will provide “<i>something that has not been done in this country before</i>”</p>

¹ ONS January 2019 data

² Steer Report, 2018

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		<p>i. How would such an offer differ from those already available at existing UK airports?</p> <p>ii. Do other UK airports offer speciality handling for race horses?</p> <p>iii. Do other UK airports offer refrigerated storage facilities and accommodation for outsized freight?</p> <p>iv. "State of the art freight, digitalised freight handling facilities" implies a high level of automation and efficiency. Has the provision of such facilities been taken into account in the socio-economic forecasts?</p>
		<p>Applicant's Response:</p> <p>i. The planned redevelopment of Manston Airport would provide state-of-the-art freight facilities in the South East of the UK, where demand is highest. All other airports in the South East system are either congested or forecast to reach capacity in the short-term. Even with the third runway at Heathrow, the forecast doubling of air traffic in the next twenty years will occupy other UK airports, putting considerable extra pressure on existing infrastructure and ground support equipment. The Manston Airport offer differs from existing airports in that it would be a 'new' (albeit with 100 years of history) airport in the South East airport system, free from congestion into the long-term and outside London airspace. As a totally redeveloped airport, the Applicant would install the latest, state-of-the-art equipment and facilities in line with the demand ascertained and the business plan. This would include refrigerated storage and facilities for outsized freight.</p> <p>The phrase in brackets "something that has not been done in this country before" refers to the unique combination of facilities and capabilities and associated value for money proposition, which it is intended the re-developed Manston will offer to the UK freight market, rather than to any one single component of what will be a complex multi-faceted specification, the exact mix and scale of which will need to remain flexible so that they can be fined-tuned in discussions with potential customers during the development phase. It should be remembered that a key element of the offer that would be made by Manston Airport is in its ability to provide uncongested runway capacity, supporting infrastructure such as warehousing and equipment, handling, and airspace. With this in mind it would be true to say that some of these facilities are, or potentially could be provided at other UK airports, but because the market is always seeking a choice in terms of price, geography, schedules and operational capability, it would equally be untrue to infer from this that there is no need for these facilities to also be provided at Manston.</p>

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		<p>Other airports in the UK either already have, or may be capable of developing specialist outsize and cold storage handling facilities:</p> <p>(a) Airbus already flies wings from its Broughton plant in specially designed Beluga aircraft between Hawarden to Toulouse, and Doncaster-Sheffield is receiving and increasing number of visits from large Antonov's aircraft chartered to carry heavy/large pieces of equipment. The only non-military airports potentially capable of meeting such requirements in the South East of the country are Heathrow and Stansted and here again current and future slot pressures and alternative business cases for spare apron or unused building plots automatically come into play.</p> <p>(b) The Applicant is aware of problems such as these experience by Sound Moves who frequently use five 747's to move large sound stages for major music artists, and have found those airports prohibitively constrained for their needs; they currently use Doncaster but would like to also have access to a facility in the south of the UK offering the same flexibility.</p> <p>(c) The industry collectively is investing heavily in specialist cold-storage facilities for pharmaceuticals (requiring refrigeration and perishables - these will be needed for both bellyhold and freighter cargos and so it is not a case of only one freight airport needing them, most will; but they are only cost effective where large volumes can be attracted and that will not be the case at every UK regional airport. The aim at Manston is to invest in state of the art facilities to attract specialist freighter operators in this sector like Panalpina, again offering uncontested facilities as a key means of differentiating itself to attract this kind of traffic. The UK is currently unable to make this kind of multi-faceted offer, even though it is arguably needed not only in London and the South East but also the North of England and Scotland.</p> <p>ii. See also ND.2.3. Racing is an international sport and live animals such as horses are flown to and from the UK to destinations such as Australia, Dubai, Hong Kong, Singapore and the US. This is a specialist transport, where the welfare of the animals rather than weight is the major consideration. Stansted and Heathrow are currently England's main airports for equine transportation, with Prestwick serving Scotland. On occasions Biggin Hill Airport has been used. The main responsibilities of a specialised centre for horses is:</p> <ul style="list-style-type: none"> • Collecting animals from the aircraft and escorting them to the specialist facility. • Checking animals travel according to International Air Transport Association (IATA) requirements. • Providing temporary accommodation, if required, at the airport.

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		<ul style="list-style-type: none"> • Upholding all EU and UK regulations relating to animal movement. <p>Horses travel in specialised containers called jet stalls. These containers are lifted into the cargo bay of the aircraft. Boeing 747 and 777 freighters are often used. These aircraft can be equipped to accommodate a number of horses at a time together with seating for grooms, who care for the horses during the flight. An example of a specialist facility at an airport is The Ark at John F. Kennedy Airport in New York. The \$65 million facility has 48 state of the art stalls, non-slip flooring, 24-hour reception centre and a speciality quarantine facility for the import/export of horses.</p> <p>In the UK, Stansted Airport is the main airport for horse travel. It has an EU approved Border Inspection Post with specialist equine facilities. These facilities can be busy at particular times of the year, including the end of the European flat racing season. For example, in 2016, more than 70 elite racehorses valued at a combined total of £36m were flown out of Stansted Airport at the beginning of the UK winter en route for Kuwait. Heathrow has an animal reception centre (HARC), which is the Live Animal Border Inspection Post (BIP) for Heathrow airport. The facility is run by the City of London Corporation and handles around 400 horses per year. Whilst only a very small amount of freight travels through Biggin Hill, the airport's proximity to Lingfield, Epsom Downs and Kempton Park (all in Surrey), mean that it is sometimes used to land aircraft carrying horses. Since Biggin Hill has a short runway (1,808 metres), only certain types of aircraft, mainly business jets, can be used and cannot accept aircraft such as B747s due to their size and weight. Since Biggin Hill is sometimes used, albeit with the restrictions on the airport, indicates the need for a dedicated facility without capacity constraints in the South East. This is the role Manston Airport could play.</p> <p>The pressures on slots for freighters at Heathrow and Stansted and the impact this has on the freighter market mean that Manston would offer a stable, flexible and reliable high quality alternative that serves the South, South East and East of England.</p> <p>iii. Although refrigeration facilities and cold storage units for perishables can be housed in dedicated buildings, in many cases they may not be and will more commonly be co-located with other freight handling facilities in larger logistical/freight handling sheds. The key is not therefore the building per se, but its ability to house and maintain controlled temperature units (i.e. below zero for Pharma and around five degrees for perishables) conveniently and reliably. Where they are not provided in containerised form, they will typically be provided on a handler-by-handler basis, rather than in one common location used by all. Without undertaking a detailed survey of all the UK's airports cargo centres and logistics buildings located near airports (which we would submit is both impractical and unnecessary) the Applicant considers it unlikely that comparable refrigerated storage and outsized freight facilities</p>

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		<p>are offered at other UK airports (with the exception of East Midlands airport). The Applicant will provide such capability to the latest standards at Manston, which will be tailored to the detailed specifications to the heavy freighter customers that the Applicant will be targeting to use the airport rather than those of bellyhold/integrators.</p> <p>iv. Volume IV of the Azimuth Report [APP-085] refers to the impact of automation of employment numbers. The report, at 4.1.7, says:</p> <p>“The growth in automation has clearly taken place in passenger processing, including security body scanners, bag drop, and self-printed boarding cards. However, cargo handling has thus far been less automated. One exception is the automatic package routing that integrators have adopted in their warehouses. This automation has largely taken place and is reflected in the calculations made. The recent trials to automate the loading and unloading of Unit Load Devices (ULD) from belly operations are not relevant to the all-freight sector that will provide the focus for Manston Airport. The process used to handle all-freight aircraft requires relatively low levels of manpower compared to passenger handling (and this is reflected in the employment calculations). Therefore any automation would have a relatively small impact. Additionally, the investment in Research & Development and implementation required to make a significant impact on the job creation forecasts shown in this report is unlikely to be commercially viable.”</p> <p>State-of-the-art in terms of digitalisation and automation are two different things. Digitalisation is about being able to digitally track cargo and handle its administration. Surprisingly the industry has not performed well at this and in the UK nearly 60% of cargo still uses manual way-leave bills. It is in major focus for IATA (and as outlined in the Aviation 2050 Green Paper) and the UK Government to increase the use of electronic wayleave bills, with a target of 100% conversion within five to 10 years. Manston would be designed from the outset to operate on this basis.</p> <p>Automation relates primarily to the handling of freight rather than commercial accounting/tracking and insurance. Hence some types of freight (e.g. express parcels handled by the Integrators and the parcel dominated e-commerce market) are ideally suited to automated handling, whereas others are not. It will be important to have state-of-the-art facilities suited to both to optimise Manston's commercial potential for new integrators and other operators. This is in the same way that UPS are making similar investments in their new cargo facility at East Midlands and there the growth, which this is designed to accommodate is expected to create new jobs. In the same way, ensuring Manston has competitive facilities to offer carriers would also generate employment.</p>

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		<p>Going forward, automation will be important in some air freight product markets to remain competitive, secure growth, and generate jobs.</p> <p>The notion that automation equals less jobs in this context is misleading, applying only where extent jobs are replaced by robotics, etc. Even then, processing and handling jobs are typically replaced by process design/maintenance jobs associated with the automated equipment, and also with greater investment in customer facing, marketing and other front of house jobs. The Applicant is therefore comfortable with the previous estimates for direct employment.</p>
ND.2.6	The Applicant	<p>Forecasts</p> <p>A question was put at the Need and Operations Hearing (21/03/19) concerning proposed freight tonnages per movement contained within the forecasts, which appear to be lower than was historically the case. Section 8.7 of the Altitude Aviation January 2018 report (included with Appendix 5 of SHP's Written Representations [REP3-025]) refers, and notes that East Midlands is the only airport in the EU top 20 (by tonnage) with a lower ratio of freight tonnes per freighter flight than the average projections for Manston, which is explained in Altitude Aviation's view by the extensive integrator operations at East Midlands Airport and that airports without integrator operations (or with a mix) tend to achieve significantly higher freight tonnes per freighter flight.</p> <p>Provide further justification for your ratio of freight tonnes per freighter flight.</p> <p>Applicant's Response:</p> <p>The Azimuth Report details the calculation used to forecast inbound and outbound tonnage. Volume III at paragraph 3.2.2 explains how tonnage was calculated from the forecast number of aircraft movements. Tonnage figures were calculated from the maximum payload for each aircraft type multiplied by 65% for the main route (either import or export). This average allows for variations which take into account certain classes of cargo, such as flowers and perishables that are measured by volume</p>

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		<p>rather than weight. This was a conservative assumption from a commercial perspective. The Applicant is satisfied that even with aircraft operating at that capacity the airport is viable. Should the tonnage per aircraft exceed this assumption (given fixed costs of landing/take-off fees etc.) the viability of the project will further improve.</p> <p>The assumptions used for the secondary (return) route are detailed in paragraph 3.2.3 of the Azimuth Report. For dedicated freight airlines to and from the US, an assumption of 80% import/ 20% export was used. For dedicated freight airlines to and from Africa, 100% import and a 5% return load was assumed from Year 3, rising to 10% in Years 5 and 6, with an additional 5% increase added every two years. The African market showed 24.8% growth in FTKs in 2017 (IATA, 2017).</p> <p>E-commerce integrator aircraft types were assumed to be Code D in the early years swapping to Code E from around Year 6 (notionally 2026). Feeder aircraft are modelled as Code C. For e-commerce integrator movements, tonnage was calculated as 100% outbound (being 65% of maximum payload) with a return (import) calculation of 20% included in Years 2 and 3, rising by an additional 5% every two years. Integrator feeders were assumed to carry 100% inbound traffic with 10% return loads added to Year 5, 15% to Year 9, and 20% thereafter.</p> <p>Average loads, calculated simply by dividing tonnes by ATMs, half the total for inbound and half for outbound, shows around 10 tonnes inbound and 13 tonnes outbound. This figure takes account of the small capacity of the feeder aircraft. Feeder flights are non-based aircraft and are forecast to carry a small secondary leg (return flight) tonnage.</p> <p>Types of aircraft for charter airlines are modelled as Cat E and Cat C. The average load computes at around 25 tonnes inbound and 33 tonnes outbound in Year 1. Due to the increase in smaller aircraft in the forecast by Year 10, the average load reduces to 19 tonnes.</p> <p>Scheduled and combination carriers are modelled as Cat C and Cat E. Average loads work out at 24 tonnes inbound and 36 tonnes outbound in Year 1. By Year 10, average loads are 32 tonnes inbound and 34 tonnes outbound. This average is across both Cat C and Cat E aircraft.</p>

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		Other types of service were calculated dependent on market information obtained. Some movements, such as military and humanitarian and medevac were expected to carry outbound only.
ND.2.7	The Applicant	<p>Forecasts – Bellyhold and Pure Freight</p> <p>It is stated in the Applicant's "Written Summary of Case put Orally – Need and Operation Hearing" [submitted at DL5, Ref not yet assigned] document that the applicant believes that the cost difference between flying cargo on freighters as compared to bellyhold transit are not as substantial as stated by other parties. The ExA notes a commitment to undertake further research into this area.</p> <p>i. When will the results of such research be available?</p> <p>ii. Should such research not have been completed earlier to help inform the business case?</p> <p>Applicant's Response:</p> <p>i. The Applicant maintains its position that "<i>the cost difference between flying [general] cargo on freighters as compared to [the full door to door cost of using] bellyhold transit are not as substantial as stated by other parties</i>", especially when the likelihood of additional trucking costs, delays from consignments being bumped (which is many times more likely for bellyhold than on freighters) and the user costs associated with the extra time required for some destinations to be reached by bellyhold as compared to direct routings by charter are taken into account.</p> <p>The Applicant has been searching for a suitably large and verifiable source of data, that provides sufficiently comprehensive, reliable and appropriately disaggregated information to facilitate such a comparison as we do not believe the other party's analysis achieves this benchmark and remain sceptical of its provenance/validity in the absence of major riders to this effect. What is needed is a large data set that allows seasonal comparisons of bellyhold vs freighter vs integrator pricing by weight/volume on different trade routes or selected destination specific routes from Heathrow, Stansted, EMA and near EU airports. The Applicant has as yet been unable to identify a publicly available source of data that matches these requirements.. However, there are significant difficulties in gaining access to it as it is extremely commercially sensitive and is shared on a pooled basis only between</p>

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		<p>airlines and freight-forwarders with strict checks to prevent access by third parties. Not even airports are allowed direct access to it at the level of disaggregation we need and ringing freight forwarders for quotes is both disingenuous and hard to secure verification for.</p> <p>The Applicant will continue exploring certain avenues available to us during the course of May and will inform the ExA when any progress made. This is not because the price comparison is essential to our business case (as explained in (ii) below), but because it may be helpful in reinforcing our view that the hypothesis put forward by SHP's consultants that freight consignments are assigned solely on the basis of seeking the cheapest bellyhold price, is misleading and (with the possible exception of the least time sensitive consignments) wrong.</p> <p>ii. This information was not required as part of the business case because:</p> <ul style="list-style-type: none"> (a) all our discussions with freight airlines and freight forwarders did not point to bellyhold price being the sole determinant of potential demand; (b) we will be offering a strong value for money proposition, based on unconstrained capacity, tailored ground handling facilities and turnaround times at a strategic cross-channel gateway location in the South East of England less than an 90 minutes trucking time from London; and (c) the key metrics we require for our business case are the aeronautical and non-aeronautical charges we are able to sustain per freighter aircraft (we will not be operating in the bellyhold market) or per tonne of cargo vs the operating cost of providing them, and how those compare per movement/aircraft type relative to other airports that accept freighters in the South East of England and near Europe. <p>Our assessment is that in the current capacity constrained environment where substantial volumes of freight - originating or destined for the UK - are also passing close to Manston on their way to cross the channel to use airports in other EU countries, Manston can offer a competitive alternative, and in so doing help to address what amounts to a nationally significant market failure, by making the UK less reliant on near European airports.</p>

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		The Applicant is confident that it can be competitive in the current highly capacity constrained environment where substantial volumes of freight originating or destined for the UK are passing close to Manston to cross the channel to access European airports.
ND.2.8	The Applicant	<p>Forecasts</p> <p>The Northpoint report [REP4-031] contains statistics concerning air cargo trends in the UK and major EU cities, considering that a change in air freight tonnage since 2000 can be explained as being relatively recent in nature and local to London and the South East, and that this is as a result of capacity constraints. A further interpretation could be that the rest of the UK outperformed London and the South East, due to availability and the location of East Midlands, in the centre of the country with the South East, Midlands and northern cities within reach.</p> <p>What is your view on this interpretation?</p> <p>Applicant's Response:</p> <p>The Applicant considers that there is incontrovertible evidence of capacity constraints in London and the South East. As is apparent from the House of Commons briefing paper on regional and local economic growth statistics (at Appendix ND.2.8 in TR20002/6/SWQ/Appendices) economic growth in London has significantly outperformed economic growth in the East Midlands so it cannot solely be underlying economic growth that explains the success of EMA.</p> <p>It agrees that the availability of an airport that does not operate under such constraints at East Midlands has meant that a significant proportion of demand has been attracted to that airport with all resultant benefits. Equally, the availability of a cargo airport at Manston is likely to attract significant demand.</p> <p>The Applicant has repeatedly accepted that the ExA's suggestions that EMA is a very important airport within the UK air freight system and is likely to remain so and grow substantially, for the foreseeable future. However, we do not accept that its existence</p>

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		<p>or that of Heathrow, mean that Manston is not needed because they alone can meet all of the UK's long-term freight needs. Notwithstanding the existence of those airports, all the evidence points to a significant amount of cargo produced in or destined for the UK begin trucked to European airports. The success of EMA is partly attributable to capacity constraints in the South East, as in the success of Liege airport.</p> <p>EMA 3-hour truck coverage (four hours is unrealistic during the day because of traffic congestion) does not reach many of the more peripheral parts of Britain, nor does it adequately cover the London and South East market in the way Manston can. EMA is geared up to handling Integrator traffic and whilst it can also handle small volumes of General Cargo during the day its capacity to do so is limited by its scope to attract based aircraft which will need overnight parking stands that will be fully utilised by integrator aircraft. EMA's Sustainable Development Plan does not appear to make provision for substantial volume increases of this kind in the period to 2040 and EMA is not as well located to intercept cross-Channel bound freight as Manston.</p> <p>Hence, rather than seeing Manston as an alternative to EMA, it should be seen to complement it in the same way that Manston complements LHR's bellyhold dominated operation within the South East market and will offer a reliever role for the congestion it faces for at least the next 8-10 years.</p>
ND.2.9	The Applicant	<p>Forecasts</p> <p>The chart set above paragraph 8 in the Northpoint report [REP4-031] appears to show a levelling out in 2017.</p> <p>Is this more symptomatic of the overall period since 2000 as opposed to a longer trend from 2014 going upwards?</p>
		<p>Applicant's Response:</p> <p>The data in the Table below provides context for the answer to this question and N.2.8</p>

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ND.2.10	The Applicant	<p>Forecasts</p> <p>The Northpoint report [REP4-031] contains references to work carried out by Ramboll and Oxford Economics in 2014. York Aviation on behalf of Stone Hill Park Ltd state that the quotations used from this work are selective and uses graphs inconsistently. They consider that this work explains why fewer dedicated freighters are needed at London due to bellyhold capacity. Charts are</p>																																																																																																																																																																		

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		<p>provided from the work showing actual and forecast London Trend Bellyhold and dedicated freight growth from 1990-2050, with the same charts for the UK.</p> <p>Provide further commentary on this report, addressing the points raised by York Aviation.</p> <p>Applicant's Response:</p> <p>We disagree with York Aviation's comments on this report. It appears that they have either misunderstood the limited purposes for which Northpoint used some of its findings, or that they are engaging in an exercise in semantics in order to distract attention from the high level purpose which Northpoint used them for, notably to demonstrate there would be a substantial surplus of demand for freight at London area airports in 2050.</p> <p>The report was commissioned by TfL as one of a series of technical papers which were designed to inform its response to the work of the Davies Commission and the then London Mayor's interest in the potential to develop a large new hub airport either in the Thames Estuary corridor or at Stansted. The new hub would offer greater capacity freight and depending on the location preferred it would be primarily bellyhold at Stansted – because of night noise restrictions) or bellyhold and freighter if in the Thames estuary where night restrictions would not apply.</p> <p>Northpoint's report uses charts from the Ramboll/OE report as a third party source to verify that forecasts of future freight growth that they had developed using a range of techniques to confirm that Airbus and Boeing growth projections were potentially achievable in the UK. They were not used to address the issue of bellyhold/freighter, simply to support Northpoint's analysis of the structural changes in growth rates pre and post 2000, which the table sourced from the report confirmed and the potential total quantum of freight forecast overall in the UK (the bellyhold and freighter parallel charts) and in the London and the South East (the London Area Airports chart). Both of the latter point to an overall freight market of c 6MT by 2050 and indicated that capacity of the existing London Airports would be substantially exceeded. Ramboll/OE's analysis was used by TfL to highlight the need for/potential value of a new hub airport capable of handling additional volumes compared to the current constrained system; for</p>

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		<p>Northpoint it highlighted the need for additional capacity in the South East even if R3 at Heathrow was built and hence a role for Manston in offering a potential solution to the projected capacity crisis.</p> <p>York's focus about whether the report supports bellyhold or freighter led capacity is moot – that was <i>not</i> the purpose of the reference. Nor were quotes used selectively. The ExA is invited to read the report as a whole and to note that its general tenor is supportive of the need for additional freight capacity within the South East system, including the following statements:</p> <p><i>“Capacity constraints at Heathrow, however, set in as early as 2005 and future cargo growth is threatened by the inability of London area airports to keep up with demand.”</i></p> <p><i>“The difference between forecasts through 2050 of air cargo and the DfT's constrained forecasts of total ATMs represents economic activity that may not pass through London. It is likely that surplus demand in the London area for air cargo business may be met using airports outside the London area or even airports in continental Europe, though at a higher cost (i.e. it represents a welfare loss).”</i></p> <p><i>“In the DfT framework in 2020, £42 billion worth of air cargo would be lost to London airports due to capacity constraints. In the year 2050, that amount stands at £550 billion.”</i></p>
ND.2.11	The Applicant	<p>Forecasts</p> <p>At the Need and Operations Hearing (21/03/19) it was stated that the forecasts contained within the Azimuth report [APP-085] were indicative.</p> <ol style="list-style-type: none"> i. Provide more information on such forecasts and their indicative nature. ii. If indicative, what is rationale of using named carriers in developing the forecasts? iii. How certain are you that the indicative volumes and aircraft types would be likely to fulfil such forecasts? iv. Do the forecasts provide a realistic indication in your view; have the forecasts been subject to sensitivity testing/analysis?

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		<p>Applicant's Response:</p> <p>i. The Applicant described the forecast used in the ES Appendix 3.3 as indicative in its identification of particular airlines likely to use Manston. Those airlines were identified as a result of information that informed an earlier draft of the Azimuth Report. The final Azimuth Report before the ExA does not identify named carriers in the forecast. The Azimuth forecast is an evidence based assessment as described above. The forecasts in the Azimuth Report are indicative only in the type of aircraft The use of indicative airlines does not affect the forecast in any way since the forecast is built from assessment of need by geographic area/country and product type. It is not dependent on any particular operator providing a service to meet the need identified.</p> <p>ii. The forecast that was used in the ES was generated in order to provide a reasonable indication of the type of aircraft that would use Manston Airport. In order to generate that forecast certain airlines were used as a proxy for aircraft type however it was never intended to imply that the actual carriers and airlines referred to would operate at Manston. In retrospect it was not necessary to include the list of carriers/airlines in the ES as it is the aircraft type and the associated movements that is the most important factor in determining the environmental impact resulting from aircraft movements.</p> <p>iii. By their very nature all forecasts are indicative to some degree, in that they attempt to predict future events. The Applicant is confident that the volumes and aircraft type identified in the Azimuth forecasts are reasonable and realistic. They are informed by a detailed qualitative assessment of likely demand as described in the Applicant's response to ND.2.1. Cargo carriers use relatively few aircraft types so it is likely that the aircraft type used in the forecast will be used, particularly in the foreseeable future (before any new aircraft types become available).</p> <p>iv. The forecasts do provide a realistic indication and are based on a robust methodology. The forecasts have been subjected to triangulation, where data is collected through different methods and from different sources. The benefits of triangulation are two-fold: Firstly, it strengthens the validity of the data collected as this is 'checked' by the use of more than one method, and secondly, the researcher's understanding of the subject under study is enriched. Triangulation of approach, method, data sources, and researcher was achieved. The Applicant engaged two separate researchers from Azimuth Associates and Northpoint, with the Azimuth forecast compared and 'sense-checked' against the approach taken by Northpoint.</p>

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		The Northpoint report describes the constraint at South East airports, the potential for clawback from trucked freight to northern European airports, and the pace of growth at European airports compared to the UK. The Northpoint report conducts sensitivity testing, where verification of assumptions is based on Airbus and Boeing projections as well as the Applicant's own and third party regression analysis. The report provides a great level of detail to justify these projections as well as the output of the demand modelling (see [REP4-031]).
ND.2.12	The Applicant	<p>Forecasts - Integrator</p> <p>At the Need and Operations Hearing (21/03/19) it was stated that the integrator indicated in the forecasts would be a new integrator, as opposed to attracting an existing integrator from an existing airport. Mention was made of Amazon Air and Alibaba.</p> <p>The ExA notes the evidence in this regard of York Aviation on behalf of Stone Hill Park Ltd, who state that Amazon has an embryonic operation in the UK with a leased Boeing 737 freighter operating to East Midlands Airport and is opening a 500,000 sq.ft. warehouse and sorting centre adjacent to this Airport, and that Alibaba has committed to establishing its main European hub at Liege Airport [Written Summary of Stone Hill Park Ltd's Oral Submissions put at the Need and Operations Issue Specific Hearing Held on 21 March 2019, submitted at DL5 reference not yet assigned].</p> <ol style="list-style-type: none"> i. Outline any discussions you have had with new integrators and quantify the likelihood of such operators coming to the Airport in the second year of operation, with reference to their expansion or growth in similar markets to the UK. ii. Would such integrators not be predisposed to a more centrally located airport where the whole of England could be reached more easily? <p>Applicant's Response:</p> <p>i. Discussions have taken place with new integrators in the US and the Far East. This is a dynamic and rapidly developing sector to which huge sums of money have been allocated for the creation of new channels of distribution in the UK and throughout</p>

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		<p>Europe. So far indications are that at least two of the new integrators would make an early commitment to Manston as soon as its status as an operating airport can be confirmed.</p> <p>ii. The attraction of Manston to such integrators is that it has no daytime slot constraints, unlike EMA for example, and also its proximity to the UK's largest market in London and the South-East of England.</p>
ND.2.13	The Applicant	<p>Forecasts – Integrator</p> <p>At the Need and Operations Hearing (21/03/19) it was stated that the new integrator would be different to old integrators and would not be reliant on night time flights. In this regard the ExA notes the evidence provided by Altitude Aviation [Written summary of Stone Hill Park Ltd's oral submissions put at the need and operations Issue Specific Hearing held on 21 March 2019, submitted at DL5, reference not yet assigned] which provides a table which lists all flights for the first three Amazon Air aircraft registrations (as listed alphabetically) for the week 15-21 March 2019 in the USA. This table shows a large number of night flights.</p> <p>i. How would such an integrator dovetail with the proposed night flight ban at Manston?</p> <p>ii. Provide examples of existing flight schedules from new integrators where they exist to demonstrate likely flight times (in terms of times of day).</p> <p>Applicant's Response:</p> <p>i. We anticipate that the 'new' integrators using Manston would dovetail with Manston's proposed night flight ban by (a) flying during the day depending on origins and where that suits routes serving less time critical markets; but equally, we do expect there to be [a clustering] of movements in (b) the evening where the aircraft is scheduled to discharge and collect cargoes and leave before the night curfew or (c) late in the evening, when the aircraft will stay and be unloaded and loaded overnight at Manston before departing soon after the airport opens the following morning. Because the new integrators are not offering the same fixed</p>

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		<p>early morning delivery times as the traditional express integrators, they do not require the night-time arrivals or departures that are essential to achieving such vertically integrated door to door overnight delivery commitments.</p> <p>The evidence suggests that although some new integrator cargo may take the form of pre-packed parcels with UK addresses already on them, they are nevertheless <u>not</u> handed to couriers at an airport unless the airport facilities include a fulfilment centre serving its immediate catchment; instead they are transported to fulfilment centres elsewhere from where they access the established last mile delivery system. The other form of cargo is that required for maintain stock levels for new products, fast-moving line items, those with short shelf life's or during periods of heightened demand (Black Friday, Christmas, Easter, Chinese New Year etc) from international sources.</p> <p>ii. Scheduling data relating to the operations of 'new' integrators is not easy to find, not least because their operations have only recently begun, are primarily in the USA (rather than in the UK or Europe) and because freight scheduling tends to be more flexible than for passenger aircraft – which is why many freighter operators struggle to maintain regular slots with Grandfather rights which need to be used 80% of the time. The Applicant has located some flight scheduling evidence relating to Amazon's operations in the USA,</p> <p>This indicates that where Amazon Air uses night time flying in the US it seems:</p> <ul style="list-style-type: none"> • to address the long-distance flying requirements associated with the geographical size of the country • to address the numerous time zones that exist there, <p>rather than to secure early morning next day deliveries per se; in other words it is not used for the same purposes as it is by the traditional integrators (i.e. to guarantee early morning next day deliveries) as Amazon Prime only offers these on items which are commonly held in fulfilment centres. Where a product order is satisfied from the manufacturer in the US on the opposite coastline, or in the EU another country the delivery times are longer, and flying is used to ensure targets of 2-3 days are met and last mile delivery is by none time critical systems.</p> <p>The timetable shows some late-night departures where Amazon have chosen airports that have no night-time curfew restrictions (as in the case of many of the West coast departure points flying east – most of which are ex- military bases or don't require</p>

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		<p>overflying of large populations), but very few early morning (i.e. pre 6pm) arrivals with most schedules to arrive after the 6am curfew – the exception being Charlotte at 5am,</p> <p>This appears to confirm our understanding that Amazon (and other new integrators) will not require late night arrivals and early morning departures of the kind that are a feature of EMA's freight operations, to meet their scheduling requirements in Europe where sector lengths are shorter and the number of time-zones more limited. They will take advantage of an airport that offers night time flying because it improves flexibility, but it is by no means essential for a significant operation where it has advantages of geography (i.e. proximity to a large market) as MSE has to London and the South East, and capacity (i.e. no freighter movement or parking restrictions) and the scope to build purpose designed handling facilities – as again MSE will have. The US evidence points to Amazon respecting curfews – i.e. they will arrive or depart to destinations offering night time arrivals up to 11pm and arrive from originating airports allowing night time movements or depart early morning after an airport is open for flying. Processing of shipments will take place at night on or close to the airport at night, but ATMs will not.</p>
ND.2.14	The Applicant	<p>Forecasts – Integrators</p> <p>At the Need and Operations Hearing (21/03/19) Rockford International Airport was raised as an example of rapid growth at an airport mainly due to the presence of an e-commerce integrator. The ExA notes the stated proximity of this airport to Chicago.</p> <ol style="list-style-type: none"> i. Amazon Air operate in the US where distances are significant between centres of population. How would such a model relate to possible operations in the UK, where population centres are closer together and trucking times therefore shorter? ii. What are the characteristics of Rockford Airport in terms of local population, access to markets, positioning within the US and night flight controls, and how do these relate to Manston Airport and to the UK market? <p>Applicant's Response:</p>

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		<p>i. The ecommerce integrator model expected to operate through Manston Airport would be unlikely to provide air transportation within the UK i.e. on domestic routes. Routes would typically be between the Far East/US and the UK.</p> <p>ii. As to the specific characteristics of, Chicago Rockford International Airport, it is located 90 minutes from Chicago's Business District and 60 minutes (68 miles) to O'Hare International. To assist freight operations for the Air Freight Forwarding Industry, a Drop Station next to O'Hare Airport Cargo Areas with drop-off and pick up adjacent to O'Hare has been established.</p> <p>The location and population numbers are shown on the map below. Around 800,000 people live within 30-40 minute commute to the airport and Rockford is one of the fastest growing regions in Illinois.</p> <p>The Airport covers 2,900 acres (1,200 ha) and has two runways, both with an ILS: 1/19 is 8,200 x 150 ft. (2,499 x 46 m) and 7/25 is 10,002 x 150 ft. (3,049 x 46 m). In 2017 the airport had 39,462 aircraft operations, an average 108 per day: 61% general aviation, 31% airline, 4% military, and 3% air taxi. Currently, the airport manages cargo 35 to 40 flights every 24 hours. The airport is ranked as the 22nd largest air cargo airport by volume in the U.S. With the airport's recent cargo expansions and additional flights by Amazon Prime and other Amazon carriers, Rockford is becoming a Midwest hub for e-commerce freight. Manston Airport covers 732 acres (296 hectares), 618 (250 hectares) on the main site and 114 (46 hectares) on the Northern Grass. The runway has a length of 2,748-metres and a width of 60 metres, heading 10/28.</p>


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		<div data-bbox="521 320 1108 938"> <p>ROCKFORD: 25, 50, 75, 100 MI</p> </div> <p>In terms of access to markets, Rockford is located with 500-mile access to Illinois, Wisconsin, Minnesota, Michigan, Indiana, Missouri, Iowa, Ohio, Kentucky and Ontario, Canada. Rockford International has direct access to 4 interstate motorways and four of seven class-one railroads. The greater Rockford area also has a robust aerospace cluster, with 200+ companies including 5 tier-one suppliers providing products to or serving the global aerospace and aviation industry. This makes the region one of the largest clusters in the U.S., attracting new investment & expansions of current companies. The area also prides itself on providing quality educational opportunities (see Appendix ND.2.14 in TR20002/D6/SWQ/Appendices and https://flyrfd.com/why-rfd/) In terms of the location of Manston Airport, the completion of the East Kent Access Road (A299) means that Manston is now accessible directly from the national trunk road network. Manston airport is less than 60 minutes' drive from the M25 London Orbital, significantly widening the passenger catchment area of the airport. East Kent has suffered from difficulties attracting inward investment to the area, particularly since the downsizing of Pfizer Pharmaceuticals in Sandwich. The presence of an airport is a</p>

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		<p>causal factor in attracting companies to locate nearby, and it is predicted that Thanet and East Kent will benefit from the operation of the airport as with the region around Rockford.</p> <p>As to the relevance of Rockford Airport to Manston and the UK market, Rockford is an example of an airport, which has grown rapidly since the advent of the ecommerce integrators, shows the potential impact on the surrounding area in terms of employment, skills and the potential for high tech business clusters to locate around the airport. It is interesting to note the success Rockford has had with its cargo operation despite its proximity to one of the world's major airport hubs. One key success factor seems to be the location of a Drop Station in Bensenville, Illinois, next to O'Hare Airport Cargo Areas with drop-off and pick up adjacent to O'Hare. This serves to make operations run smoothly for the air freight forwarding industry and would be considered as part of Manston's relationship with Heathrow.</p> <p>As with the potential for Manston Airport, other reasons for the success of Rockford include savings in fuel, time, and cost, with Rockford's independent airspace offering cargo airlines direct in approaches. Rockford also has a US Customs Port, modern facilities, long runways, Category II/III Instrument Landing System and low-cost rent and landing fees. It should be noted that Rockford has become successful economically and in provision of higher-level education. This type of impact of airport operations is likely to be felt, as with Rockford, in Thanet and East Kent, an area of high deprivation including high levels of unemployment, particularly amongst the young.</p>
ND.2.15	The Applicant	<p>Forecasts</p> <p>Various evidence [including but not limited to APP-085, REP3-195] refers to freight forecasts provided by Boeing and Airbus.</p> <p>i. What is the purpose of such forecasts – why do Boeing and Airbus produce such forecasts?</p> <p>ii. Have they been historically correct?</p> <p>iii. Boeing predict highest Europe rises in freight between the continent and South America and East/South Asia. Would such markets be best suited by bellyhold from hub airports to by pure freighters?</p>

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		<p>iv. Do the reports state or infer that pure freight is increasing at the same rate or higher than bellyhold?</p> <p>Applicant's Response:</p> <p>i. Almost all companies (and arguably all the successful ones) produce forecasts. This is particularly important in industries that operate in the long term, such as aviation. Boeing and Airbus produce forecasts so that they can plan their response to the long-term trends in the marketplace. With a seven-year order backlog, Boeing has increased their production of the 737 to 52 per month. Production is a result of years of planning, development, testing, manufacturing set up, etc. so short term fluctuations in the market place do not generally affect strategic decision-making. It should be noted that Boeing manufactures the bulk of air freighters, with Airbus having a much smaller share of this market.</p> <p>ii. In terms of accuracy, the following graphic produced by Wells Fargo, shows a reasonable level of accuracy in the long run. The graphic compares 1997 20-year forecasts with 2017 actuals. Boeing makes clear that there has been a long, persistent growth in air traffic over many decades, which has experienced events from the 1970s oil crisis to the September 11 terror attacks. World air traffic has grown 70% over the past 10 years, notwithstanding that 2008 and 2009 were two of the worst recent years on record for the business.</p>

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		 <p>TOTAL FLEET IN USE (Passenger and freighter jets)</p> <p>1997 20-year growth forecast: 23,598</p> <p>2017 Actual 20-year growth: 23,480</p> <p>2037 Future forecast: 46,950</p> <p>SINGLE-AISLE JETS (737, includes regional jets)</p> <p>1997 20-year growth forecast: 15,200</p> <p>2017 Actual 20-year growth: 17,570</p> <p>2037 Future forecast: 34,790</p> <p>FREIGHTERS (747 and 737 freighters)</p> <p>1997 20-year growth forecast: 2,359</p> <p>2017 Actual 20-year growth: 1,810</p> <p>2037 Future forecast: 3,030</p> <p>WIDE-BODY JETS (777 and 787)</p> <p>1997 20-year growth forecast: 6,039</p> <p>2017 Actual 20-year growth: 4,100</p> <p>2037 Future forecast: 9,130</p> <p>TRAFFIC GROWTH (using the revenue/passenger miles metric)</p> <p>1997 20-year growth forecast: 4.9% growth</p> <p>2017 Actual 20-year growth: 5.1%</p> <p>2037 Future forecast: 4.6%</p> <p>SOURCES: WELLS FARGO AND BOEING</p> <p>Forecasting in the long-term is undoubtedly no easy task, particular in situations such as aviation where the performance of global economies, natural disasters or war, trade wars such as currently being experienced, new technologies, etc. make huge impacts on demand.</p> <p>At the 2018 Farnborough Air Show, Boeing unveiled its annual 20-year forecast. The company reaffirmed its very positive view of the continuation, for the ninth consecutive year, of a soaring aviation market. Boeing projects that the world fleet of jet aircraft will</p>

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		<p>double over the next two decades, from around 24,000 commercial airplanes to more than 48,500 by 2037. Boeing forecasts growth in the freighter market from a fleet of 1,870 in 2017 to 3,260 by 2037. Of these, 1,280 will be standard body, 1,150 will be standard wide body and 830 will be large wide body aircraft. Around 1,000 will be new aircraft with the remainder conversions of passenger aircraft.</p> <p>Boeing forecasts that China will overtake the U.S. as the largest domestic passenger market in the world within 10 to 15 years. This huge growth from China impacts all other parts of the world, and the UK is intent on capturing some of this market. As such, the UK (and particularly the South East) will require all available airport capacity and Manston, with its long runway, can play a vital role at a national level.</p> <p>iii. Boeing are not forecasting a reduction in the percentage of freight carried in dedicated freighters, which remains at 50% of the total airfreight. Boeing say this about their forecast:</p> <p><i>“Freighters are particularly well suited for transporting high-value goods because they provide highly controlled transport, direct routing, reliability, and unique capacity considerations (volume, weight, hazmat, and dimensional). The distinct advantages of freighter aircraft allow operators to offer a higher value of service. Airlines operating freighters generate 90 percent of air cargo industry revenues, a percentage that has remained relatively constant over time. Additionally, more than half of air cargo traffic is carried on freighters. The introduction of new widebody passenger airplanes with larger lowerhold capacity (sometimes referred to as “passenger belly” capacity) has not significantly reduced the freighter share over time. While lower-hold capacity increased 27 percent from 2010 to 2015, the number of large freighters in service increased by 8 percent over this same period. The share of cargo carried on freighters remains high in markets across the world, especially in the world’s two largest trade routes, Asia–North America and Asia-Europe, where more than 70 percent of total air cargo traffic is carried by freighter airplanes.”</i> (see https://www.boeing.com/commercial/market/cargo-forecast/importance-of-freighters/)</p> <p>As discussed at the Need and Operations Hearing, belly hold freight can only go to where passenger services operate. This is particularly important for South America and East/South Asia, where surface infrastructure may not be in place to be able to move freight rapidly from passenger hubs to its final destinations. Boeing say:</p>

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		<p><i>"Over the past five years, only 30 percent of the lower-hold capacity of new widebody aircraft has served primary cargo airport routes. This underscores the need for freighters to serve these markets and airports. Range restrictions on fully loaded passenger flights and the limited number of passenger frequencies serving high-demand cargo markets make freighters essential where both long-range and frequent service are required."</i></p> <p>The information below shows that without dedicated freighters supplementing passenger services the UK would not be able to reach markets or source products from important trade routes in South America and East and South Asia, It is partly for this reason that freighters are forecast to continue to carry more than half of the world's air cargo for the next 20 years, as the majority of players in the industry continue to rely on and augment their cargo operations by flying freighters.</p> <p>A review of Heathrow's destinations and airlines (see Appendix ND.2.15 part A in TR2002/D6/SWQ/Appendices) shows for South America:</p> <ul style="list-style-type: none"> • Bogota, Colombia with Avianca • Buenos Aires, Argentina with BA • Mexico City, Mexico with Aeromexico and BA • Rio de Janeiro, Brazil with BA • Santiago, Chile with BA • Sao Paulo, Brazil with BA and LATAM <p>As a proportion of an entire continent of 12 sovereign states (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay, and Venezuela) and the Falkland Islands, a British Overseas Territory, only five (40%) are served directly from Heathrow.</p> <p>East Asia includes China, Hong Kong, Japan, Mongolia, North Korea, South Korea, Taiwan and Macau. China is served through:</p> <ul style="list-style-type: none"> • Beijing by Air China, BA • Changsha by Hainan Airlines • Chengdu by Air China

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		<ul style="list-style-type: none"> • Chongqing by Tianjin Airlines • Guangzhou by China Southern • Qingdao by Beijing Capital Airlines • Sanya by China Southern • Shanghai (Pudong) by BA, China Eastern and Virgin Atlantic • Shenzhen by Shenzhen Airlines • Wuhan by China Southern • Xian by Tianjin Airlines • Zhengzhou by China Southern will be the 13th Chinese city (including Hong Kong) served through Heathrow from 25th June 2019. <p>Hong Kong is served by BA, Cathay Pacific and Virgin Atlantic. Japan has only two cities served through Heathrow, Tokyo (by ANA, BA and Japan Airlines) and Osaka by BA. Mongolia has no direct service from Heathrow. South Korea is served by Asiana, BA and Korean Air into Seoul only. North Korea has no direct service (existing sanctions prevent connection). Taiwan has one service through EVA Air into Taipei. Macau has no direct service from Heathrow.</p> <p>South Asia includes Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. From Heathrow Afghanistan, Buhtan, Maldives and Nepal have no direct service. Bangladesh - to Dhaka and Sylhet - is served by Bitman Bangladesh Airlines. India, the most populous country in South Asia (and second most populous in the world) is only served through:</p> <ul style="list-style-type: none"> • Ahmedabad by Air India • Bengaluru by BA • Chennai by BA • Delhi by Air India, BA, Jet Airways and Virgin Atlantic • Hyderabad by BA • Mumbai by Air India, BA and Jet Airways

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		<p>Pakistan is served only to Islamabad, Karachi and Lahore (with BA – Islamabad only - and Pakistan International Airlines. The Sri Lanka service is to Colombo only with Sri Lankan Airlines.</p> <p>iv. The key points relating to air freight from the Boeing World Air Cargo Forecast 2018-2037 (see Appendix ND.2.15 in TR20002/D6/SWQ/Appendices) are:</p> <ul style="list-style-type: none"> • Air cargo has recovered and is on track to grow 4.2% over the next 20 years • E-commerce will continue to boost air cargo demand • Asia to lead future growth • Freighters will continue to carry more than half of the world's air cargo demand <p>Boeing says: <i>"The share of cargo carried on freighters remains high in markets across the world, especially in the world's two largest trade routes, Asia–North America and Asia–Europe, where more than 70 percent of total air cargo traffic is carried by freighter airplanes."</i> (see Appendix ND.2.15 part C in TR2002/D6/SWQ/Appendices).</p>
ND.2.16	The Applicant	<p>Your answer to ND 1.17 [REP3-195] appears to state that food is a high value, low weight freight type.</p> <p>Is this a correct interpretation of your answer?</p> <p>Applicant's Response:</p> <p>Yes. 95% of the fruit and half of the vegetables in Britain are imported. Since 1992, the amount of food being flown into the UK has risen by 140% and is predicted to rise further each year. This category includes such items as green beans, asparagus, strawberries and out-of-season or exotic fruit, and fish and shellfish.</p>
ND.2.17		<p>Your documents cite various evidence sourced from reports produced by York Aviation for Transport for London and the Freight Transport Association. At the Need and Operations Hearing (21/03/19) the author of these reports disagreed with your</p>

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	The Applicant	<p>interpretation of such reports, considering that the evidence had been sourced out of context and did not take account of the conclusions of the reports.</p> <p>i. What is your view on this?</p> <p>ii. Do you still maintain that the York Aviation reports support your proposal, contrary to the view of the authors of these reports?</p>
		<p>Applicant's Response:</p> <p>i. The Applicant stands by their interpretation of the York Aviation 2013 and 2015 reports. The 2013 report for Transport for London (TfL) was provided to the Applicant by TfL and specifically mentions Manston Airport. TfL and the Freight Transport Association (FTA), the clients for the 2015 report, were contacted for their views. Their view was that the York Aviation Report was unambiguous and the FTA has used the York Aviation 2015 report to respond to a number of Government consultations and appended the report. The Applicant invites the ExA to read the York Aviation Report in full and according to its clear meaning. The report has been relied upon by TfL and the FTA in the following contexts:</p> <p>Transport Select Committee: Airports National Policy Statement (NPS) inquiry</p> <p>The FTA quote the York Aviation 2015 report throughout their response, and the Applicant would particularly draw the ExA's attention to point 6: <i>In the event of constrained capacity, significant volumes of high value cargo would have to be trucked elsewhere. In the event of no expansion, our research indicates this could be 2.1 million tonnes of freight, or around half of total freight demand, in 2050. These additional trucking costs are estimated to be around £41.6 million per annum in 2050. There are also potentially significant impacts on freight users time costs from increased transit times.</i></p> <p>FTA Response to the consultation on Draft Airports National Policy Statement: New runway capacity and infrastructure at airports in the South East of England</p>

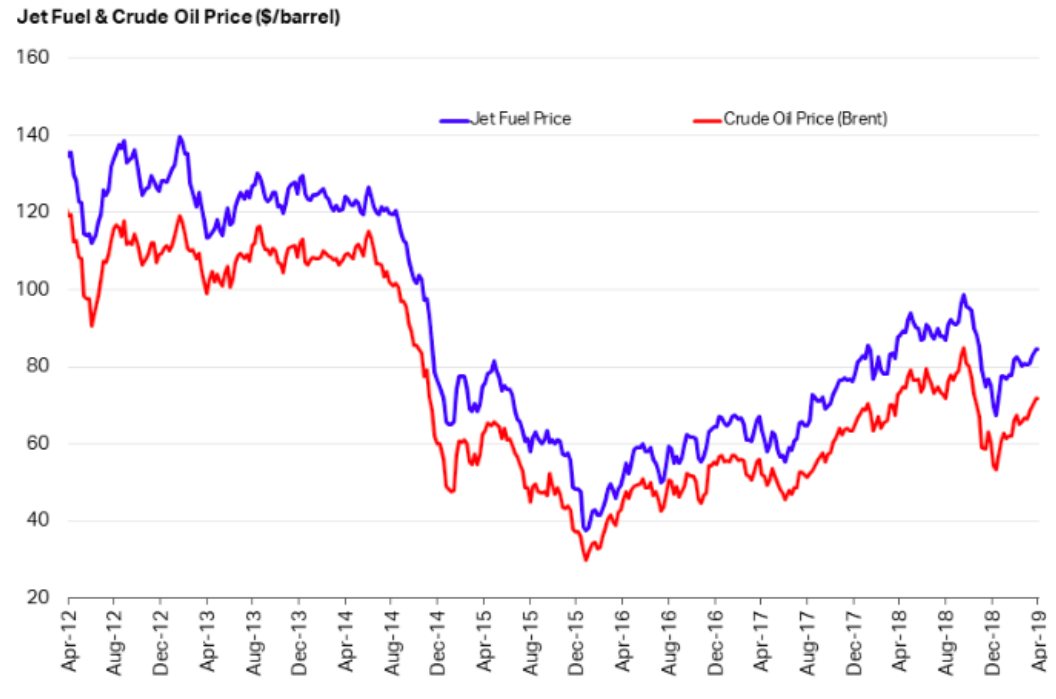
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		<p>Again, the York Aviation report is quoted throughout and the ExA's attention is drawn to page 3: <i>A York Aviation Ltd report jointly commissioned by FTA and Transport for London in 2015 (appended to this response) made long-term demand forecasts for air freight and assessed the economic impacts of failing to expand capacity to meet this demand. The study then compared the benefits of expansion at Heathrow and Gatwick. The research demonstrated that additional runway capacity in the South East would undoubtedly unlock significant untapped demand for air cargo.</i></p> <p><i>In the event of constrained capacity, significant volumes of high value cargo would have to be trucked elsewhere. In the event of no expansion, our research indicates this could be 2.1 million tonnes of freight, or around half of total freight demand, in 2050. These additional trucking costs are estimated to be around £41.6 million per annum in 2050. There are also potentially significant impacts on freight users time costs from increased transit times.</i></p> <p>ii. The Applicant considers that the work commissioned from York Aviation prior to its appointment by Stone Hill Park supports the conclusions of the Azimuth Report.</p> <p>York Aviation has repeatedly made generalised complaints about the Applicant's use of their work without ever identifying the specific ways in which the Applicant is said to have misused or misinterpreted it. That same complaint is repeated in their submission for Deadline 5 (paragraphs 2-17 of Appendix NOPS.5.1) which says 1 at paragraph 17 that, "<i>correctly interpreted our previous work explains how, to the extent that any shortfall in capacity exists, the need is likely to be met, i.e. through use of bellyhold capacity at regional airports and, to some degree, an increase in trucking to European hubs to avail of cost effective consolidation of freight loads to a wide range of global destinations.</i>" The reports do not say this. Again, the ExA is invited to read the York Reports in full.</p> <p>The Applicant checked that York Aviation stood by their original findings (please see attached correspondence at Appendix ND.2.17 in TR20002/D6/SWQ/Appendices) and has checked with the commissioners of the work, TfL and the FTA, to ensure the Applicant's use is in line with their understanding.</p>
ND.2.18		Forecasts

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	The Applicant	<p>York Aviation [Written summary of Stone Hill Park Ltd's oral submissions put at the need and operations Issue Specific Hearing held on 21 March 2019, submitted at DL5, reference not yet assigned] on behalf of Stone Hill Park state that the reason that trucking is common place within the general and integrator sectors relates to the price of aviation fuel, noting that since 2000, the price of aviation fuel has risen by 123%. They consider that this increase in the cost of air freight, and dedicated freighter operations in particular, is the primary reason why consideration of air freight trends prior to 2000 is no longer relevant and that the slowdown in growth in air freight tonnage reflects a shift in the balance towards trucking and even towards shipping for some goods that might previously have used aviation.</p> <p>Comment on this viewpoint, providing evidence.</p>
		<p>Applicant's Response:</p> <p>Since 2012, the price of jet fuel dropped considerably, as shown in the graph below:</p>

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		<p>Jet fuel price developments - longer term perspective</p>  <p>Jet Fuel & Crude Oil Price (\$/barrel)</p> <p>Source: Platts. Datastream</p> <p>If York Aviation were correct in their causal link between the price of jet fuel and trucking, we would have seen a substantial decrease in trucking in the UK, particularly in 2015: we have not. This disproves the York hypothesis and tends towards supporting the case made by the Applicant that trucking is so prevalent in the UK because of airport capacity issues, under-investment, and the preference for passenger services, particularly at constrained South East airports.</p>

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		<p>The Steer Report (at Appendix ND.1.13 of REP3-187) says:</p> <p><i>“The quality of the UK’s air freight infrastructure is a major issue, with freight facilities at UK airports often being decades old and having suffered from continued under-investment. While other airports are not as slot congested as Heathrow, they now cater to significantly more widebody freight capacity than the facilities were originally designed for.” Steer, 2018, p. ii</i></p> <p>The goods that use air freight are unlikely to be easily swapped to road transport. This shift is particularly unlikely in the event of the UK’s withdrawal from the EU and associated paperwork/delays, the change in balance between trade between the rest of the world (where trucking is not an option) and Europe, and the increased pressure for rapid delivery associated with ecommerce. It is clear that the UK’s reliance on trucking and air freighting to and from overseas airports is a policy decision on the part of the UK Government and, as Steer say <u>17</u></p>
ND.2.19	The Applicant	<p>Show where and how you have factored in possible impacts from Brexit on your proposals, both in terms of economic effects and in terms of possible additional intra-European flight checks and security.</p> <p>Applicant’s Response:</p> <p>It has not been necessary to explicitly factor in possible impacts from Brexit into the Applicant’s proposals, because:</p> <ul style="list-style-type: none"> The implications of Brexit are not yet fully known. It may well be the case that the UK’s interest in forging new trading links beyond the EU will further add to the demand for Manston airport. Any problems or delays at port borders may also increase the attraction of Manston to the market. Given the uncertainty around Brexit these are not factors which have been taken into account in the forecasts.

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		<ul style="list-style-type: none"> The Airport is being set up to trade globally and as such any distancing that is introduced between the UK and the EU would simply be dealt with in the same way as exists today between the UK and non-EU jurisdictions. <p>It is recognised that there may be some additional checks to be performed for passenger operations as a consequence of Brexit but these are not envisaged to be a major issue. Indeed, the airport passenger facilities are intended to be configured such that non-EU flights will be accommodated, which may simply mean all non-domestic services depending on the eventual outcome of Brexit.</p>
ND.2.20	The Applicant	<p>Stansted Airport</p> <p>In answer to question ND1.18 concerning Stansted Airport you provide a graph showing capacity available at the Airport.</p> <p>The graph shows substantial capacity available for flights at Stansted between 00:00 and 05:00, as well as 08:00-10:00 and 20:00-21:00 and lesser 21:00-24:00.</p> <p>Is this correct?</p> <p>Applicant's Response:</p> <p>The graph was produced by Stansted Airport and shows existing capacity during the night and shoulder periods. Whilst the graph indicates available capacity, Stansted has restrictions on the numbers and types of aircraft that are allowed to operate between the hours of 23:30-07:00 hours. The noise limit reduces from 94 LMax (dB) during the daytime to 89 LMax (dB) between 06:00-07:00 and 23:00 and 23:30. It reduces again to 87 LMax (dB) between 23:30 and 06:00. Aircraft rated QC4 or above cannot be scheduled to take off or land during the night period, 23:30 to 06:00. For QC8 and QC16 aircraft, this requirement is extended to a complete ban on operations between 23:00 and 07:00. The cap in terms of ATMs at night is 8,100 during the summer with a quota limit of 4,650 and 5,600 ATMs, quota limit 3,310 during the winter. It should be noted that only three aircraft stands are</p>

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		<p>available at any one time for B747-800 or 2 A380 series aircraft on the main cargo apron (see https://www.acl-uk.org/wp-content/uploads/2017/05/Copy-of-17_04_26-London-Stansted-Airport-W17-Capacity-Declaration-Draft.pdf).</p> <p>These restrictions, plus the ongoing pressure on the airport from passenger operations, may prevent a sustainable freighter operation from using Stansted Airport. Additionally, any airport requires flexibility and 'fire breaks' so that late running aircraft can be re-scheduled without causing undue delays and associated issues. It is important to note that no cargo airline would be able to build a strategy on just a few hours of available slots at Stansted. The Steer Report makes the point that shippers identify problems associated with such a high proportion of goods flown to the UK via Europe. They identify the cause of these problems as, <i>"because the UK's air freight capacity is not sufficient to service the required import volumes. Goods are trucked as bonded freight to avoid having to undergo Dutch or German customs procedures, as the importer incurs fewer administration costs as it is only required to deal with UK customs."</i> (page 11). If Stansted was able to provide an unconstrained service to dedicated freight operations, this would not be the case.</p> <p>It should also be noted that the 1986 Airports Act, which allowed the privatisation of UK airports, was brought in to increase competition in the UK market. Manston Airport would not only provide much needed daytime capacity for freighter operations but also increase competition (and increase quality of service and investment in infrastructure) in the market.</p>
ND.2.21	The Applicant	<p>Stansted Airport</p> <p>At the Need and Operations Hearing (21/03/19) it was stated that the recent planning consent to allow Stansted Airport to expand to 43mppa also removed caps on flight types, thereby allowing more passenger flights at the expense of cargo ATMs.</p> <p>Would an effect of the removal of the CAP at Stansted also allow for more cargo flights than previously allowed?</p> <p>Applicant's Response:</p>

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		<p>The case made for removal of the CAP at Stansted was to allow an increase in passenger traffic. As such, and since Stansted has not neared its limit of 20,500 CATMs (there were 9, 478 CATMs in 2018), it is impossible to claim that Stansted Airport has removed the cap on cargo flights so as to allow for more cargo flights than previously allowed. The removal of the cap is to allow an increase in passenger traffic.</p> <p>The increase in passenger capacity is likely to take up the available capacity for flights identified in response to question ND.2.20.</p>
ND.2.22	The Applicant	<p>Stansted Airport</p> <p>It is stated in answer to question ND1.18 [REP3-195] that there is no dedicated freight facility at Stansted that allows for freight turnaround. York Aviation [REP4-065] on behalf of Stone Hill Park Ltd note the existence of the dedicated freight World Cargo Centre of some 55,000m2 warehousing and office, with nine dedicated stands.</p> <ol style="list-style-type: none"> Comment on this facility, with dedicated and separate apron area for cargo flights as opposed to passenger flights. Would FedEx also provide a freight turnaround service for third parties (for a fee)? What freight other than FedEx integrator freight does Stansted handle? <p>Applicant's Response:</p> <p>The Applicant did not say in response to questions ND.1.18, that there is no dedicated freight facility at Stansted that allows for freight turnaround. Its answer to ND.1.18 simply identified the capacity constraints at Stansted. In response to question ND.1.8 the Applicant pointed out that Stansted's freight facility did not allow for <u>rapid</u> turnaround. That is a result of the combination of the restricted slots available and insufficient stands which means that freighters are unable to get into the airport and/or to leave again without undue delay.</p>

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		<p>i. The World Cargo Center is of the size York Aviation state, and there are indeed what appear to be dedicated stands although our count would be three that are suited to Code E aircraft and three for Code C, and so we would question the availability of nine dedicated stands. It is unclear whether there are stand constraints at busy times of the day and whether there is consequently scope for further freight tonnages to be handled. The Cargo Centre is a long building with an Apron frontage and road access to the rear. It has multiple tenants including other integrators TNT and UPS, Royal Mail as well as freighter operators like Panalpina, Qatar, Silk Way, Martinair and Cargolux. There are two ground handlers – Swissport and LCS. Without a detailed evaluation, which we have not had access to the building to undertake, it is unclear whether it is capacity constrained. But given that the local authority received an application from Fedex to extend its own building and no application has been brought forward for a new or extended general cargo facility (even though land is available), we question whether the Airport believes that it offers the best use of the available land and is content to retain what it has and as slot capacity bites, replace freighter tonnages with some bellyhold if a material number of cargo bearing long haul flights are attracted, which also remains uncertain. What does seem to us clear is that there are no immediate plans for a major expansion for freighter handling facilities at Stansted other than by Fedex.</p> <p>ii. We have no way of knowing whether Fedex would handle third party work, but we suspect not; they have their own processes and procedures and that is why they have their own dedicated facility.</p> <p>iii. There are no publicly available data sources that disaggregate cargo delivered by general freighter aircraft (Combination carriers or pure freight operators) from Express Integrators or even further by airline. Therefore although we know that (a) there was no bellyhold freight handled at Stansted in 2018 (and the first two months of 2019 despite the arrival of an Emirates service), and (b) a third of air freight which moved through Stansted was to EU O&D and two thirds was Ex EU, with less than 1% being domestic, we cannot be sure of how much was handled by Fedex in its own building, or by UPS/TNT on the World Cargo centre. It also means we (c) we do not know the tonnages flown on the freighter operators. Anecdotally the figures are 150,000T by integrators and the rest by freighters with around 15,000 tonnes of freight in addition.</p>
ND.2.23		Stansted Airport

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	The Applicant	<p>You state that in your view MAG publicly may continue to market Stansted as open for new freight business, privately and commercially, but they may in reality be increasingly resolved to discourage more ad hoc freighter movements (FEDEX are consistent/regular business), with the resulting traffic going to East Midlands or probably cross-channel.</p> <p>If the Airport is as constrained, or becoming as constrained as you consider, would it not make sense for MAG to be promoting East Midlands Airport, being under the same ownership, and where, as you accept in the DL4 Northpoint report "there is significant growth potential"?</p>
		<p>Applicant's Response:</p> <p>It will of course be up to MAG to handle its customers as it sees fit, and that may include trying to persuade them to use EMA as an alternative where there is capacity available for them to do so – it is worth remembering that a lot of the growth potential which we have acknowledged exists at East Midlands, is already under development and allocated for long term use by its extant customers in the Integrator market - DHL, UPS, TNT/Fedex and Royal Mail. As their activities are concentrated at night, there is theoretically capacity for some general cargo movements alongside the passenger dominated movement schedule during the day. However, the supporting handling infrastructure for non-integrator operations is less well developed and certainly not at a stage where up to 100,000 tonnes of general cargo could be accommodated quickly; there are also no obvious major gaps or redevelopment opportunities in the airside frontage that would allow this to be achieved easily. Hence there may be both sunk and opportunity costs to realise any potential there may be at East Midlands. Daytime surface access conditions would also need to be taken into account – General cargo trucks could add to existing peak traffic levels and travel times on the strategic motorway network will be slower.</p> <p>It is also important to understand, that the choice of where to locate will be the airlines, who will in turn be driven by the consignees which are using them. Given their current preference for Stansted, and the greater trucking times to London and South East markets from EMA vs Manston, we question why they would choose EMA over Manston, especially when Manston will have more capacity and more up to date equipment.</p>

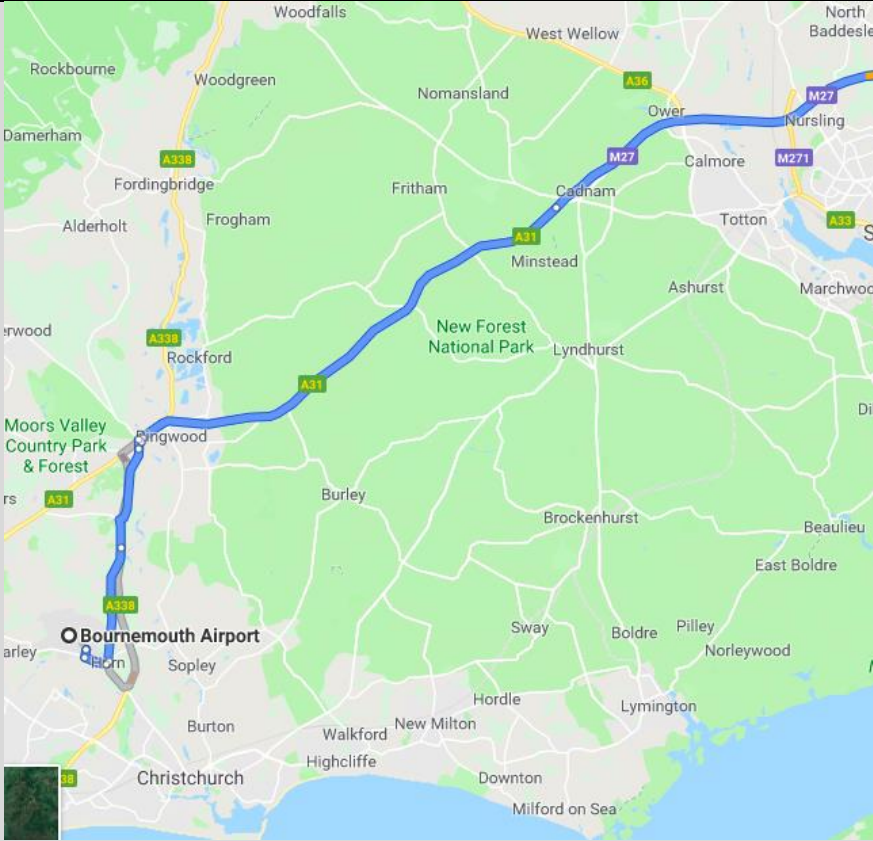
Ref No.	Respondent	Question
ND.2.24	The Applicant	<p>East Midlands Airport</p> <p>How has the significant growth potential at East Midlands Airport been accommodated for in your forecasts/demand capacity modelling?</p>
		<p>Applicant's Response:</p> <p>Manston will primarily be targeting non-bellyhold traffic generated by, or delivered to, London and the South East using general cargo freighter aircraft, not the traditional integrators that dominate EMA's freight traffic base. We therefore see Manston and EMA as complementary, especially in the context of capacity constraints at other London and South East markets. Given this background and the GIS trucking time plots provided at deadline 3 [in REP3-187], we consider the scope for competition between EMA and Manston is limited and thus a complicated choice algorithm was not required in the project demand modelling.</p> <p>This is why the Applicant relies on the Azimuth report, which was developed on the basis of an independent bottom-up assessment, rather than a comparative strategic evaluation using gravity model coefficients.</p> <p>Northpoint's strategic top-down review of forecasts, which does include other airports to form a national level overview of demand and capacity, corroborates the Azimuth report, using broadly similar CAGR growth rates to Azimuth.</p>
ND.2.25	The Applicant	<p>East Midlands Airport</p> <p>It is stated in the Applicant's Written Summary of Case put Orally – Need and Operation Hearing document that Figure 4 of the Azimuth report (APP-085), shows businesses served by integrators at East Midlands Airport, and that, as is apparent from the map, this Airport serves a wide catchment area, including the big market of London. It is then noted that Manston Airport is ideally located to serve this South East market. This appears to be stating that Manston would be able to attract some of the freight currently routed through East Midlands Airport.</p>

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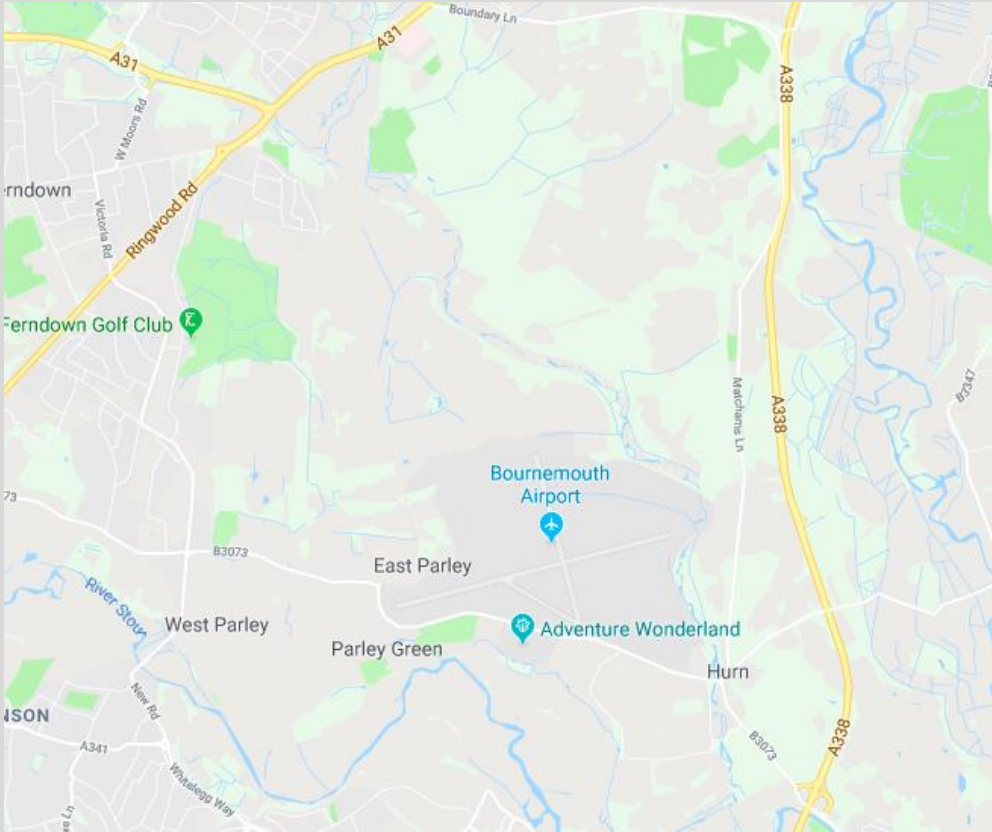
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		<p>Explain how this displacement of business has been accommodated within the socio-economic forecasts.</p> <p>Applicant's Response:</p> <p>We do not agree with the inference set out in the question (i.e. '<i>This appears to be stating that Manston would be able to attract some of the freight currently routed through East Midlands Airport</i>') that appears to have been drawn from Figure 4. It is undoubtedly true that some consignments passing through EMA have a destination or origin in London and part of the M25. Our own trucking time isochrones attached indicate that in free-flow traffic this part of London can be reached within the typical 3 hr drive integrators build into their schedules to achieve early morning deliveries for overnight packages, but in congested conditions accessing the middle of London or all the way around the M25, let alone many of the southern home counties becomes problematic.</p> <p>This compares with a 3-hr truck time from Manston from which all of London and the Home Counties, including the northern parts of Hampshire and the East of Berkshire can all be reached. In other words, Manston does offer better penetration of the London and South East market in terms of trucking times that East Midlands Airport and therefore would be competitive with it save for two important considerations:</p> <ul style="list-style-type: none"> (a) They would be focused on different segments of the freight market – EMA on traditional integrators, MSA on new integrators; (b) Our forecasts are based on some displacement of freighter traffic initially, but from London airports not East Midlands, but thereafter are a function of long term traffic growth (with e-commerce and new integrators being the fastest growing segment of the market), and the capture (i.e. clawback) of UK O&D freight traffic leaking out of the UK aviation system and across the channel to near European airports <p>Hence we do not think that Manston would by trying to, let alone be likely to capture traffic currently passing through East Midlands; and while there is theoretically a possibility that Manston could compete with EMA for general cargo traffic we believe the scale of this would be de-minimis and have no material impacts on jobs or other socio-economic indicators. The rationale for this is that freight carried in general cargo aircraft from the UK is typically longer distance and international in form, because shorter distance</p>

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		<p>cargo in Europe is either trucked or moved by express air freight, and the amount of this (as opposed to Integrator or mail traffic) passing through EMA currently is thought to be relatively small. CAA data does not allow us to distinguish it explicitly from integrator traffic, but less than 20% of EMA's total tonnage is international (63,000T in 2018) and a substantial proportion of that will be carried across the Atlantic by integrator aircraft. Even if there were 10-15,000 tonnes of freight being moved in general cargo aircraft, the freight on it will almost certainly be destined for Midlands and the North rather than London, because general cargo freight flying to London and the South East will be flying via Heathrow or Stansted.</p> <p>In summary, we do not believe there will be any material business displacement and that consequently it was not necessary to factor it into the socio-economic forecasts.</p>
ND.2.26	The Applicant	<p>Bournemouth Airport</p> <p>Table 7 of the Azimuth report [App-085] states that Bournemouth Airport is 30 miles from the M3, and that access to this motorway is made through the New Forest National Park.</p> <p>Is the A31 a dual carriageway suitable for HGVs?</p> <p>Applicant's Response:</p> <p>The A31 is a dual carriageway suitable for HGVs. It is an important route between Bournemouth and the Southern Coast, which experiences delays at peak times. This is caused by a high volume of traffic and by the number of junctions that are close together. The route also experiences heavy seasonal congestion during the summer months, particularly weekends and Bank Holidays. The Highways Agency has a planned project to widen the A31 to three lanes at Ringwood, between the A31 junction for Ringwood town centre, the B3347 Mansfield Road and the B3081 Verwood Underpass. The project is due to start 2020-21. The following map (Google maps) shows the route of the A31 across the New Forest.</p>

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		<div></div> <p>News reports show that the A31 New Forest section can be blocked due to HGV accidents. For example, the BBC reported in March 2018 that the dual carriageway through the New Forest was blocked after two lorries jack-knifed. This resulted in hundreds of people being trapped in their cars overnight in freezing conditions.</p>

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		<p>HGVs from the A31 exit left shortly after Ringwood onto the A338 dual carriageway before exiting onto the B3073 exit for Bournemouth Airport. The following map (Google maps) shows the road network close to the airport:</p> 

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ND.2.27	The Applicant	<p>The Northpoint report [REP4-031] points to a 'window of opportunity' for freight at Manston prior to the Heathrow Northwest runway opening, where time exists for Manston to gain a foothold in the freight market and then expand thereafter. You also state that recent increases in Gatwick freight volumes would likely return to Heathrow once the third runway opened, and in the Need and Operations Hearing (21/03/19) you stated that this was different to the proposal in this case due to the difference between bellyhold and pure freight.</p> <p>Expand on this viewpoint, including on how you consider your scheme to be complementary to the preferred scheme outlined in the Airports NPS.</p> <p>Why would the 'window of opportunity' be important if your role is complementary?</p>
		<p>Applicant's Response:</p> <p>Heathrow and Gatwick are the main airports used by aircraft serving long haul destinations from London; non-EU destinations make up 90% of the market for freight from London airports and long-haul services such as those have the greatest potential to carry bellyhold cargo. Gatwick's recent up-tick in bellyhold throughput reflects an increase in long haul flights – some of these are low cost operations which may be better suited to using Gatwick on cost grounds, but a number are network carrier operations that are unable to access Heathrow because of current slot constraints. Historically, there is a pattern of these latter carriers moving their operations to Heathrow when they can obtain slots, hence taking their bellyhold capacity with them. When Heathrow re-opens we would expect these carriers and even some low cost long haul carriers to move to Heathrow, limiting the potential of Gatwick to develop as a cargo airport, especially as it itself has little capacity (and no commercial interest) in attracting pure or combined freighter operations.</p> <p>In these circumstances, Manston offers a nearby unconstrained facility, for freighter aircraft which does not exist elsewhere in the South East and hence is complementary to the plans for Heathrow.</p> <p>The 'window of opportunity' concept is unrelated to this; it was meant to highlight the fact that:</p>

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		<ul style="list-style-type: none"> • With slots for general cargo freighters likely to become increasingly scarce at Stansted; • There being no plans to expand freight capability at Luton; • Gatwick's contribution being dependent on an increased proportion of slots being used for long haul operations – which may prove difficult in the medium term as slot utilisation rises from c 90% today towards Heathrow like levels of 99%; and • Additional Heathrow capacity being dependent on a new runway being built and operational – which is some 8-10 years away <p>Spare capacity to grow freight carryings from South East airports will be significantly constrained. If Manston were to open with substantial unconstrained capacity, offering convenient access, shorter transit times and journey time reliability, then it would be able to offer scope for freight growth during a period where it might otherwise not exist. It would also mean Manston was well-placed to compete with the existing airports in terms of a value for money proposition during its initial build-up phase and also by offering an alternative to carryings that otherwise would be trucked to or from near European airports that do not face the same capacity constraints as those in and around London.</p>
ND.2.28	The Applicant	<p>At the Need and Operations Hearing (21/03/19) you were questioned on why other UK airports, whether in the South East, Midlands or south Yorkshire would not seek to take advantage of the demand which you state exists for pure freight flights, particularly given the availability of permitted development powers.</p> <p>Your answer centred around the ease on which the proposal could allow a brand new, modern, automated and digitalised airport to be built on a 'greenfield' site as opposed to an existing airport.</p> <ol style="list-style-type: none"> Expand on your reasoning that it would be simpler to build such facilities at Manston as opposed to existing operational airports with their access to land and permitted development powers. Reference was made to mechanisation. Expand on this with regard to likely job levels at Manston. <p>Applicant's Response:</p>

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		<p>Before addressing the two separate parts of the question, by way of context it is worth un-packing the part of the premise set out in the body of the question that relates to Permitted Development Rights (PDR's). We do not believe these are of any material relevance to the question of whether airports in the Midlands and South Yorkshire could seek to take advantage of the demand that undoubtedly does exist for pure freight flights, both now and in the future, because of constraints on existing London Airports. That is because the two principal freighter airports in those areas (i.e. East Midlands and Doncaster-Sheffield), both have supportive local authorities that are likely to approve planning applications for new capacity, and hence neither airport would in all likelihood need to rely on the 15% increment in existing built development that PDRs allow (assuming some or all of those PDRs have not been used for other purposes). PDRs are primarily intended (a) to allow operational development to be undertaken quickly and without the risk of potential uncertainty or disruption that mainstream planning process can sometimes involve, and (b) the 15% of incremental building capacity that PDRs might allow at EMA and DSA would probably be insufficient to cater for all the additional surplus demand that Manston might otherwise handle.</p> <p>In the case of South East airports, we are again not sure that PDRs (even if they are available to the scale required – which we do not know), are either needed or capable of being exploited at airports where they might be used to serve some of the surplus traffic that Manston is otherwise needed for. At Gatwick this is because there are TDRs and slot shortages constraining freighter aircraft movements; it is also likely existing cargo facilities are capable of handling more cargo volume – they did in the past – although whether they meet the specification for the market segments Manston would target is moot.</p> <p>At Stansted, there is adequate land, and a supportive Council who recently approved an extension to Fedex Building, so again it is not PDRs or space shortage which is at issue; instead it is growing slot pressures from passenger aircraft and the opportunity cost to the airport operator of expanding freight capacity on land for which there might be a better business case for an alternative use which are the real issues.</p> <p>At Heathrow, whilst 15% additional capacity might be helpful (assuming the airport is eligible to exercise those rights – i.e. they have not used them already or elsewhere) in growing throughput from 1.7MT today to 2MT, the issue then becomes:</p> <ul style="list-style-type: none"> • The traffic growth would be mainly bellyhold, which MSE is not competing for, and there are no new slots to secure that new capacity from long haul passenger aircraft, let alone additional freighter movements which have TDR constraints.

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		<ul style="list-style-type: none"> • Even if the slot constraints were alleviated by a new runway, the primary issue would be where the additional 15% of space could be accommodated and whether there is sufficient Apron to accommodate the aircraft being loaded and unloaded <p>The Heathrow Long Term plans for cargo, which envisage handling 3MT, cannot be achieved by incremental capacity enhancements even were they to be possible; rather they need a major reconfiguration of the south side of the airport around Terminal 4 and the existing cargo area, and that seems likely to be even further into the future than the new runway as initially HAL will look to retain all its existing terminal capacity to cater for growth as the new runway opens.</p> <p>With that background, turning then to the two numbered elements of the question:</p> <p>i. Building purpose designed new taxiway, apron and cargo handling buildings from scratch, enables their development to be phased optimally for construction and operational efficiency. It means they can be built to the latest standards and equipped with features such as full digitalisation, special handling facilities (refrigeration for pharmaceuticals etc), automated/robotic handling for e-commerce as well as flexible spaces for general cargo from scratch and so do not need to be retrofitted into existing older building that may be less suitable for the purpose.</p> <p>The fit out of the new buildings can be easily tailored to the preferences of their prospective tenants and new buildings have much lower maintenance costs than many of the older buildings at places like Heathrow.</p> <p>Manston will also not face any slot constraints and therefore schedules can be planned more easily by the airlines and handled more comfortably when things go wrong, which at busy airports can often lead to cargo aircraft being delayed for some considerable time waiting for a slot.</p> <p>The costs and timescales required for building new freight capacity on a live airfield, such as those at the other airports alluded to in the question, will be substantially higher than building at Manston, because the former will face significant working restrictions associated with airfield safety and security requirements. These will not apply at Manston for the works undertaken before it goes live. The impact on costs could be 50-100% if not more and mobilising and ending shifts each day will be slower, elongating the build period.</p>

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		<p>In summary, therefore, Manston will be more flexible, efficient and adaptable and it will be less congested and cost less to build and maintain. It will be better equipped for the air cargo industry of the next 20 years, not the last 20.</p> <p>ii. Mechanisation – perhaps better referred to as Automation or AI, is likely to be included in the development of Manston from the outset, therefore its introduction will not result in any loss of existing jobs, and as we explain in Question SE 2.16, the view in the industry is that Automation will not replace jobs it will simply mean the nature of the tasks undertaken by those employed are different and arguably more rewarding. Hence, the Applicant does not believe that it will impact its job forecasts.</p>
ND.2.29	The Applicant	<p>European airports</p> <p>Various evidence [including but not limited to APP-085, REP3-195] relates to European Airports, with Frankfurt, Paris, Amsterdam, Leige and Leipzig variously being cited as examples of airports where dedicated freighters thrive. York Aviation [REP4-065] on behalf of Stone Hill Park consider that the greater number of dedicated freight aircraft at these continental airports is partly explained by the well-developed freight forwarding infrastructure based around them given the global connectivity offered by hubs and the airlines based there, with the freight infrastructure and consolidation centres from their bellyhold operations also making them first choice for dedicated freighters. Leige and Leipzig appear to be integrator hubs, like East Midlands Airport.</p> <p>Comment on these assertions and viewpoints.</p> <p>Applicant's Response:</p> <p>York Aviation seems to confuse the presence of well-developed freight forwarding infrastructure as a causal factor in explaining why dedicated freighter operations thrive rather than being the result of such operations. This is a key point: investment is, of course, largely driven by and is a response to demand. That Leipzig, Liege and East Midlands have attracted integrators without having substantial passenger markets and the belly hold availability this brings, negates York Aviation's persistent argument that Heathrow as the only option for the future of the UK airport system. It also highlights the potential for dedicated freighter airports</p>

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		<p>separate from a hub airport but part of the national/regional airport system. Without sufficient infrastructure, the freight market is looking outside the UK for solutions. This point is noted in the Steer Report (at Appendix ND.1.13 of REP3-187), which says:</p> <p><i>“One notable feature of the UK air freight market is the huge importance of Heathrow and its surrounding freight facilities, with most forwarders having major consolidation centres in the vicinity of the airport. Very significant volumes of air freight are trucked to such facilities near Heathrow, processed and then trucked to another airport, either in the UK or in continental Europe, without ever flying in or out of Heathrow itself.”</i> (page ii).</p> <p>Since privatisation, UK governments have experienced difficulties managing the national airport system. It seems the only option available to them is through planning tools, where development can be either encouraged or discouraged. However, the lack of significant airport infrastructure development, which has led the South East to be nearing capacity (see DfT ‘UK Aviation Forecasts’, October 2017, p. 103 section 7.23 figure 7.4 reproduced below), would attest to the complexity of ensuring the UK is not negatively impacted by a lack of airport infrastructure where demand is greatest. The problem in the UK is that planning an airport system requires State intervention as the market is unlikely to pre-empt demand, with infrastructure such as the well-developed freight forwarding infrastructure based around the European airports as noted by York Aviation, being the result of demand rather than the creator of demand.</p> <p>Key airport capacity used: ■ full ■ >0.9 ■ >0.8 ■ <0.8</p> <p>The proportions shown relate to the higher of the terminal capacity or runway capacity used Luton's capacity increases in 2017 London City's capacity increases in 2022</p>

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		<p>Whilst this Government has decided to support the third runway at Heathrow (since privatisation the Government can only support rather than build runways), concerns have been raised (notably by York Aviation on behalf of Stone Hill Park) about the potential impact of competition from a reopened Manston Airport on Heathrow. However, the promotion of regional airports should not result in a drop in activity at the hub but a specialisation of each type of market. This means that the congested London airports could divest themselves of activities they see as less beneficial and focus on their most profitable sector of the market. Manston would be take advantage of the opportunities increased air traffic demand entails and support the national airport system as a whole.</p> <p>As with the example of Rockford International Airport, Chicago (see response in ND.2.14 above), the freight orientated airport works to support the main hub, O'Hare, to provide high quality freight forwarding infrastructure. In the case of Manston Airport, the Applicant is keen to invest to attract dedicated freighter operations and to work with other airports in the South East to help create an airport system where freight does not have to take secondary place to the passenger market. This will ensure, as with the industry located around the European hubs mentioned by the Applicant (such as in APP-085 and REP3-195), that UK industry is fully supported by a high quality freight infrastructure facilitating rapid delivery for a wide range of goods including specialist, out-sized, and temperature sensitive.</p>
ND.2.30	The Applicant	<p>Locational factors</p> <p>The ExA note that, although your Transport Assessment has not assumed that the Lower Thames Crossing would be implemented, you consider that the Lower Thames Crossing would allow easier access to the M11/A14 corridor, and consequently allow for quicker and more reliable times to the biomedical industry and technology companies in Cambridge, the M11 Growth Corridor and prospectively to the planned Varsity Corridor.</p> <p>The ExA notes that the M11 provides access to Stansted and that access to East Midlands can be achieved via the dual A14 and M1.</p> <p>i. Would Stansted Airport not be more accessible to industries in the Cambridge area?</p>

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		<p>ii. Conversely, wouldn't the Lower Thames Crossing allow easier access for businesses and customers in Kent to access Stansted?</p> <p>Applicant's Response:</p> <p>i. Stansted would be more accessible to industries in the Cambridge area, and if Fedex remain they would be well placed to offer a premium integrator product offer for express freight. However, if the consignments generated from the Cambridge area are of a kind that require specialist handling or a lower shipping costs, and hence access to general Cargo aircraft, then Stansted will only remain convenient if those kinds of aircraft continue to operate from Stansted in the medium to long term. The Applicant has presented evidence which raises substantial question marks about this.</p> <p>ii. In these circumstances, the fact that the Lower Thames crossing will reduce the journey times from East Kent to Stansted by c15-20 mins is also of nugatory value because of capacity constraints at Stansted.</p> <p>On the other hand, Manston with its significant spare capacity, would be well positioned to benefit from such journey time savings, which will reduce travel times from Cambridge to well under 2 hours from the current 2hrs 10 mins off-peak. Journeys based in Essex and East Anglia would similarly benefit.</p>
ND.2.31	The Applicant	<p>UK airport capacity</p> <p>Your answer to ND1.10 [REP3-195] states that little additional terminal or runway capacity has been added to the UK national infrastructure in many decades. However, the ExA is aware of the construction of the 2nd runway at Manchester at the turn of the century and of other terminal enhancements or constructions around the UK in recent times, including Heathrow Terminal 5.</p> <p>i. Provide evidence for your assertion that little additional terminal or runway capacity has been added to the UK national infrastructure in many decades</p>

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		<p>ii. Are there other ways and means of providing new runway capacity aside from building new runways?</p> <p>Applicant's Response:</p> <p>i. The Applicant's response to ND.1.10 [REP3-195] refers to the ease with which additional terminal or runway capacity has been added to UK national infrastructure. The construction of Manchester's second runway was first discussed in 1991 and was in response with the need to keep pace with growth in air traffic. At that time, completion date of 1998 was set. However, Government permission was not given until 1997 and protests that commenced in 1991 continued until 2000 when the site was finally handed over to contractors to commence construction. Manchester's second runway finally opened in February 2001, some 10 years after it was first mooted.</p> <p>The situation has been rather more difficult in the South East. Discussions about additional runway capacity commenced in the 1940/50s. In the 1960s it was assumed that Stansted would provide the answer to London's airport capacity problems, having been passed over in the 1950s in favour of Gatwick. At that time, it was deemed that noise levels in parts of West London were becoming increasingly intolerable due to the operation of Heathrow.</p> <p>In the 1970s, the Roskill Commission rejected an Estuary Airport (then proposed for Maplin Sands) in favour of a new airport to be built in rural Buckinghamshire. The Government, under Ted Heath, rejected the Commission's recommendation in favour of Maplin Sands, which was later abandoned for a variety of reasons. A Thames Estuary option reappeared in the 2000s at Cliffe, as 'Boris Island' and as the Thames Hub airport proposed by the architects Foster & Partners. None came to fruition. Finally, after many years of debate, the Government decided upon a third runway at Heathrow, discounting a second runway at Gatwick and the Estuary option. However, construction at Heathrow has still not commenced. Indeed, a legal challenge to the policy supporting the third runway at Heathrow has not yet been determined,</p> <p>The only new runway in the South East for many decades was at London City Airport. Promoted by engineering company Mowlem in 1986 to 19887, London City was the first fully privately funded and operated UK airport. However, since the airport has a short runway, dedicated freighters do not operate and even belly hold freight is restricted.</p>

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		<p>Terminal 5 at Heathrow was originally planned as early as 1982 with BAA formally announcing its plans in 1992. The Planning Inquiry lasted around four years with permission being granted in 2001. The Terminal was eventually opened in 2008, some 25 years after planning and discussions began. Since Heathrow is the busiest two-runway airport in the world, most aircraft approaching Heathrow wait in 'holding stacks', allowing air traffic controllers to organise landings as efficiently as possible. There are four stacks around Heathrow - Bovingdon, Lambourne, Ockham and Biggin – that have been in the same places since the 1960s.</p> <p>Other South East airports have made improvements to their terminal buildings including Luton, Gatwick, Luton, etc. but, little new infrastructure adding capacity for more than five million passengers has been added aside from those mentioned. In terms of cargo capacity, very little increase in infrastructure, in terms of capability to handle additional tonnage/ATMs has been added and a number of airports, including Manston, have been closed.</p> <p>ii. Runway capacity can be added by reducing the gaps between departing and arriving aircraft but vortex issues are a key factor. At present the CAA only allows parallel take-offs at Heathrow (one runway is currently used for take-offs and one for landing) at busy times for arrivals, particularly early mornings, to alleviate inbound congestion. The CAA requires a minimum separation between runways (and between aircraft) to avoid wake turbulence. However, Heathrow is keen to adopt independent parallel approaches (IPA) (when both runways are being used for landings and take-offs) and believes this could accommodate a further 25,000 ATMs per year at the airport.</p> <p>Additionally, 'stealth' runways, such as that proposed by Gatwick Airport where a taxiway is converted into a runway, could be used to increase capacity. It should be noted that runway capacity is only one element of overall capacity at airports, with other infrastructure required to support increased ATMs. Of course, the UK can decide to continue to use European airports, diverting traffic by truck that is destined for the UK and going from the UK. This trend is noted in the Steer Report (at Appendix ND.1.13 of REP3-187), which says: "<i>Freight is often flown to continental Europe, particularly from Asia, as there is often more available air freight capacity than to UK airports, partly due to lack of available slots for freighter aircraft at Heathrow.</i>" (para. 2.24). However, this option, currently employed, creates congestion at the Channel Crossings and leaves the UK less resilient and self-sufficient than it would be with an operational Manston Airport.</p>

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Ref No.	Respondent	Question
ND.2.32	The Applicant	<p>Mail</p> <p>Your answer to ND1.40 [REP3-195] states that mail services have not been included in the forecasts contained within the Azimuth report [APP-085] as they tend to require night operations, yet such services are included in the ES forecasts, with 770 postal services forecast by year 20.</p> <p>Which is the correct forecast?</p>
		<p>Applicant's Response:</p> <p>The ES forecast is the correct forecast in that there will be flights using a B737-300 although they will not be used for mail due to the sensitivities of operating at night.</p>
ND.2.33	The Applicant	<p>Freighter movements</p> <p>Your answer to ND1.41 [REP3-195] notes that 2018 CAA data shows a total of 53,628 cargo ATM's for 2018 and states that almost all ATM's are non-domestic since freight is rarely used to move cargo within the UK. Stone Hill Park [REP04-067] note that this figure includes more than 21,000 domestic cargo ATMs and that in total there were 33,727 non-domestic cargo ATMs in 2018 for the whole of the UK. This evidence also states that for England and Wales 58% of the non-domestic cargo ATMs related to East Midlands Airport, with 17% Stansted, and that around 57% for East Midlands and 37% for Stansted of these flights were estimated to be night flights.</p> <p>This leads to an estimation that there were nearly 19,000 daytime non-domestic cargo ATMs in England and Wales in 2018.</p> <p>i. Provide more evidence on your assertion above that almost all Cargo ATM's are non-domestic since freight is rarely used to move cargo within the UK</p>

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		<p>ii. Comment on the evidence provided by Stone Hill Park and any impact/effect this may have on your forecasts and the likelihood of them coming to fruition.</p>
		<p>Applicant's Response:</p> <p>i. To start, some clarification of the CAA data may be helpful.</p> <p>The final annual data for 2018 shows a total 54,061 scheduled and chartered cargo only (i.e. non passenger) ATMS vs the 53,628 cargo ATM's initially reported (there are often small differences between the collective monthly data and end of year audited data). Of the 54,061 ATMs CAA have 21,169 recorded as domestic. However, the footnote to Table 5, indicates that the data double-counts the domestic flights (i.e. they are recorded at both ends of a domestic route) making the true totals 10,585 domestic ATMs out of 43,477 ATMs – in other words less than 25% of total cargo ATMS.</p> <p>In addition, only 80,350 tonnes of the total UK freighter carryings in 2018 out of a total of 772,000T of cargo carried by freighter are categorised as domestic and because of the double counting rule the true equivalent domestic freight tonnage is slightly under 40,000T (i.e. c5%). That equates to 3.5T per ATM vs 15-20 per ATM on international routes.</p> <p>The Applicant therefore maintains that most UK cargo flights are <i>non-domestic</i> and certainly the vast majority of the tonnage being moved by cargo only aircraft is. By comparison truck is the dominant mode of travel for domestic air cargo in the UK and is likely to remain so.</p> <p>ii. In terms of impacts on our forecasts, there are none. Indeed, it is far from clear what point what SHP were seeking to make. Whether adopting a bottom up approach or a strategic top down approach, the figures demonstrate a clear market gap which Manston is well suited to fill without having any material impact on growth at LHR, EMA or other regional airports.</p> <p>SHP estimates 19,000 daytime non-domestic cargo ATMs. The Applicant does not consider that their day to night estimate process is sound, such that the total day time movement figure is likely to be higher. Even taking SHP's figure of 19,000 it is relevant to note that it significantly exceeds the total ATM cargo projection of 17,170 at Manston in 2040. Even in a heavily</p>

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		<p>constrained South East slot environment, there is clearly demand for significant non-domestic freight movements. If it is assumed that air cargo activity increases to 2040 in line with Boeing forecasts the 19,000 ATMs would increase to 35,760 - 37,080. That would result in an additional 16,750 - 18,000 non-domestic freight ATMs set against Manston's proposed cap of 17,600 ATMs. To be clear the Applicant considers that these figures are likely to be an underestimation of actual demand by around 3 - 5,000 ATMs per year. It is possible that some of this demand could be met elsewhere but:</p> <ul style="list-style-type: none"> • the pressure on slots at Heathrow and Gatwick over the next ten years mean there are unlikely to be new freighter ATMs there; • Stansted could actually lose ATMs; • there is scope to clawback freighter ATMs carrying UK freight being lost to airports in near Europe; and • not all the projected growth in freight over that period (potentially between 2.35-2.55 MT) – will be accommodated in the bellyhold of aircraft, because not all will be suitable or wanting to fly on the routes and to the timescale bellyhold can offer. <p>In our view this is more than likely to exceed new daytime freighters from other airports (e.g. Edinburgh, Doncaster-Sheffield and EMA – whose own growth will be integrator lead and therefore focused around the night-time period).</p> <p>Then, assuming UK policy will not continue to accept cross-channel leakage as an acceptable solution when Heathrow is full (even with R3 maxes out at 3MT), we will still need to find 1.2-1.5MT worth of capacity in the form either of integrators (0.7MT), regional bellyhold (up to 0.25MT), or 0.5MT to be met by combination carriers/pure freighters. Putting this context, the Central Azimuth forecast is 360,000 tonnes. The applicant is, confident, therefore that there is sufficient demand for Manston, but also for other airports to also grow substantially over the next 20 years.</p>
ND.2.34	The Applicant	<p>Business model</p> <p>The Applicant's "Written Summary of Case put Orally – Need and Operation Hearing" [submitted at DL5, ref not yet assigned] document provides a commentary note on the summary business model. It states that a cargo operation at Manston will be accessing demand that is either diverted elsewhere or not functioning due to the severe capacity constraints in the South East of</p>

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		<p>England. This, it is stated, “exists at a general non-specific level and an idiosyncratic level pertinent to Manston itself” and that consequently Manston as a cargo operation will be, “within reason, a price-setter rather than a taker”</p> <ul style="list-style-type: none"> i. In an aviation and geographical context, what characteristics are peculiar to Manston over other UK airports? ii. Define ‘idiosyncratic’ in this context iii. In the event of such ‘severe capacity constraints’, why would demand not overspill to other UK airports outside of the South East, such as East Midlands, Birmingham or Doncaster Finningley? iv. Given this, and the availability of road freight, how much of a ‘price setter’ could Manston be?
		<p>Applicant's Response:</p> <p>i. The runway at Manston is unique in that it is long enough to deal with wide body long haul aircraft and it is unused. All the London Airports with sufficient runway length are full or forecasting to be constrained by passenger operations thus prohibiting any material development of Dedicated Freighter services.</p> <p>ii. Idiosyncratic in this context refers to the uniqueness of Manston airport in terms of geographical location, runway length and available capacity.</p> <p>iii. There is likely to be some overspill to those airports mentioned and this has been taken into account as part of the Applicant's analysis. However, for air freight that is origin/destination London and South East (as distinct from air freight relating to other parts of the UK being trucked to London airports), Manston is more likely to capture a good share of the market that is currently being served by trucking via the Channel Tunnel to/from Mainland EU airports. It should be noted that, whilst the Applicant has not built in any positive implications around Brexit in this context, there may well be some as the routing via the Channel Tunnel may become slower and even less time certain.</p>

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		iv. Manston's SE location and relative proximity to London (by comparison to the other airports mentioned) makes it a superior proposition with shorter and more time definite trucking times. Air freight is all about speed and time certainty; the faster and more certain that is, the more the market will value and pay for it.
ND.2.35	The Applicant	<p>Passenger forecasts</p> <p>York Aviation [REP3-025 – Updated Critique of Assessment of the Need and Justification for the development of Manston Airport as an Air Freight Hub – Chapter 5] consider the passenger potential of the proposed development in detail, concluding that the proposed development might achieve around half of the number of passengers (750,000) forecast within the Azimuth report [APP-085], but to do so there would need to be an allowance for passenger aircraft movements in the night period. They also consider that the build up to such levels of passenger throughput would be significantly slower than projected.</p> <p>i. Provide further justification for your passenger forecasts and evidenced counter arguments to this viewpoint.</p> <p>ii. Would such forecasts be achievable bearing in mind the commitment in the Noise Mitigation Plan [REP4-023] that an aircraft could not take-off or be scheduled to land at night between 2300 and 0600, and further noting potential freight traffic which may wish to use the periods immediately before and after the night time restriction?</p> <p>Applicant's Response:</p> <p>The passenger forecast was built using a bottom up approach, taking account of intelligence gathered by the Applicant and through research in the sector as detailed in the Azimuth Report. The Azimuth approach builds the passenger forecast by market – Low Cost Carrier (with RyanAir as the indicative carrier based on ongoing discussions between the Applicant and this company), a scheduled service (indicatively KLM based on their previous operation), cruise ship tie ups (based on discussions with the Port of Dover and previous similar services at Manston), and a small number of other charter flights based on likely demand in the catchment area. Details are provided later in the response to this question. The forecast is not outside the bounds of that produced by AviaSolutions in September 2016, who used a different methodology. A comparison between the AviaSolutions passenger</p>

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		<p>forecasts and the Azimuth forecast is shown below. It is assumed that Azimuth's Year 1 of operations is 2022 (freight flights commence until Year 2 and passengers Year 3, notionally 2023). It is interesting to note how quickly the AviaSolutions forecast increases to over 1 million passengers from the commencement of operations.</p> <table><tr><th>Year</th><th colspan="4">AviaSolutions</th><th rowspan="2">Azimuth</th></tr><tr><th></th><th>No new runways</th><th>3rd runway LHR</th><th>2nd runway LGW</th><th>2 new runways (LHR and LGW)</th></tr><tr><td>2018</td><td>350,000</td><td>350,000</td><td>350,000</td><td>350,000</td><td></td></tr><tr><td>2020</td><td>1,010,000</td><td>1,010,000</td><td>1,010,000</td><td>1,010,000</td><td></td></tr><tr><td>2025 (Y5)</td><td>1,700,000</td><td>1,700,000</td><td>710,000</td><td>710,000</td><td>686,672</td></tr><tr><td>2030 (Y10)</td><td>2,800,000</td><td>1,370,000</td><td>450,000</td><td>190,000</td><td>975,591</td></tr><tr><td>2035 (Y15)</td><td>3,770,000</td><td>760,000</td><td>760,000</td><td>290,000</td><td>1,170,553</td></tr><tr><td>2040 (Y20)</td><td>4,780,000</td><td>1,300,000</td><td>1,270,000</td><td>440,000</td><td>1,407,753</td></tr><tr><td>2045</td><td>5,790,000</td><td>2,240,000</td><td>2,170,000</td><td>220,000</td><td></td></tr><tr><td>2050</td><td>7,180,000</td><td>3,570,000</td><td>3,290,000</td><td>460,000</td><td></td></tr></table> <p>The Azimuth forecast includes:</p> <ul style="list-style-type: none">• A Low Cost Carrier (LCC) basing aircraft at Manston	Year	AviaSolutions				Azimuth		No new runways	3 rd runway LHR	2 nd runway LGW	2 new runways (LHR and LGW)	2018	350,000	350,000	350,000	350,000		2020	1,010,000	1,010,000	1,010,000	1,010,000		2025 (Y5)	1,700,000	1,700,000	710,000	710,000	686,672	2030 (Y10)	2,800,000	1,370,000	450,000	190,000	975,591	2035 (Y15)	3,770,000	760,000	760,000	290,000	1,170,553	2040 (Y20)	4,780,000	1,300,000	1,270,000	440,000	1,407,753	2045	5,790,000	2,240,000	2,170,000	220,000		2050	7,180,000	3,570,000	3,290,000	460,000	
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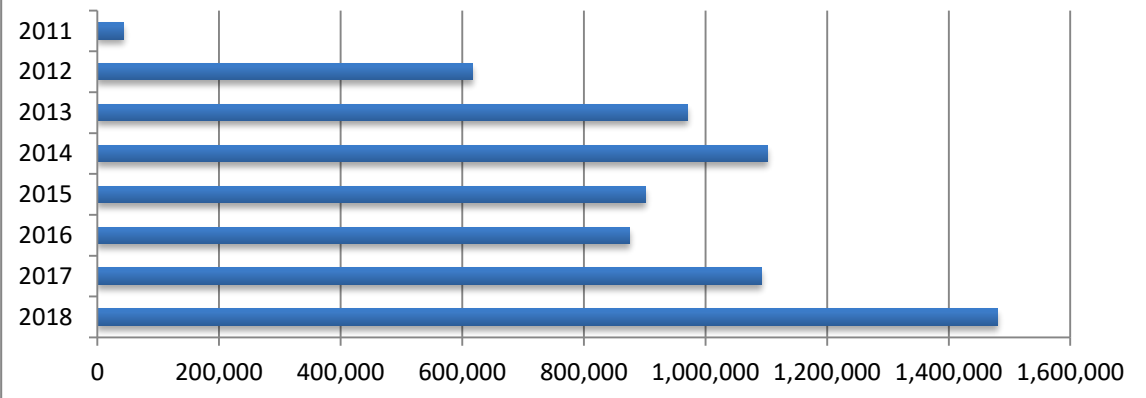
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		<ul style="list-style-type: none"> ○ This forecast was the result of discussions between RyanAir and RiverOak. Manston provides an opportunity for a LCC who may be unable to start up or expand within the South East or switch from a congested airport. Manston is easily accessible for passengers who value short walking distances from surface access points (car park or bus stop) to departures and vice versa for arrivals. ➤ The forecast includes two based aircraft operating 3,276 ATMs in Years 3, 4 and 5 (5 rotations summer and 4 in winter) increasing to three based aircraft thereon. • KLM resuming their twice-daily operation to Amsterdam Schiphol <ul style="list-style-type: none"> ○ This forecast was the result of discussions between KLM and RiverOak and information on their previous operations at Manston together with details of why they left. ➤ The forecast therefore includes a twice-daily rotation between MSE and AMS as per previous operations (1,456 ATMs per year commencing in Year 3) • A small charter operation in the summer season <ul style="list-style-type: none"> ○ Intelligence gathered during the research identified the potential for charter operations for a number of reasons. ○ There is a potential market for flights to and from Eastern Europe to meet the needs of agricultural workers, many of whom have employment in Kent. This, however, will be subject to the conditions of the UK's exit from the EU. ○ Manston previously supported charter operations including Newmarket Holidays to Italy's Verona and Naples ➤ The forecast therefore includes 200 annual ATMS in Year 3, growing to 240 in Year 4 and to 280 in Year 5. This breaks down as 1 flight (2 movements) per day for 12 weeks per year plus 5 flights per week for 20 weeks per year. • Cruise ship flights tied in with Port of Dover <ul style="list-style-type: none"> ○ Manston previously hosted flights from the US with passengers bound for cruise ships sailing from Dover. Discussions with Dover Harbour Board on the 28th June 2017 (Sonia Limbrick, Head of Business Development, Cruise, Barbara Buczek, Director of Corporate Development and Operations, and Richard Christian, Head of Policy and Communications) identified that this remains a possibility for the airport.

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		<p>➤ The forecast includes 52 ATMs commencing in Year 4 (one flight per week for 26 weeks of the year), increasing to 104 ATMS in Year 7 (two weekly flights during the season).</p> <p>Research identified other possibilities including a Low Cost Long Haul operation but there was insufficient information to include in the current forecast. There is also some evidence than an inbound carrier from China may consider Manston in order to gain access to the South East. This was not included in the forecast but would provide opportunities for tourism in the area.</p> <p>In terms of York Aviation's criticisms of the Applicant's forecast, they fail to understand the local market particularly the inbound market, which includes language schools, private schools, universities, pilgrims visiting Canterbury Cathedral, etc.</p> <p>Travel times to and from Manston are also incorrectly calculated by York. Proper analysis including drive times (LHR 130/LGW 110) plus parking, walking, check in and wait times shows Thanet to Heathrow to be around 6.5 hours and to Gatwick around 5 hours 10 (See document number REP5-070).</p> <p>York Aviation previously used unrealistic percentages for their gravity model (5%) whereas research shows that older people, who constitute a considerable proportion of the market, prefer regional airports with easy access.</p> <p>York Aviation fail to acknowledge that there are examples of regional airports with rapid growth. For example, Southend Airport shows how a regional airport, even with proximity to Stansted, can grow passenger numbers quickly. The following chart shows the growth in passenger numbers at Southend since 2011:</p>

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		<div><p>Growth in passenger numbers at Southend Airport</p><table><caption>Passenger Numbers at Southend Airport (Estimated)</caption><thead><tr><th>Year</th><th>Passenger Numbers</th></tr></thead><tbody><tr><td>2011</td><td>~50,000</td></tr><tr><td>2012</td><td>~600,000</td></tr><tr><td>2013</td><td>~950,000</td></tr><tr><td>2014</td><td>~1,100,000</td></tr><tr><td>2015</td><td>~900,000</td></tr><tr><td>2016</td><td>~850,000</td></tr><tr><td>2017</td><td>~1,100,000</td></tr><tr><td>2018</td><td>~1,450,000</td></tr></tbody></table></div> <p>ii. The passenger forecast for Manston Airport is realistic, even given night flying restrictions. A detailed assessment of the RyanAir Summer 2019 schedule for all UK airports where Ryanair have based aircraft shows relatively few arrivals after 23.00. Details are shown below. Bournemouth, for example, has only one flight that arrives on Mondays, Wednesdays, Fridays and Sundays at 23.05. Exeter has nothing arriving after 22.00 and Southend only has one flight on Tuesdays, Thursdays and Sunday that arrives after 23.00 hrs and two on Saturdays. Manston Airport’s geographical location mean that flight times may be shorter and avoid congested London airspace. Flights to and from Manston Airport and Portugal, Spain, France, Italy, Switzerland, Greece, Turkey, Bulgaria, Croatia, Austria and parts of Germany save time on each sector length using Manston. This means that flight times are shorter and the same number of rotations can be completed in less time, reducing the need for late arriving flights. Shorter flight times and less time on approaches into airports within the congested London airspace mean less fuel burn (and less emissions) and reduce crew working time, potentially making airline operations from Manston more profitable.</p> <p>Belfast International from:</p> <table><tbody><tr><td>Alicante</td><td>23.10 (Monday, Wednesday, Friday)</td></tr><tr><td>London Stansted</td><td>23.15 (Tuesday, Wednesday, Thursday, Friday)</td></tr></tbody></table>	Year	Passenger Numbers	2011	~50,000	2012	~600,000	2013	~950,000	2014	~1,100,000	2015	~900,000	2016	~850,000	2017	~1,100,000	2018	~1,450,000	Alicante	23.10 (Monday, Wednesday, Friday)	London Stansted	23.15 (Tuesday, Wednesday, Thursday, Friday)
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		<p>Malaga 23.25 (Sunday)</p> <p>London Stansted 23.25 (Monday)</p> <p>Malaga 23.30 (Saturday, Tuesday, Thursday)</p> <p>London Stansted 23.40 (Sunday)</p> <p>Belfast has 68 inbound RyanAir ATMs per week. 19% arrive after 23.00hrs.</p> <p>Birmingham from:</p> <p>Dublin 23.00 (Sunday, Tuesday, Wed, Thurs, Fri)</p> <p>Murcia 23.05 (Monday)</p> <p>Murcia 23.10 (Saturday)</p> <p>Barcelona 23.15 (Saturday)</p> <p>Palma de Mallorca 23.15 (Wednesday)</p> <p>Chania (Greece) 23.15 (Saturday)</p> <p>Malaga 23.20 (Sunday, Wednesday, Friday)</p> <p>Dublin 23.30 (Saturday, Monday)</p> <p>Malta 23.30 (Tuesday)</p> <p>Faro 23.50 (Monday)</p> <p>Chania (Greece) 23.59 (Tuesday)</p> <p>Birmingham has 144 inbound RyanAir ATMs per week. Less than 13% arrive after 23.00hrs.</p> <p>Bournemouth from:</p> <p>Dublin 23.05 (Sunday only)</p> <p>Alicante 23.05 (Monday, Wednesday, Friday)</p> <p>Bournemouth has 42 inbound RyanAir ATMs per week. Less than 10% arrive just after 23.00 hrs.</p> <p>Bristol from:</p>

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		<p>Shannon 23.05 (Saturday)</p> <p>Venice 23.05 (Tuesday)</p> <p>Faro 23.15 (Monday)</p> <p>Palma de Mallorca 23.20 (Monday, Friday)</p> <p>Bucharest 23.25 (Tuesday)</p> <p>Malaga 23.25 (Sunday to Thursday)</p> <p>Palma de Mallorca 23.35 (Saturday)</p> <p>Faro 23.40 (Sunday, Tuesday, Wednesday, Thursday)</p> <p>Alicante 23.45 (Saturday, Sunday, Mon, Wed, Friday)</p> <p>Venice 23.50 (Sunday)</p> <p>Faro 23.50 (Saturday)</p> <p>Alicante 23.55 (Thursday)</p> <p>Palma de Mallorca 23.25 (Thursday)</p> <p>Bristol has 114 inbound RyanAir ATMs per week. 19% arrive after 23.00hrs.</p> <p>Exeter:</p> <p>Serves Naples, Malta and Malaga with nothing arriving after 22.00. No based aircraft.</p> <p>Glasgow Prestwick from:</p> <p>Alicante 23.10 (Wednesday)</p> <p>Alicante 23.40 (Sunday, Thursday)</p> <p>Rome 23.40 (Tuesday)</p> <p>Barcelona 23.45 (Sunday, Mon, Tues, Thurs, Friday)</p> <p>Malaga 23.05 (Saturday)</p> <p>Palma de Mallorca 23.35 (Tuesday)</p> <p>Prestwick has 51 inbound RyanAir ATMs per week. Less than 22% arrive after 23.00hrs.</p>

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		<p>London Southend from:</p> <p>Dublin 23.05 (Thursday)</p> <p>Faro 23.15 (Saturday)</p> <p>Milan 23.25 (Sunday)</p> <p>Copenhagen 23.25 (Saturday)</p> <p>Dublin 23.30 (Tuesday)</p> <p>Southend has 63 inbound RyanAir ATMs per week. Less than 8% arrive after 23.00 hrs.</p>

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Ns.2 Noise and Vibration		
Ns.2.1	The Applicant	<p>SPA/SAC</p> <p>Paragraph 4.3.10 of Thanet DCs LIR [REP3-010] states:</p> <p><i>“The airport site itself is approximately 1km from the Thanet Coast & Sandwich Bay Ramsar site and SPA, Thanet Coast SAC, the Sandwich Bay to Hacklinge Marshes SSSI and the Sandwich and Pegwell Bay National Nature Reserve, although the outfall corridor goes through/under all these designations. These designations are likely to be sensitive to noise and vibration and whilst they are within the 2km study area they have not been assessed in the noise assessment.”</i></p> <p>Point to where the noise impacts on the SPA/SAC have been explicitly assessed in the ES [APP-033] and RIAA [APP-044]?</p> <p>Applicant's Response:</p> <p>Noise impacts on the SPA have been assessed in Chapter 7 of the ES [APP-033, 034, 035] at paragraphs:</p> <ul style="list-style-type: none"> • 7.8.37 - 7.8.70; • 7.8.73 - 7.8.79; and • 7.8.82 – 7.8.88. <p>Noise impacts on the SAC were scoped out of the assessment presented in Chapter 7 of the ES [APP-033, 034, 035] as none of the SAC interest features is considered to be sensitive to noise.</p> <p>Noise impacts on the SPA have been assessed in the RIAA [APP-044] at paragraphs:</p>

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		<ul style="list-style-type: none"> • 4.2; • 4.2.4.1 – 4.2.4.34; • 4.2.5.1; • 4.3.3; • 4.4.3; and • 4.4.4.1. <p>Noise impacts on the SAC were scoped out of the assessment presented in the RIAA [APP-044] as none of the SAC interest features is considered to be sensitive to noise.</p>
Ns.2.2	The Applicant	<p>Effects of noise on birds</p> <p>The Applicant argues the assessment of effects of aircraft noise on birds presented in the Environmental Statement [APP-033] and Report to Inform Appropriate Assessment [APP-044] considered that a 70dB noise threshold was appropriate and sufficiently precautionary.</p> <p>i. How was this 70dB noise threshold arrived at?</p> <p>ii. What is the current ambient noise environment in the European Sites?</p> <p>Applicant's Response:</p> <p>i. Derivation of the 70dB LA_{max} threshold is discussed in Appendix 7.4 [APP-044]. Specifically, in the concluding sections of Appendix 7.4, paragraph 2.2.4, it is explained that '<i>Noise levels in excess of 80dB(A) have been recorded as causing the more severe disturbance incidents in a number of studies. This included species such as harlequin duck, American wigeon, gadwall and crested tern. For golden plover, tolerance of noise levels up to 72dB(A) have</i></p>

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		<p>ii. <i>been identified as having the potential not to disturb this species (Cutts et al., 2013)'. Therefore the 70dB LA_{max} threshold criteria is robust. The ExA is referred to Appendix 7.4 [APP-044] for further information.</i></p> <p>Ambient noise data have been collected for two locations in Pegwell Bay, part of the Thanet Coast and Sandwich Bay SPA.</p> <p>Noise data have been collected from VP1 (North) and VP2 (South) (locations indicated on Figure 2.4 in the Winter Bird Survey Report 2018-19 found at Ec.2.3 in TR020002/D6/SWQ/Appendices submitted at Deadline 6) on 7 and 25 February and 7 March 2019. Noise survey start and finish times coincide with the bird surveys undertaken on the same date.</p> <p>The table below shows the range of average (dB_{LAeq, ~6hr}) noise levels measured at each VP over the three visits. The table also shows the mean number of instances¹ per hour (over the ~18-hour total of the 3 individual survey periods) in which noise levels exceeded threshold value (55, 60, 65, 70, 75 and 80 dB_{LAmax} respectively).</p>

¹ A single noise event (instance) is defined here as where the noise level exceeded the threshold value for one or more **consecutive** one-second readings (noise readings were obtained at 1-second intervals).

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		<table> <tr> <th></th><th>VP1 (North)</th><th>VP2 (South)</th></tr> <tr> <td>Mean noise levels</td><td></td><td></td></tr> <tr> <td>dB LAeq, ~6hr (range)</td><td>50.3 – 60.5</td><td>49.0 – 52.5</td></tr> <tr> <td>Hourly frequency of noise events exceeding the following noise levels</td><td></td><td></td></tr> <tr> <td>>55+ dB LA_{ANNEX}</td><td>129.8</td><td>80.3</td></tr> <tr> <td>>60+ dB LA_{ANNEX}</td><td>108.7</td><td>36.1</td></tr> <tr> <td>>65+ dB LA_{ANNEX}</td><td>34.2</td><td>15.3</td></tr> <tr> <td>>70+ dB LA_{ANNEX}</td><td>9.7</td><td>7.3</td></tr> <tr> <td>>75+ dB LA_{ANNEX}</td><td>3.0</td><td>2.2</td></tr> <tr> <td>>80+ dB LA_{ANNEX}</td><td>0.5</td><td>0.2</td></tr> </table> <p>Data were collected in these locations as this area to the east of Manston Airport is used by the designated bird species identified by the assessment presented in Appendix 7.4 [APP-044] as the most sensitive to elevated noise levels. The number of additional noise events per day associated with aircraft flights from Manston Airport was reported in Ecology Noise Contour Maps (Ref: TR020002/D4/ENCM) submitted at Deadline 4.</p> <p>Ambient noise level data are not provided for other SPA, and all SAC, sites, as these were scoped out of further assessment in Chapter 7 of the ES, specifically Appendix 7.3 [APP-045] and the RIAA, Appendix A [APP-044].</p>		VP1 (North)	VP2 (South)	Mean noise levels			dB LAeq, ~6hr (range)	50.3 – 60.5	49.0 – 52.5	Hourly frequency of noise events exceeding the following noise levels			>55+ dB LA_{ANNEX}	129.8	80.3	>60+ dB LA_{ANNEX}	108.7	36.1	>65+ dB LA_{ANNEX}	34.2	15.3	>70+ dB LA_{ANNEX}	9.7	7.3	>75+ dB LA_{ANNEX}	3.0	2.2	>80+ dB LA_{ANNEX}	0.5	0.2
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Ns.2.3	The Applicant	<p>Air Traffic Movements</p> <p>The revision of the Noise Mitigation Plan submitted at D5 [REP5-index number to be allocated] states:</p>																														

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		<p><i>"1.7 The airport will be subject to an annual quota during between the Night Time Period hours of 2300 and 0700 of 30282. Each landing and take-off at the airport during the Night Time Period that time period is to count towards this annual quota. An aircraft is deemed to have taken off or landed during the time period if the time recorded by the appropriate ATC control unit as 'airborne' or 'landed' respectively falls within it;</i></p> <p><i>1.8 Emergency flights and flights operated by relief organisations for humanitarian reasons will not count towards the quota set in paragraph 1.7, or the cap set in paragraph 1.9, and will not be subject to the restrictions in paragraph 1.4.</i></p> <p><i>1.9 The airport will be subject to a total annual air transport movement limit of 26,468.</i></p> <p><i>1.10 The airport will be subject to a total annual General Aviation movement limit of 38,000."</i></p> <p>ES Chapter 12 states [APP-034]:</p> <p><i>"Aircraft Noise (aircraft air and airside ground noise including mobile and static sources of noise)</i></p> <p><i>12.7.38 The assessment of aircraft noise is presented for both Year 2 and Year 20 using the forecast aircraft movements as shown in Appendix 3.3.</i></p> <p><i>Year 2 is considered the 'opening year' and Year 20 is considered the 'worst-case' year in terms of noise.</i></p> <p><i>12.7.39 The forecast assumes that total aircraft traffic will grow from approximately 33 Air Transport Movements⁸ (ATMs) for a typical busy day in Year 2 to 79 ATMs per typical busy 24-hour day in Year 20. There will also be an average of approximately 16 non-ATMs per 24-hour day in all years including general aviation and training flights.</i></p> <p><i>12.7.40 During the daytime period (between 07:00 to 23:00) the Proposed Development is forecast to handle approximately 72 aircraft movements during a typical busy day and during the night-time period (between 23:00 and 07:00) it is forecast to handle an average of seven aircraft movements on a typical busy night.</i></p>

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		<p>12.7.41 <i>At its forecast capacity, the Proposed Development will have a total of 19 freight stands and four passenger stands. The freight stands will be constructed at the north of the site and at the existing terminal building and therefore passenger stands will be constructed on the north-east of the site around a new passenger terminal.</i></p> <p>12.7.45 <i>The assessment of aircraft noise presents the combined noise effects of airside ground noise and aircraft air noise for the Proposed Development, including:</i></p> <ul style="list-style-type: none"> • <i>Aircraft air noise - the noise as aircraft depart from and arrive at the Proposed Development; and</i> • <i>Airside ground noise - the noise from aircraft and associate airport activities, including aircraft taxiing and manoeuvring on the ground, static and moving airfield plant.</i> <p>12.7.46 <i>Generally, aircraft air noise is the dominant source of noise, except in areas in close proximity to the airfield but away from the runway (i.e. Spitfire Way).</i></p> <p><i>An Air Transport Movement (ATM) includes all landings and take-offs of commercial flights related to the transport of passengers and freight. All non-commercial aircraft movements which land or take-off from the airport are considered 'non-ATMs'."</i></p> <p>Has the Applicant modelled the worst case scenario in its ES [APP-034] as contained in the NMP submitted at D5 ie:</p> <ul style="list-style-type: none"> • Quota Count night flights/year; • 26,486 daytime ATMS/year; and • 38,000 General Aviation movements/year?
		Applicant's Response:

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		<p>Yes the Applicant has modelled the worst case scenario in the ES.</p> <p>All the metrics referred to have been modelled as part of the noise assessment within Chapter 12 of the ES [APP-033,034,035] as described below.</p> <p>The night time QC was calculated from the proportion of ATM expected to operate at night based on a typical busy day. An annual total of 26,486 ATM's were used in the noise model. The ES [APP-033,034,035] noise model is based on a 'typical busy day' during the busier winter season to ensure that noise exposure is calculated for a period when the airport is operating during a busier period and not the exposure averaged over the whole year. For example, on a typical busy day a total of 79 ATMs are forecast in a 24-hour period in year 20. If there were 79 ATMs every day in one year this would result in 28,835 ATMs, which is higher than the ATM cap in the NMP at D5. This demonstrates that the ES [APP-033,034,035] is based on noise exposure that is higher than would be forecast than if it were calculated using the daily average number of ATMs in year 20.</p> <p>On a typical busy day, 99 GA movements are included in the noise model which would equate to 36,135 GA movements per annum. It is acknowledged that the air quality forecast used a more conservative figure of 38,000 movements however the increase of 1865 GA movements represents only 2.6% of the total number of aircraft flying out of Manston, they are light aircraft and therefore QC exempt and they are not predicted to overfly urban areas. The variation would therefore not be expected to change the evaluation of significance presented in the ES [APP-033,034,035].</p>
Ns.2.4	The Applicant	<p>Noise insulation and its effectiveness at mitigating the adverse psychological and physiological health outcomes associated with aviation noise</p> <p>The Applicant states in its response to ExA FWQ Ns.1.5. [REP3-195] on noise insulation and countering health effects of noise:</p> <p><i>"Only limited direct evidence is available of the effect of noise insulation on reducing adverse health outcomes associated with aviation noise, as this has been little studied."</i></p>

Ref No.	Respondent	Question
		<p>Given the above statement would the applicant agree that a balanced and proportionate approach would be to reduce the SOAEL for:</p> <ul style="list-style-type: none"> • Day (0700 – 2300) LAeq,16hr (free-field); • Night (2300-0700) LAeq,8hr (free-field); and • Night (2300 – 0700) LASmax (outside) for more than 18 nightly events? <p>Applicant's Response:</p> <p>The applicant does not believe it is necessary to reduce the SOAEL value for the following reasons.</p> <p>The Significant Observed Adverse Effect SOAEL – “<i>is the level above which significant adverse effects on health and quality of life occur</i>”. The Government has stated that this is the exposure where the average person would be expected to begin to experience significant adverse impacts on health and quality of life (UK Airspace Policy: A framework for balanced decisions on the design and use of airspace, paragraph 5.39).</p> <p>For Manston Airport, this has been set in terms of an external noise exposure based on the available information regarding where significant adverse effects from aviation noise start to be felt by the average person. The values selected have been used elsewhere and represent the current consensus regarding the exposure at which these effects occur.</p> <p>Noise insulation has been proposed as a means to avoid those significant adverse effects. It would be disproportionate to reduce the value of SOAEL without any robust evidence to support that change.</p> <p>Furthermore, it should be noted that the response provided to the examiners First Written Questions [REP3-195] and referred to above, relates to the lack of an evidence base and does not imply anything more than the fact that more research may need to be carried out using a broad sample of airports and noise insulation schemes in order to have full confidence in the effectiveness of insulation in mitigating health effects. This point was originally raised by Public Health England (PHE) in their Written</p>

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		<p>Representation [RR-1608]; the Applicant has held detailed discussions with PHE to understand their concerns. Subsequently the approach adopted by the Applicant has been agreed in principle in the PHE Statement of Common Ground (SoCG) Paragraph 4.1.19 [REP4-008]:</p> <p><i>“4.1.19 The parties are agreed that noise insulation defined by national policy, if taken up, and if designed, installed, used and maintained properly, will offer attenuation of exterior sound, and aid in reducing environmental noise. PHE however note that there is little evidence on the effectiveness of noise mitigation as installed, in either acoustic or health terms, and if granted consent, would welcome any monitoring and local survey data that might aid in informing future policy. The Applicant agrees and will be considering how to monitor the performance and effectiveness of the benefits of noise insulation through the airport consultative committee. Proposals will be included in a later version of the Noise Mitigation Plan.”</i></p> <p>The issue therefore centres around assisting PHE to improve the evidence base such that future policy can be informed by improved data and the applicant has agreed to provide that information based on the monitoring requirements described in Paragraph 8.9 of the noise mitigation plan [REP5-008].</p> <p>In terms of the effectiveness of mitigation, this is often driven by factors such as uptake and quality of installation. The provisions contained in the Noise Mitigation Plan [APP-009] ensure proactive actions on the part of the applicant in informing affected residents of their right to insulation as well as professional installation to be overseen by the airport operator's approved contractor. Our noise insulation and ventilation scheme has been specifically designed so that:</p> <ul style="list-style-type: none"> • it is taken up (by covering the full cost); • is designed and installed properly (by appointing a third party specialist contractor to undertake the work); and • is maintained properly (by monitoring the performance of the noise insulation) <p>It is therefore considered likely that the noise insulation will avoid significant adverse effects of people in their homes and furthermore that the applicant could go no further in securing both the quality and the uptake of noise insulation and ventilation for affected properties.</p>

Ref No.	Respondent	Question
Ns.2.5	The Applicant	<p>Tranquil Open Spaces</p> <p>Can the Applicant provide a map identifying tranquil open spaces under the flightpath swathes?</p>
		<p>Applicant's Response:</p> <p>No open spaces designated as tranquil or prized for their tranquillity have been identified under the flight path swathes.</p> <p>To identify areas within the study area that would be referred to in the NPPF as being prized for their recreational and amenity value the following method was adopted:</p> <ol style="list-style-type: none"> 1. Review of local area plans within and around study area, including: <ul style="list-style-type: none"> • Surrey County Council • Ramsgate Town Council • Dover District Council • Kent County Council • Canterbury City Council • Thanet District Council 2. Consultation with TDC EHO (on 12/03/2018) who confirmed that Thanet has no designated Quiet Areas under the Environmental Noise Regs. 3. Consultation with Defra (on 13/03/2018) who stated that the 2014 Noise Action Plan for Agglomerations included a process to enable local authorities to designate quiet areas and that to date there have not been any applications in England. Defra were also unaware of any imminent applications and so the situation is unlikely to change in the near future." <p>In addition no tranquil receptors were identified in Chapter 11: Landscape and Visual [APP-034] or Chapter 9: Historic Environment.</p>

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Ns.2.6	The Applicant	<p>Airspace Change Process</p> <p>Provide a copy of the Statement of Need (SoN) for the Airspace Change Process (ACP), which it submitted to the CAA which identifies the requirement for appropriate airspace and approach and departure Instrument Flight Procedures (IFPs) which will be designed within the swathes and assessed as part of air space change.</p>
		<p>Applicant's Response:</p> <p>Please see a copy of the SoN attached at Appendix Ns.2.6 in TR020002/D6/SWQ/Appendices.</p>
Ns.2.7	The Applicant	<p>Noise Mitigation Plan submitted at Deadline 5</p> <p>The NMP states at paragraphs 1.4-1.6:</p> <p><i>"1.4 An aircraft cannot take-off or be scheduled to land at night between 2300 and 0600</i></p> <p><i>1.5 An aircraft cannot take-off or land between the hours of 2300 and 0700 where: 1.5.1 the operator of that aircraft has not provided (prior to its take-off or prior to its landing time as appropriate) sufficient information to enable the airport operator to verify its noise classification and thereby its quota count; or 1.5.2 the operator claims that the aircraft is an exempt aircraft within paragraph 1.2, but the aircraft is not indicated as such an aircraft in Part 2 of Appendix 1 to this plan.</i></p> <p><i>1.6 Any aircraft which has a quota count of 8 or 16 cannot take-off or land at the airport during the hours of 2300 and 0700."</i></p> <p>List all the circumstances under which an aircraft could take off or land between 2300-0600.</p>

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		<p>Applicant's Response:</p> <p>There are no circumstances when an aircraft could take off between 2300-0600 other than humanitarian flights.</p> <p>An aircraft could land between 2300-0600 if it was scheduled, programmed or otherwise notified to the airport that it was originally to arrive before 2300 but is delayed or if it is a humanitarian or emergency flight.</p>
Ns.2.8	The Applicant	<p>Noise Mitigation Plan submitted at Deadline 5</p> <p>The NMP states at paragraph 10.1:</p> <p><i>“Training flights</i></p> <p><i>10.1 Other than General Aviation training that is based at Manston Airport, there will be no routine training flights.”</i></p> <p>i. How many “non routine” training flights does the Applicant envisage per year?</p> <p>ii. Show how were “non routine” training flights included in the noise assessment?</p> <p>Applicant's Response:</p> <ul style="list-style-type: none"> i. The term “routine training flights” is not intended to imply that there will be any additional flights over and above the 38,000 general aviation flights referred to at Paragraph 1.10 of the Noise Mitigation Plan [APP-009]. Paragraph 10.1 of the Noise Mitigation Plan [APP-009] has been amended to ensure that this is clear. ii. The noise assessment does not include any additional non-routine training flights for the reasons described above.

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Ns.2.10	The Applicant Kent CC	<p>Noise insulation and ventilation in schools</p> <p>The Applicant states at paragraph C 2.14 of the Noise Summary submitted at Deadline 5:</p> <p><i>“The revised Noise Mitigation Plan included an express provision for schools to apply to the Community Consultative Committee for funds from the Community Trust Fund. In addition a schools liaison programme is now included in the Noise Mitigation Plan.”</i></p> <p>i. Can the Applicant explain why are schools not part of the Applicants’ direct insulation and ventilation scheme?</p> <p>ii. Can Kent CC provide an estimate of the potential costs associated with insulating and ventilating a primary school in Kent?</p>
		<p>Applicant’s Response:</p> <p>i. Schools and Community buildings are included in the ‘direct’ insulation and ventilation scheme. However, no schools lie within the 60dB LAeq precautionary contour which is the level at which they automatically qualify for noise insulation. Nonetheless the importance of schools is wholly acknowledged by the Applicant and as such Section 3 of the Noise Mitigation Plan [APP-009] makes additional provision for schools and community buildings affected by aircraft noise exceeding 50dB LAeq to be assessed and if necessary compensated via the Community Trust Fund.</p> <p>ii. Question for Kent County Council</p>
Ns.2.11	The Applicant	<p>Traffic Assessment for Deadline 5</p> <p>The TA addendum states:</p>

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		<p><i>"5.1.1 An assessment of the revised traffic model has identified a number of road links which could be subject to a greater than 1dB change in noise level as a result of the Proposed Development. This was the screening criterion used for triggering a need to undertake a more detailed noise assessment as set out in our assessment methodology contained in the ES [APP-033,034,035].</i></p> <p><i>5.1.2 It is therefore concluded that furthermore detailed road traffic noise assessment is required to supplement the ES chapter on noise because of the revised traffic data.</i></p> <p>5.1.3 It is expected that revised modelling to confirm the findings of the ES will be submitted at Deadline 6."</p> <p>Can the Applicant produce the following cumulative noise contour maps for the assessment of significant effects for operational noise from road traffic (night and day) and air traffic following the new TA modelling at Deadline 6?</p> <ul style="list-style-type: none"> • Aircraft/traffic noise – daytime LAeq,16hr contours - opening year; • Aircraft/Traffic noise – night-time LAeq, 8hr contours - opening year; • Aircraft/Traffic noise – daytime LAeq,16hr contours - year of maximum forecast capacity; • Aircraft/Traffic noise – night-time LAeq,8hr contours - year of maximum forecast capacity; • Aircraft/Traffic noise – night-time LASmax contours – opening year; • Aircraft/Traffic noise – night-time LASmax contours - year of maximum forecast capacity; • Aircraft/Traffic noise – night-time N80 contours – opening year; • Aircraft/Traffic noise – night-time N80 contours - year of maximum forecast capacity;

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Ref No.	Respondent	Question
		<ul style="list-style-type: none"> • Aircraft/Traffic noise – day-time N60 contours – opening year; and • Aircraft/Traffic noise – night-time N60 contours - year of maximum forecast capacity.
		<p>Applicant's Response:</p> <p>Regarding L_{Aeq} contours:</p> <p>The Applicant is not aware of any previous Environmental Impact Assessment (EIA) noise assessment where significant effects are determined using combined aircraft and road traffic L_{Aeq} noise contours and do not believe that it would be appropriate to provide such a contour as it could be misleading.</p> <p>The purpose of quantifying the noise impact of any noise making activity is to be able to use the information to determine the likely effects on health and quality of life of those experiencing that noise. Consistent with the most recent World Health Organisation (WHO) guidance on noise (<u>Environmental Noise Guidelines for the European Region, WHO 2018</u>), the assessment of noise on health and quality of life is based on accepted dose response data relating to single sources only. This means establishing a bespoke dose response relationship for multiple sources at a project level is not appropriate or meaningful. Therefore, whilst it is acknowledged that it is important to be aware of locations affected by both traffic and aircraft noise, providing combined data would not enable an estimation of the combined effect to be determined.</p> <p>Regarding L_{ASmax} and N-above contours no method is available for determining this information from individual road traffic events.</p> <p>The following noise contours are provided at Appendix Ns.2.11 in TR20002/D6/SWQ/Appendices, notwithstanding the fact that road traffic noise and aircraft noise are assessed separately for the reasons outlined above:</p> <ul style="list-style-type: none"> • Aircraft/traffic noise – daytime L_{Aeq}, 16hr contours – Year 2; • Aircraft/Traffic noise – night-time L_{Aeq}, 8hr contours – Year 2; • Aircraft/Traffic noise – daytime L_{Aeq}, 16hr contours - year of maximum forecast capacity;

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		<ul style="list-style-type: none"> Aircraft/Traffic noise – night-time LAeq,8hr contours - year of maximum forecast capacity;
Ns.2.12	The Applicant	<p>Manston Green Housing Development</p> <p>The noise sensitive receptors closest to the airport are identified in Chapter 12 of the ES [APP-034], however, no reference is made to the Manston Green Development. The only reference to Manston Green is within Chapter 18 which refers to cumulative effects which concludes that Manston Green (Site ID143) [APP-035] would be subject to a significant adverse effect from the proposed commercial airport in Year 20.</p> <p>i. Provide an estimate of the number of properties in Manston Green that would be potentially significantly affected?</p> <p>It is specified in para. 18.5.114 of the ES [APP-035] that the consent for Manston Green was consented under the provisions of Local Plan 2006 and therefore assumed existence and operation of the Airport.</p> <p>ii. Point to where in Chapter 12 [APP-034] or Chapter 18 [APP-035] it refers to the site constraints and whether the proposed commercial airport would affect the future development of Manston Green?</p> <p>Applicant's Response:</p> <p>i. No properties in the Manston Green Development are forecast to be exposed to noise levels above the day or night time SOAELs in any operational year. Nonetheless, all properties within the Manston Green Development fall between the daytime and night time LOAEL and SOAEL. A supporting figure is appended at Appendix Ns.2.12 in TR20002/D6/SWQ/Appendices.</p> <p>ii. The Manston Green Development is referred to at a number of locations within Chapter 18 of the ES [APP-035] for the Airport (please note; Table 18.4, and paragraphs 18.5.17, 18.5.22, 18.5.27, 18.5.36, 18.5.42, 18.5.60-63 and 18.5.66). With specific regard to noise, Paragraphs 18.5.111 to 18.5.114 note the potential significant effects on the development and also note the allocation of Manston Airport in the then extant local plan. At the time of writing, as reported in the sections of the ES [APP-035]</p>

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		<p>noted above, the expectation was that the extant local plan would be taken into account in any consent granted and this is borne out in Condition 35 of the consent granted on 13 July 2016 which states “<i>The construction of phases 1a, 1b, 2, 3a and 3b on the approved phasing plan shall not commence until a scheme protecting the development that falls within these phases from aircraft noise has been submitted to and approved in writing by the local planning authority</i>”.</p>
Ns.2.13	The Applicant	<p>SOAEL daytime</p> <p>The Applicant at paragraph 12.6.64 of the ES [APP-034] states:</p> <p><i>“12.6.64 For the daytime period, a significant adverse effect is determined to occur when average absolute free-field operational noise exposures are greater than 63 dB LAeq,16hr. This has been defined as the SOAEL for daytime aircraft operational noise and is based upon the Aviation Policy Framework (Paragraphs 3.37-3.39), which indicates that above 63 dB LAeq,16hr, airports should provide assistance towards noise insulation at noise-sensitive buildings and residential dwellings.”</i></p> <p>The Aviation Policy Framework is dated 2013. Paragraph 3.17 states:</p> <p><i>“We will continue to treat the 57dB LAeq 16 hour contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance. However, this does not mean that all people within this contour will experience significant adverse effects from aircraft noise. Nor does it mean that no-one outside of this contour will consider themselves annoyed by aircraft noise.”</i></p> <p>The CAA’s recent findings on Aircraft Noise and Annoyance (February 2018) makes reference to UK policy in relation to an ‘annoyance threshold’ and highlights 57dB LAeq (16 hour) as marking the approximate onset of significant community annoyance. 3rd paragraph page 6 states:</p> <p><i>“The government published their Response to their Airspace Consultation in 2017 and acknowledged the evidence from the SoNA study, which showed that sensitivity to aircraft noise has increased, with the same percentage of people reporting to be highly annoyed at a level of 54 dB LAeq,16hr as occurred at 57 dB LAeq,16hr in the past.”</i></p>

Ref No.	Respondent	Question
		<p>In the light of these recent studies can the Applicant explain why it is still using daytime SOAEL of 63dB LAeq 16hr?</p> <p>Applicant's Response:</p> <p>Although it is the same word, 'significant' in the phrase "onset of significant community annoyance" does not have the same meaning as 'significant' in SOAEL.</p> <p>The original phrase dates back to 2003 and the Government document Future of Air Transport. At that time, 57 dB was regarded as the noise level where the annoyance started to increase as a result of increasing exposure and where adverse effects could confidently start to be attributed to aircraft noise. If anything, therefore, this value can be more closely associated with the LOAEL. In terms of effect, the 57dB figure related to a level of exposure where 9% of those affected would be expected to be highly annoyed (i.e. 91% of those affected would not be highly annoyed).</p> <p>The <u>CAA's 2014 Survey of Noise Attitudes</u> (SoNA 2014) sampled populations living near nine airports in England (Birmingham; East Midlands; Gatwick; Heathrow; London City; Luton; Manchester; Newcastle; and Stansted), with 77% of the sample living around Heathrow airport. SoNA demonstrated that the effect that was previously expected to occur at 57 dB should now be expected to occur at 54 dB. Consequently, SoNA indicates that LOAEL should reduce to 54 dB. In fact, in their Consultation Response on UK Airspace Policy, the Government stated that LOAEL should be defined at 51 dB. The Applicant has set the LOAEL at 50 dB.</p> <p>The Daytime SOAEL for aircraft noise for Manston Airport has been set at 63dB LAeq,16hr and derived from the Aviation Policy Framework requirement (Para 3.39) to "<i>offer financial assistance towards acoustic insulation to residential properties which experience an increase in noise of 3dB or more which leaves them exposed to levels of noise of 63 dB LAeq, 16h or more</i>"</p> <p>The results for SoNA showed that the effect at an exposure of 63 dB (the SOAEL for Manston Airport) was unchanged from 2003 at 23% highly annoyed (i.e. 77% of those affected are not highly annoyed). Therefore, the SoNA results do not support a change to the value of SOAEL used.</p>

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Ns.2.14	The Applicant	<p>Uncertainty in noise modelling</p> <p>The Applicant states in it Noise Summary submitted at Deadline 5 paragraph b 2.9:</p> <p><i>"2.9 The Applicant stated that there was a level of uncertainty associated with any model, as its accuracy is dependent on its parameters. The Applicant confirmed that the Integrated Noise Model (INM) used was a validated noise model."</i></p> <p>How is the level of uncertainty quantified i.e.+ or - % or dB,- and expressed in the assessment?</p>
		<p>Applicant's Response:</p> <p>Within the assessment uncertainty is not explicitly quantified. INM, as is the case with all noise models uses validated aircraft noise performance databases provided by ICAO. AEDT, INM and ANCON (the CAA model) use the same database.</p> <p>In terms of understanding the differences between the various models and any uncertainty within them, the Applicant invites the ExA to consider CAP 1736 Edinburgh Airport Noise Calculations and Comparisons with Measurements which describe a comparison of noise contours with measured data using the CAAs ANCON model. The paper provides some guidance on the accuracy of noise models used to calculate long term exposure to aircraft noise. Paragraph 48 of the attached states:</p> <p><i>"...it is worth noting that while there are steps that can be taken to create and improve noise analysis, the standard margin of error in calculating long-term average noise exposure is ± 1 dB and the uncertainty in noise measurements recorded by high quality noise monitors sited appropriately is of a similar order. Care should therefore be taken in over-relying or interpreting variations or differences within these parameters."</i></p> <p>It is therefore considered appropriate to adopt standard procedures for Manston Airport. INM has been used to estimate long-term average effects using average inputs and hence while positive and negative differences may occur between prediction and</p>

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		<p>measurement at a given location on a given day, the overall average error predicted at all locations within the study area is likely to be very low for a given set of input parameters.</p> <p>Furthermore, the Applicant has committed to a noise contour area cap. This has been included into the latest Noise Mitigation Plan [APP-009]. Adherence to the Noise Mitigation Plan [APP-009] means that the noise effects of Manston Airport will not exceed those assessed in the ES.</p>
Ns.2.15	The Applicant	<p>Sensitivity testing</p> <p>For the purposes of this proposed development, the Significant Adverse Effect Level (SOAEL) has been set at 63 dB LAeq,16h (Applicants response to FWQs Ns 1.1). Paragraph 12.6.64 of the ES [APP-034] states:</p> <p><i>"For the daytime period, a significant adverse effect is determined to occur when average absolute free-field operational noise exposures are greater than 63 dB LAeq,16hr. This has been defined as the SOAEL for daytime aircraft operational noise and is based upon the Aviation Policy Framework 2013 (Paragraphs 3.37-3.39), which indicates that above 63 dB LAeq,16hr, airports should provide assistance towards noise insulation at noise-sensitive buildings and residential dwellings."</i></p> <p>The Applicant states at paragraph 2.6 of the Noise Summary submitted at Deadline 5:</p> <p><i>"2.6 Following a question from the ExA the Applicant explained that an increase of 0-3dB should be considered negligible in the long term."</i></p> <p>Carry out sensitivity testing to be submitted at Deadline 6, to see how many additional properties would be above a:</p> <ul style="list-style-type: none"> • Significant Adverse Effect Level (SOAEL) set at 62, 61, 60 dB LAeq,16h; • UAEL of 68, 67, 66 dB LAeq,16hr; and

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Ref No.	Respondent	Question																																													
		<p>• night time SOAEL of 54, 53,52 dB LAeq,8hr.</p> <p>Applicant's Response:</p> <p>The number of properties above the thresholds specified above are summarised in the Table below. The number of properties has been calculated based on the AddressBase Plus address dataset.</p> <table><tr><th>Daytime SOAEL</th><th colspan="2">Number of properties</th><th>Night time SOAEL</th><th colspan="2">Number of properties</th><th>UAEL</th><th colspan="2">Number of properties</th></tr><tr><th>(LAeq,16hr)</th><th>Year 2</th><th>year 20</th><th>(LAeq,8hr)</th><th>Year 2</th><th>year 20</th><th>(LAeq,16rh)</th><th>Year 2</th><th>year 20</th></tr><tr><td>60</td><td>61</td><td>833</td><td>52</td><td>64</td><td>1183</td><td>66</td><td>2</td><td>24</td></tr><tr><td>61</td><td>52</td><td>516</td><td>53</td><td>23</td><td>708</td><td>67</td><td>0</td><td>15</td></tr><tr><td>62</td><td>33</td><td>280</td><td>54</td><td>10</td><td>421</td><td>68</td><td>0</td><td>6</td></tr></table>	Daytime SOAEL	Number of properties		Night time SOAEL	Number of properties		UAEL	Number of properties		(LAeq,16hr)	Year 2	year 20	(LAeq,8hr)	Year 2	year 20	(LAeq,16rh)	Year 2	year 20	60	61	833	52	64	1183	66	2	24	61	52	516	53	23	708	67	0	15	62	33	280	54	10	421	68	0	6
Daytime SOAEL	Number of properties		Night time SOAEL	Number of properties		UAEL	Number of properties																																								
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62	33	280	54	10	421	68	0	6																																							
Ns.2.16	The Applicant	<p>Noise Indicator for Schools - a 30-minute period/individual indicator noise events in assessing impacts on sensitive schools and community facilities</p> <p>UK design guidelines for the upper limit for internal levels in schools (Acoustic design of schools: performance standards - Building bulletin 93) are defined as 30-minute period noise levels whilst, the ES [APP-034] presents screening criteria for schools as LAeq,16hr. Significant effects on the schools are predicted when the screening criteria is exceeded by 3dB or more. If the airport operates an evenly distributed timetable, the LAeq,16hr at a given receptor would be equivalent to the LAeq,16hr. A distorted timetable could result in 30-minute periods throughout the day which are higher or lower than the LAeq,16hr.</p> <p>Model the effects of a distorted timetable using 30 minute period noise levels for the following schools to be presented at Deadline 6:</p> <p>• Manston School House Nursery;</p>																																													

Ref No.	Respondent	Question
		<ul style="list-style-type: none"> • Chatham & Clarendon Grammar School; • The Elms Nursery School; • Priory County Infant School; • Masque Theatre School; • Fledglings Nursery School; and • Ellington Infant School.
		<p>Applicant's Response:</p> <p>Given that it is not possible to define a detailed timetable for aircraft arrivals and departures at this point in time, the ES [APP-033,034,035] noise model was based on an evenly distributed timetable. Nonetheless, in response to the above an indicative distorted timetable has been generated based on the following potential scenario:</p> <p>As the majority of the ATMs will be connected with an airport in a different time zone and often involve flight times of many hours, there will be a theoretical desire to arrive and depart Manston throughout the day. Nonetheless, as night ATMs will not be permitted, this will cause a higher than average demand during the hours immediately after opening in the morning and again in the hours approaching closure in the evening. This is because aircraft operators will wish to minimise changes to their ideal flight operating time and will therefore either operate later than ideal and thus in the early morning or earlier than ideal and thus in the late evening.</p> <p>This distribution was modelled, resulting in the 30 minute noise exposure levels for different numbers of hourly ATMs outlined in Table 1 below with the following conclusions:</p> <ul style="list-style-type: none"> • Between 07:00 and 08:00 the $L_{Aeq16Hr}$ is expected to be 1dB higher than the even timetable $L_{Aeq, 16hr}$.

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		<ul style="list-style-type: none">Between 08:00 and 22:00 the $L_{Aeq16Hr}$ is expected to be the same as even timetable $L_{Aeq, 16hr}$.Between 22:00 and 23:00 the $L_{Aeq16Hr}$ is expected to be 1dB higher than the even timetable $L_{Aeq, 16hr}$. <p><i>Table 1 Maximum 30-minute noise exposure ($L_{Aeq,0.5hr}$) at schools for different number of ATMs.</i></p> <table><tr><th></th><th>7:00 to 8:00</th><th>8:00 to 9:00</th><th>9:00 to 10:00</th><th>10:00 to 20:00</th><th>20:00 to 21:00</th><th>21:00 to 22:00</th><th>22:00 to 23:00</th><th>Even timetable</th></tr><tr><td>ATMs (1 hour)</td><td>5.67</td><td>4.91</td><td>4.91</td><td>4.15</td><td>4.91</td><td>4.91</td><td>5.67</td><td>4.5</td></tr><tr><td>ATMS (30 mins)</td><td>2.84</td><td>2.46</td><td>2.46</td><td>2.08</td><td>2.46</td><td>2.46</td><td>2.84</td><td>2.25</td></tr></table> <table><tr><td>Manston School House Nursery</td><td>56</td><td>55</td><td>55</td><td>55</td><td>55</td><td>55</td><td>56</td><td>55</td></tr><tr><td>Chatham & Clarendon Grammar School</td><td>59</td><td>58</td><td>58</td><td>58</td><td>58</td><td>58</td><td>59</td><td>58</td></tr><tr><td>The Elms Nursery School</td><td>59</td><td>58</td><td>58</td><td>58</td><td>58</td><td>58</td><td>59</td><td>58</td></tr><tr><td>Priory County Infant School</td><td>56</td><td>55</td><td>55</td><td>55</td><td>55</td><td>55</td><td>56</td><td>55</td></tr><tr><td>Masque Theatre School</td><td>58</td><td>57</td><td>57</td><td>57</td><td>57</td><td>57</td><td>58</td><td>57</td></tr><tr><td>Fledglings Nursery School</td><td>58</td><td>57</td><td>57</td><td>57</td><td>57</td><td>57</td><td>58</td><td>57</td></tr><tr><td>Ellington Infant School</td><td>57</td><td>56</td><td>56</td><td>56</td><td>56</td><td>56</td><td>57</td><td>56</td></tr></table> <p>The above analysis shows that noise levels during normal school teaching hours will not be any higher than those predicted in the ES.</p>		7:00 to 8:00	8:00 to 9:00	9:00 to 10:00	10:00 to 20:00	20:00 to 21:00	21:00 to 22:00	22:00 to 23:00	Even timetable	ATMs (1 hour)	5.67	4.91	4.91	4.15	4.91	4.91	5.67	4.5	ATMS (30 mins)	2.84	2.46	2.46	2.08	2.46	2.46	2.84	2.25	Manston School House Nursery	56	55	55	55	55	55	56	55	Chatham & Clarendon Grammar School	59	58	58	58	58	58	59	58	The Elms Nursery School	59	58	58	58	58	58	59	58	Priory County Infant School	56	55	55	55	55	55	56	55	Masque Theatre School	58	57	57	57	57	57	58	57	Fledglings Nursery School	58	57	57	57	57	57	58	57	Ellington Infant School	57	56	56	56	56	56	57	56
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Ns.2.17	The Applicant	<p>Additional awakenings</p> <p>The Applicant acknowledges that the Basner 2006 study (Aircraft noise effects on sleep: Application of the results of a large polysomnographic field study. <i>The Journal of the Acoustical Society of America</i> 119, 2772 (2006) was based on residents already exposed to aircraft noise (Noise Summary submission at Deadline 5).</p> <p><i>“The study investigated 61 residents in the vicinity of Cologne / Bonn airport over 9 nights. It is the most comprehensive study on aircraft noise awakenings to date. As acknowledged by Public Health England [paragraphs 4.1.15 of the Draft Statement of</i></p>																																																																																										

Ref No.	Respondent	Question
		<p><i>Common Ground between the Applicant and Public Health England REP4-008] the data still under-pins the most recent WHO guidelines on sleep disturbance (Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Effects on Sleep). Similar studies have not been undertaken for new airports.</i></p> <p><i>Our study of additional awakenings was undertaken in Year 2 and Year 20. In Year 20, the surrounding population will have become habituated to aircraft noise."</i></p> <p><i>• Point to any published evidence which supports their assertion that the "surrounding population will have become habituated to aircraft noise."?</i></p> <p>The Applicant goes on to say:</p> <p><i>"In Year 20 the number of events was significantly below the threshold for triggering additional awakenings. In Year 2, the forecast aircraft movements are much lower. In Year 2 paragraph 12.7.56 of the ES [APP-033,034,035] stated that "N-above contours demonstrate that residential properties in the vicinity of the Proposed Development will be exposed to up to one aircraft noise event in excess of 80 dB LASmax on an average night ". This is a very low number of noise events. Because of this, and whilst the Basner research is based on people already exposed to aircraft noise, it is considered unlikely that an equivalent study for a new airport would alter the conclusions of the ES for the opening, even if such a study was available."</i></p> <p>Point to any published evidence which supports their assertion that "it is considered unlikely that an equivalent study for a new airport would alter the conclusions of the ES for the opening"?</p> <p>Applicant's Response:</p> <p>Regarding evidence relating to habituation:</p> <p>The term habituated was used with respect to the applicability of Basner's findings on determining the number of additional awakenings due to aircraft noise at Manston Airport.</p>

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		<p>Participants of Basner's study were residents of Cologne-Bonn airport, which, at the time of the study was one of the busiest German airports at night-time. Hence, participants were clearly familiarised to aircraft noise exposure, as will the Manston residents have become at the 20th year of Manston Airport operation. Basner's findings are therefore suitable for describing the effects of night-time aircraft noise on sleep at the 20th year of Manston Airport operation.</p> <p>In a recent systematic review of environmental noise and effects on sleep used to inform the most recent World Health Organisation (WHO) guidance on noise (<u>Environmental Noise Guidelines for the European Region, WHO 2018</u>) Basner, M. and S. McGuire (2018)¹ highlights that only a few studies have demonstrated habituation in relation to environmental noise effects on objective sleep disturbance. It is thought that individuals do habituate to noise. This is indicated in laboratory studies where the probability of noise causing physiological reactions is higher during the first nights of a laboratory experiment compared to the last nights of the experiment² and exposure response functions for sleep disturbance are generally shallower for field studies compared to laboratory studies³. However, Basner & McGuire point out that habituation is by no means complete, as individuals continue to react to noise events even after several years of exposure, as demonstrated by the fact that participants in the study used to inform Basner 2006², the study applied to Manston Airport, still display physiological reactions to aircraft noise despite being familiarised to aircraft noise.</p> <p>Regarding the applicability of the findings to the early years of operation Manston Airport:</p> <p>As described above it has been seen in laboratory that probability of noise causing physiological reactions is higher during the first nights of a laboratory experiment compared to the last nights of the experiment, indicating that habituation can happen quickly.</p> <p>It should also be noted that Basner's findings are widely accepted as the best available tool for the assessment of additional awakenings. The findings of the study³ were used to inform a noise management plan for Leipzig/Halle airport in Germany to manage the risk of sleep disturbances associated with aircraft noise. The airport was undergoing operational changes which included turning and extending a runway; introducing a parallel runway system with simultaneous takeoffs and landings; and a significant increase in night-flights associated with the opening of an international freight hub, changes which must have been associated with 'new' exposure (and hence relevant to Manson) and also increased exposure for some who already had it.</p>

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		<p>¹ Basner, M. and S. McGuire (2018). "WHO Environmental Noise Guidelines for the European Region: A systematic review on environmental noise and effects on sleep." International Journal of Environmental Research and Public Health 15(3): 519.</p> <p>² Basner, M., et al. (2011). "Single and combined effects of air, road, and rail traffic noise on sleep and recuperation." Sleep 34: 11-23.</p> <p>³ Basner, M., et al. (2006). "Aircraft noise effect on sleep: application of the results of a large polysomnographic field study." The Journal of the Acoustical Society of America 119(5): 2772-2784.</p>
Ns.2.18	The Applicant	<p>Aircraft fleet mix</p> <p>The applicant at the Need Hearing on the 21 March 2019 made clear that conventional integrator operations are no longer expected at Manston and that such movements would be made instead by 'New' e-commerce integrators operating a different pattern of flights not requiring night operations.</p> <p>Given that 48% of the movements in Year 20 are shown in the ES (Appendix 3.3 [APP-044]) to be by a conventional integrator, of which half were expected to be using quiet ATR-72 turbo-prop aircraft, the substitution of these movements by a 'New' integrator would be expected to use more Boeing B737 types rather than turbo-props.</p> <p>The Applicant stated at the Need Hearing ISH2 that the noise assessments were made on the basis of the specific fleet mix set out in Appendix 3.3. of the ES [APP-044], including by reference to the individual aircraft and their engine types operated by the named airlines in that Appendix.</p> <p>Given the likely change in the nature of the operators and the fact that several of the airlines do not operate freighter aircraft of the types specified (see York Aviation 2019 Report para. 3.10), would the Applicant agree (and if not why not) that the fleet mix assessed is almost certain to understate noise exposure relative to what is now proposed?</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>The Applicant has committed to a noise contour area cap. This has been included into the latest Noise Mitigation Plan [APP-009]. Adherence to the Noise Mitigation Plan [APP-009] means that the noise effects of Manston Airport will not exceed those assessed in the ES.</p>
Ns.2.19	The Applicant	<p>Flightpaths</p> <p>The assessment appears to be based on assumptions about flight paths that rely on broader airspace changes to be delivered as part of the Future Airspace Strategy Implementation South (FASI S) Airspace change programme (Government/CAA Airspace Modernisation Strategy), which will require coordination with NATS and other airports.</p> <p>There can be no certainty that the proposed flightpaths which the noise assessment is based on will be deliverable.</p> <p>Would the Applicant agree that a worst case assessment would need to be based on flightpaths as previously operated when the airport was open?</p> <p>Applicant's Response:</p> <p>No; this would not be a likely or credible worst case. It is highly unlikely that the identical flight paths, vertical and lateral, that were used when the airport was previously open would be accepted by the CAA as they would not represent best practice (having been based on obsolescent equipment and procedures) in the context of the requirements of CAP1616, and of FASI S, which demands (in relation to departure and arrival routes) that the CAA to adopt the best possible outcome in balancing noise and CO2 emissions, fuel burn, local air quality and tranquillity effects.</p>

Ref No.	Respondent	Question
Ns.2.20	The Applicant	<p>Noise Impact Assessment</p> <p>i. In the light of the change to the night flights noise policy and the changes to the types of airline expected to operate, does the Applicant agree that there will need to be changes made to assessment of noise effects?</p> <p>ii. Does the Applicant agree that the potential effects of this will almost certainly increase the financial liability for compensation and mitigation. Set out the changes and the potential effects?</p> <p>Applicant's Response:</p> <p>i. As described above, the Applicant has committed to a noise contour area cap. This has been included into the latest Noise Mitigation Plan [APP-009]. Adherence to the Noise Mitigation Plan [APP-009] means that the noise effects of Manston Airport will not exceed those assessed in the ES.</p> <p>ii. It is therefore not expected that the financial liability would increase over and above the provisions outlined in the applicants Deadline 5 submission.</p>
Ns.2.21	The Applicant	<p>Aircraft which would need to operate on a delayed basis during the night period.</p> <p>The Applicant asserted at the Noise ISH on Friday 22 March 2019 that there would be a limited number of delayed passenger flights only but that these would be few in number as low fares airlines schedule their arrivals before 22.00.</p> <p>Stonehill Park/York Aviation in their Note of Oral Evidence given by York Aviation for Stone Hill Park at the Noise Hearing 22nd March 2019 submitted at Deadline 5 state:</p> <p><i>"This is incorrect including for the example airport cited by Mr Freudmann, Luton. At Luton, for Summer 2019, 15% of all passenger aircraft arrivals are scheduled to arrive between 23.00 and 06.00. For Ryanair, the carrier shown by RSP as operating</i></p>

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		<p><i>to Manston, has 17% of its arrivals in the night period (Source: Official Airline Guide database). This means that, on the basis that each aircraft operates c.2.5 round trips a day, up to 40% of low cost airline aircraft are arriving back to the base in the night period. The pattern at other airports with low cost airline bases is similar. With the restrictions proposed on scheduling operations in the night period, it is now highly unlikely that a low cost airline would contemplate setting up a base at Manston as it would fundamentally restrict the ability to flex."</i></p> <p>Would the Applicant agree that the reduction in passenger flights would have a material implication for the asserted revenues in the Business Model?</p> <p>Applicant's Response:</p> <p>The Applicant does not accept York Aviation's extrapolations as to the operating schedule of low cost carriers (see response to ND.2.35). Analysis of arrival times at other UK airports indicates that York Aviation's figure of 40% of LCCs arriving in the night period is a significant overstatement. The Applicant notes that capacity at Luton airport is extremely constrained at all times and particularly either side of the night time period, forcing more flights into the night time period. No doubt for this reason it was selected as an example by York Aviation.</p> <p>Nor does the Applicant accept that restrictions on night time flights will deter all low cost airlines from setting up a base at Manston.</p> <p>As explained in response to question ND.2.35, compared to other UK airports, Manston Airport's geographical location means that flight times are likely to be shorter and avoid congested London airspace. Flights to and from Manston Airport and Portugal, Spain, France, Italy, Switzerland, Greece, Turkey, Bulgaria, Croatia, Austria and parts of Germany save time on each sector length using Manston. This means that flight times are shorter and the same number of rotations can be completed in less time, reducing the need for late arriving flights. Shorter flight times and less time on approaches into airports within the congested London airspace mean less fuel burn (and less emissions) and reduce crew working time, potentially making airline operations from Manston more profitable.</p>

Ref No.	Respondent	Question
Ns.2.22	The Applicant	<p>Smugglers Leap Residential Caravan Park</p> <p>The Applicant in his Noise ISH summary submitted at Deadline 5 states:</p> <p><i>“The Applicant has provided a breakdown of the components of the overall cost estimate for the Revised Noise Mitigation Plan [REP4-023] including properties/caravans located at the Smugglers Leap residential caravan park, this can be found at Action 8 on page 8 of Appendix 1.”</i></p> <p>Will all the properties in Smugglers Leap be eligible for insulation/ventilation grants?</p>
		<p>Applicant's Response:</p> <p>19 properties at smugglers are expected to qualify for noise insulation grants. These have been taken into account in the revised financial provisions noted in the Applicant's submission at Deadline 5.</p>
Ns.2.23	The Applicant	<p>Noise contours</p> <p>The ExA notes the Applicants response in relation to the criteria for community trust fund monies in FWQ NS1.31[REP3-195]. The Applicant states that the extent of LASmax contours is not part of the assessment of adverse effects.</p> <p>Noting this, explain ES Tables 12.12 and 12.13 [APP-034] which uses LASmax contours as a measure of impact.</p>
		<p>Applicant's Response:</p> <p>Table 12.12 and 12.3 state LOAEL and SOAEL values for LAmix for sleep disturbance [APP-034] and this have informed the assessment together with consideration of how often these levels could be exceeded. The assessment of significance</p>

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		conclusions for sleep disturbance consider not only the magnitude of a noise event but the frequency that they would occur, as set out in paragraphs 12.7.55 to 12.7.57 of the ES.
Ns.2.24	The Applicant	<p>Provide a reasoned argument as to whether the Applicant considers that, given that ES Vol 2, Chapter 12 [APP-034], 12.7.70 states that in specified locations:</p> <p><i>“The effect would be characterised as a perceived change in quality of life for occupants of buildings in these communities”</i></p> <p>Article 8 of Schedule I to the Human Rights Act 1998 and Article 1 of the First Protocol to that Act are engaged in such locations.</p> <p>Applicant's Response:</p> <p><u>Article 8 of Schedule I to the Human Rights Act 1998</u></p> <p>As recognised by <i>Powell and Rayner v UK</i> (1990) 12 EHRR 355 and <i>Hatton v UK</i> (2003) 37 EHRR 28, noise from an airport has the potential to engage Article 8 of Schedule I to the Human Rights Act 1998, being interference of a type falling within the scope of Article 8.</p> <p>However, the interference with Article 8 referred to at ES Vol 2, Chapter 12 [APP-034], 12.7.70 is justified under Article 8(2). As recognised in <i>Powell and Rayner</i>, regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole. In that case the European Court found, on balancing the rights of the householders and the general interest of the public in access to air travel, that there was no violation of Article 8. Likewise, in <i>Hatton v UK</i>, the European Court found that government was entitled to conclude that the economic benefits of the airport outweighed the rights of those affected. Similarly, the Applicant's case is that the interference referred to at ES Vol 2, Chapter 12 [APP-034], 12.7.70 is proportionate, and therefore lawful.</p>

Ref No.	Respondent	Question
		<p><u>Article 1 of the First Protocol to the Human Rights Act 1998</u></p> <p>Aircraft noise is in certain circumstances capable of engaging Article 1 of the First Protocol to the Human Rights Act 1998. The European Commission in <i>Powell and Rayner</i> said that Article 1 is “<i>mainly concerned with the arbitrary confiscation of property and does not, in principle, guarantee a right to the peaceful enjoyment of possessions in a pleasant environment. It is true that aircraft noise nuisance of considerable importance both as to level and frequency may seriously affect the value of real property or even render it unsaleable and thus amount to a partial taking of property, necessitating payment of compensation</i>”. As such, aircraft noise may constitute a violation of Article 1 if it is so significant that it constitutes a loss of value of the property.</p> <p>In the case of <i>Dennis v Ministry of Defence (2003) EWHC 793 (QB)</i>, <i>Times</i> 6.5.03, an award was made on that basis where RAF jet aircraft produced deafening, highly intrusive and frightening noise which was found to constitute a very serious interference.</p> <p>The Applicant does not consider that the noise referred to at ES Vol 2, Chapter 12 [APP-034] is of the severity that would engage Article 1. In any event, the Applicant considers that any interference is justified under Article 1(2) being proportionate, and therefore lawful.</p>

Ref No.	Respondent	Question
OP.2 Operational issues		
OP.2.1	The Applicant	<p>Aerodrome Certificate</p> <p>At the Need and Operations Hearing (21/03/19) it was confirmed to the Examining Authority's understanding that the Aerodrome Certificate and the Airspace Change Process would both take around two years to complete after any Development Consent Order was made.</p> <p>i. Is the ExA's understanding correct?</p> <p>ii. Would the period for the Aerodrome Certificate commence from the DCO being made (if made) or from the acquisition of the airport land?</p> <p>Applicant's Response:</p> <p>i. Yes.</p> <p>Aerodrome Certificate - as was agreed at the CAA interface meetings it is anticipated that it will take 6-12 months for the CAA to consider an Aerodrome Certificate application once made. However, before a submission can be made it was agreed that it will take at least 12-18 months to gather and collate the necessary evidence to support the application. The CAA is exploring how it may be engaged in this evidence gathering phase so as to ease its own burden in subsequently considering the application.</p> <p>Airspace Change Process – the CAA indicate that an airspace change would normally take 108 weeks to complete. The Applicant will also need to engage with the Future Airspace Strategy airspace modernisation programme now to ensure that Manston's requirements are considered when developing a holistic airspace solution for the South East of England. This gives a fixed start-point for the airspace change project although its subsequent submission will be at a later date.</p>

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		ii. Preparations for both the Aerodrome Certificate and Airspace Change Process will, by necessity, begin during consideration of the DCO, but formal submissions to the CAA for both projects will only be made after the acquisition of the airport land.
OP.2.2	The Applicant	<p>Airspace Change</p> <p>At the Need and Operations Hearing (21/03/19) Stone Hill Park raised the prospect of the Future Airspace Strategy Implementation South (FASI South) proposal for air traffic route structures in the southern part of the UK to change. Written evidence from Stone Hill Park [written summary of Stone Hill Park Ltd's oral submissions put at the need and operations Issue Specific Hearing held on 21 March 2019, submitted at DL5, reference not yet assigned] states that should all airports consult simultaneously in 2022 that this could be expected to be complete by 2024-2026, and that this represents a significant impediment that requires to be fully considered.</p> <p>i. Comment on any effect FASI South may have on your proposed ACP.</p> <p>ii. Would your application be delayed to 2022 as Stonehill Park suggest?</p> <p>Applicant's Response</p> <p>i. FASI South will not be an impediment on the Manston Airport project. The London Terminal Manoeuvring Area (LTMA) was built piecemeal using legacy aircraft performance and conventional ground-based navigation constraints. It is reaching capacity, requiring modernisation via a clean-sheet redesign. In accordance with the UK Future Airspace Strategy (FAS), taking advantage of the potential benefits of Performance-Based Navigation (PBN), the use of Global Navigation Satellite Systems (GNSS), will enable significant improvements in both capacity and environmental impact. This change makes major changes to the LTMA airspace and the Air Traffic Services (ATS) route network. The proposed changes will interface with departures and arrivals serving major ('core') LTMA airports. Other airports ('non-core') will also be considered and accommodated. The changes to the LTMA will be coordinated with individual 'core' and 'non-core' airports' airspace changes and will complement them, improving the efficiency & capacity of the region.</p>

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		<p>The Future Airspace Strategy Implementation South (FASI South) Programme Board has recognised that there will be complex and inter-related airport airspace change consultations, particularly within the 'core' area (Heathrow, Gatwick, Stansted, Luton, London City, Southend, Biggin Hill and Farnborough) producing consultation and 'decision making' overload for stakeholders, sponsors ('applicants') and the CAA alike. Manston is on the periphery of this LTMA airspace ('non-core'), and the Applicant's airspace change proposal will run in advance of the majority of the airports in the LTMA. Importantly however, though not a 'core' airport, due to the 'clean sheet' approach described above, there is a need for the FASI South project to understand, and take into account, the requirements of all airports within the programme; this is the phase we are currently supporting. Thereafter, it is accepted that the airspace changes at some 'non-core' airports may run at a different pace to address a specific local, operational, safety or environmental need. FASI South is intended to take into account, but not constrain, the requirements of all 16 airports currently in the programme.</p> <p>ii. No. The Manston Airspace Change process has begun, as it has for a number of the FASI South airports. The Heathrow Expansion ACP is running to the timetable identified by Stone Hill Park but most FASI South airports will run in advance of that programme and it is expected that the large majority will have the final applications (submission for final proposal) to the CAA before April 2022. There is also expected to be a phased implementation of changes to sections of London Airspace; as Manston is a 'non-core' airport, to the extreme east of this airspace, it is expected that implementation of Manston's 'changes', particularly the Aerodrome Traffic Zone (ATZ), can be made by end of March 2022. Hence, the application for the change in spring 2021 followed by the CAA decision procedure (minimum 5 months) and then an implementation phase of 3 months This will be well ahead of the 'core' area airports to obviate London Airspace programme overload (be that in terms of CAA regulatory scrutiny and approval or highly complex air traffic system adaptations).</p>
OP.2.3	The Applicant	<p>Scale and capacity</p> <p>The Applicant's Written Summary of Case put Orally Need and Operation Hearing [submitted at DL5, reference not yet assigned] provides a justification for stand use and need for the proposal. This states that each based aircraft will have its own dedicated stand and assumes that non-based aircraft will have an average ground time of 3 hours. There is then a calculation to allow for 'bunching'.</p>

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		<p>York Aviation for Stone Hill Park [REP3-025] note that based on the aircraft mix not all projected aircraft require Code E stands, with 40% of movements projected to be by smaller Code 'C' aircraft. They state that it is normal practice to accommodate 2 Code C aircraft side by side in a Code E stand, and that as Code C aircraft are shorted that the length of a number of stands could be shortened, reducing the amount of apron/hardstanding needed. Based on this, and the forecasts within the ES and operations at East Midlands they consider that a maximum of 9 stands would be required, with potentially one stand added for resilience purposes, resulting in 10 stands being needed.</p> <p>i. Why does each based aircraft require a dedicated stand? ii. Provide further justification for the bunching calculation. iii. Comment on the York Aviation calculations.</p> <p>Applicant's Response:</p> <p>i. It is likely that each based aircraft operator will wish exclusive use of a stand to allow specific ground handling equipment to be located there and access to the aircraft for maintenance purposes. As stated in the York report linked to REP3-025, based aircraft may wish to park for many hours thus prohibiting that stand for any other use. The comment about code 'C' aircraft being able to share a code 'E' stand is valid in principle but, in practice, would be quite restrictive as there is nothing at all to ensure or even suggest that the code 'C' aircraft would operate in pairs and therefore a single code 'C' aircraft would effectively block a full code 'E' stand for any aircraft above code 'C'.</p> <p>ii. The bunching calculations are a best estimate of what is conservatively considered most likely; one of the benefits of using Manston will be a high degree of reliability and access. It should be noted that East Midlands has 24 code E stands and handles about the same volume of freight (but over more movements) as Manston is forecast to handle by year 20. The operating day at Manston will be less than that at East Midlands meaning that the stand usage will be more concentrated.</p>

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		iii. The York calculations make assumptions about shared stand usage which is not something envisaged by the Applicant to take place at Manston on a regular basis; furthermore, the York calculations are inconsistent with East Midlands having 24 code E stands.
OP.2.4	The Applicant	<p>Scale and capacity</p> <p>The Applicant's Written Summary of Case put Orally Need and Operation Hearing [submitted at DL5, reference not yet assigned] provides a justification for cargo terminal size for the proposal. This uses a ratio based on Prestwick initially, and then East Midlands latterly to derive the size required, resulting in around 65,000m². York Aviation [REP3-025] for Stone Hill Park use an IATA ratio based on processing capability (automation levels) and consider that the proposed cargo terminals are substantially oversized by an order of 3 times at least.</p> <p>York Aviation also note that cargo handling facilities at East Midlands have recently been expanded and so are unlikely to be at capacity and also that the airport operates as a hub for domestic road freight.</p> <ul style="list-style-type: none"> i. Provide further justification for the proposed quantum of cargo terminals deemed to be required, with reference to the York Aviation calculations. ii. How 'mechanised' would the terminals be, given the modern nature of the e-commerce integrators the proposal is seeking to attract? iii. Is East Midlands a suitable comparator given levels of possible road based freight at that airport? <p>Applicant's Response:</p> <p>i. York state that East Midlands Airport ("EMA") handled "over 375,000 tonnes" of air cargo in 2018 where as the CAA have it as 334,536 tonnes; using York's assertion that the cargo foot print at EMA is some 80,000 sq m this suggests a ratio of 4.2 tonnes per sq m. The Applicant's forecast for Manston in year 20 is 340,000 tonnes with 65,000 sq m of warehousing implying a ratio of 5.2 tonnes per sq m. (24% higher than EMA). Less than 50% of the forecast tonnage at Manston will be eCommerce</p>

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		<p>related. By comparison, according to the Steer Report of October 2018 “Integrators accounted for over 90% of freight at East Midlands”. In summary, the Applicant forecasts a denser warehousing ratio than at East Midlands in addition to a freight mix that would demand more warehouse space per tonne than at EMA. It is hard therefore to conclude that the warehousing planned for Manston is 3 times higher than that required unless one concludes that the warehousing at EMA is either only around 33% used or that the trucked freight take up twice the space of the air freight, which they do not.</p> <p>ii. eCommerce is in the very early stages of development so it is not straightforward to state how mechanised the facilities might be and it would really be a matter for the eCommerce operator and not the airport itself.</p> <p>iii. The comparison with EMA is valid. Road based freight is unlikely to be accommodated in warehousing that is airside as it will be more expensive than warehousing beyond the airport site. Equally, the Applicant has assumed that road based freight is unlikely to be material at Manston and it has not been factored into the forecast.</p>
OP.2.5	The Applicant	<p>Scale and capacity</p> <p>The Applicant's The Applicant's Written Summary of Case put Orally Need and Operation Hearing [submitted at DL5, reference not yet assigned] contains a note on airport 'associated uses' for the Northern Grass site.</p> <p>It concludes that it is difficult to find a close equivalent for the Manston/Northern Grass relationship in the UK and that attention is being turned to airports elsewhere for antecedents for an airport such as is being proposed at Manston. If this is of interest to the ExA, it is stated, then this will be reported on in time for Deadline 6.</p> <p>Provide such evidence by Deadline 6.</p>
		Applicant's Response:

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		<p>The table below sets out an illustrative range of potential airport <i>associated</i> uses to which the buildings in the indicative Northern Grass layout could be put within its 105,000 sqm limit; all of the companies in this scenario would be involved in the management, operation or development of the airport, or in providing services for the airport and its users.</p> <table><tr><th>Zone</th><th>Building No</th><th>Estimated Floor Area</th><th>Occupant</th><th>Type of Use</th></tr><tr><td rowspan="3">3</td><td>1</td><td>20800</td><td>Logistics/Distribution Centre - New Integrator</td><td>B8</td></tr><tr><td>2</td><td>3560</td><td>Catering operation</td><td>B8/B1</td></tr><tr><td>3</td><td>5050</td><td>Airside equipment maintenance/repair, parts storage</td><td>B8/B1</td></tr><tr><td rowspan="8">2</td><td>4</td><td>7380</td><td>Airport Public Transport Vehicle Depot</td><td>B8/B1</td></tr><tr><td>5</td><td>8020</td><td>Renewable Energy (wood chip) Plant</td><td>B8/B1</td></tr><tr><td>6</td><td>9540</td><td>Freight forwarder single occupancy</td><td>B8/B1</td></tr><tr><td>7</td><td>18520</td><td>Aviation Academy (including schools teaching facility)</td><td>B8/B1</td></tr><tr><td>8</td><td>2600</td><td>Hire Car - Garage, Pick-up, Office, Secure pound</td><td>B8/B1</td></tr><tr><td>9</td><td>2600</td><td>Hire Car - Garage, Pick-up, Office, Secure pound</td><td>B8/B1</td></tr><tr><td>10</td><td>2600</td><td>Travel and information centre (opposite hire cars)</td><td>B1</td></tr><tr><td>11</td><td>3475</td><td>Regus Offices for companies working on airport projects</td><td>B1</td></tr><tr><td rowspan="9">1</td><td>12</td><td>2520</td><td>Airline Offices</td><td>B1</td></tr><tr><td>13</td><td>1130</td><td>Taxi/shared taxi Company</td><td>B1</td></tr><tr><td>14</td><td>1720</td><td>MRO operator - Office Suite and Parts Reception</td><td>B1</td></tr><tr><td>15</td><td>1790</td><td>Offsite office for outsourcing contractors working at MSE</td><td>B1</td></tr><tr><td>16</td><td>2900</td><td>Aircraft Recycling Co - Office/Parts Centre</td><td>B1</td></tr><tr><td>17</td><td>2530</td><td>MRO operator - Office Suite and Parts Reception</td><td>B1</td></tr><tr><td>18</td><td>3330</td><td>Airport computer service supplier and server centre</td><td>B1</td></tr><tr><td>19</td><td>2600</td><td>Multi-occupancy Offices for airport based companies</td><td>B1</td></tr><tr><td>20</td><td>2400</td><td>Multi-occupancy Offices for airport based companies</td><td>B1</td></tr></table> <p>This provides a scenario for the future development of the Northern Grass, as associated development related to the airport. Clearly, that is not the only scenario for the development of the site and the exact specification and layout of buildings may well vary within the floorspace cap applied for, as almost certainly would the detailed mix of users, as the site is brought forward and tenants for it are sought. As the evidence from other airports (particularly Liege), shows (see Appendix OP.2.5 in TR020002/D6/SWQ/Appendices), it is very likely that one or more large logistics companies will want to have premises close to</p>	Zone	Building No	Estimated Floor Area	Occupant	Type of Use	3	1	20800	Logistics/Distribution Centre - New Integrator	B8	2	3560	Catering operation	B8/B1	3	5050	Airside equipment maintenance/repair, parts storage	B8/B1	2	4	7380	Airport Public Transport Vehicle Depot	B8/B1	5	8020	Renewable Energy (wood chip) Plant	B8/B1	6	9540	Freight forwarder single occupancy	B8/B1	7	18520	Aviation Academy (including schools teaching facility)	B8/B1	8	2600	Hire Car - Garage, Pick-up, Office, Secure pound	B8/B1	9	2600	Hire Car - Garage, Pick-up, Office, Secure pound	B8/B1	10	2600	Travel and information centre (opposite hire cars)	B1	11	3475	Regus Offices for companies working on airport projects	B1	1	12	2520	Airline Offices	B1	13	1130	Taxi/shared taxi Company	B1	14	1720	MRO operator - Office Suite and Parts Reception	B1	15	1790	Offsite office for outsourcing contractors working at MSE	B1	16	2900	Aircraft Recycling Co - Office/Parts Centre	B1	17	2530	MRO operator - Office Suite and Parts Reception	B1	18	3330	Airport computer service supplier and server centre	B1	19	2600	Multi-occupancy Offices for airport based companies	B1	20	2400	Multi-occupancy Offices for airport based companies	B1
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		<p>the airport, without needing to actually be on it, and that would develop a different final layout and mix of occupants. What is common, however, is that there are a substantial number of aviation 'associated' activities that need (or are desirably) located on or adjacent to the core airport site, and whatever the final site layout or mix of tenants/users, that principle will remain.</p> <p>This intensity of airport 'associated' uses will be determined by the size of the core site, the location of the associated land and the nature of the airport business model being proposed. Many UK airports have examples of such associated development, some are airside some outside the fence, and their scale and configuration depend on a range of individual circumstances (the size of airport, its environs, adjacent land uses, surface access links, planning policy constraint (e.g. green belt) and other local land use policies governing the location of business, industrial and logistics development). This means that in many cases, associated uses will be either side of the operational security fence (or sat astride it) and in other places mixed in with a wider range of airport related development and sometimes even broader commercial development that is only indirectly airport related, outside the boundary fence. The common feature though, is that in all cases the associated activity is on or very close to the airport so that access is easy.</p> <p>This is apparent from the arrangements at EMA and Stansted, both of which have large building footprints with airport associated uses, but with many of them inside the fence because they are larger airports with more airside space than Manston, which means that activities which might in other circumstances locate inside the fence will be housed on adjacent land at the Northern Grass so that core activities can remain airside, but other activities that don't need to be are in close proximity, allowing access when needed.</p> <p>It has also proved difficult to find an equivalent to what is proposed at Manston because it is a new concept (i.e. a freighter only led business model). As such, the Applicant has also looked outside the UK to places that have already embraced this model and examined the kind of development associated with Hamilton Airport in Ontario, Canada (60 miles from Toronto's main airport at Pearson), and Liege in Belgium which is growing rapidly as a freight only hub with close to 1MT of throughput and Alibaba's Cainiao as a new integrator customer.</p> <p>The results of our analysis (see Appendix OP.2.5) suggest that:</p> <ul style="list-style-type: none"> the scale of associated development is proportionate to the level of freight activity likely to be attracted to Manston; and

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		<ul style="list-style-type: none"> whereas on larger airports it is not unusual for some of these activities to be airside (especially in North America), Liege provides a good example of heavy logistics development associated with the airport outside the boundary fence. <p>Interestingly the long term development plan for Hamilton also includes the policy provisions in Appendix OP.2.5. The land proposed to be allocated at JC Munro Airport Hamilton (geographically located relative to Toronto as Manston is to London and serving the same nationally important transport function) is similar in scale to the Northern Grass.</p>
OP.2.6	The Applicant	<p>At the Need and Operations Hearing (21/03/19) it was confirmed by the applicant that they have programmed to start the construction of the Airport in 2021, with operations beginning from quarter 1 of 2022, and that circa £180million would be spent on construction in this calendar year. At the Noise hearing (22/03/19) it was confirmed that no construction works would take place at night.</p> <ol style="list-style-type: none"> Is the ExA's understanding of this programme correct? Comment on how the revised start date of operations affects the provided forecasts contained within the Azimuth Report [APP-085]. Define the night time period for the proposed construction works restriction. Does the period of the night-time restriction include such operations as machinery start up and construction deliveries? Provide a likely construction programme for 2021, bearing in mind the proposed lack of night works and allowing for operations in 2022. <p>Applicant's Response:</p> <ol style="list-style-type: none"> Yes, that understanding is correct. The original timetable envisaged operations beginning in Q4 2020. The current timetable envisages operations beginning in Q1 2022. In an infrastructure project of this scale, variations in the programme are inevitable. This slight delay does not affect

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		<p>the forecasts within the Azimuth Report. The prevailing climate pertaining to air freight has not materially altered in that the details of the UK's withdrawal from the EU (Brexit) have still not been finalised, the demand for ecommerce remains strong (with East Midlands Airport also preparing for increased volumes driven by the e-commerce boom (see https://www.aircargonews.net/cargo-airport/east-midlands-airport-expands-space-for-freighters/), the UK's airport capacity constraints persist, and the third runway at Heathrow has yet to commence construction.</p> <p>iii. The night-time period for proposed construction works restriction will be from 11pm to 7am.</p> <p>iv. No construction activities would be allowed during this period and as such the night time restriction will forbid machinery start-up. Limited HGV movements have been included in the noise and air quality assessments and the Construction Traffic Management Plan (CTMP) during the night-time period in Phase 1 of the proposed development in order to allow for construction deliveries. However it is expected that these would be strictly controlled via the necessary Section 61 Agreement and the final CTMP that will be agreed following the DCO being made.</p> <p>v. A construction programme is provided at Appendix OP.2.6. We estimate a design and construction period in phase 1 (i.e. to bring the airport into operation), of approximately 2 years in total giving an operational date of end Q1 2022.</p>
OP.2.7	The Applicant	<p>Public Safety Zones</p> <p>At the need and operations Issue Specific Hearing (21 March 2019) it was confirmed that general aviation movements would be counted in the number of flights required before public safety zones are designated. An indicative drawing has been produced.</p> <p>i. Bearing in mind this answer, at what year of operation would you expect PSZ's to be required at Manston?</p> <p>ii. Has this been taken account of in the Environmental Statement?</p> <p>iii. Has the PSZ drawing taken account of the forecasts, or is it mainly based on the PSZs at other airports?</p>

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		<p>Applicant's Response</p> <p>i. Guidance does not set an Air Transport Movement (ATM) limit above which a PSZ should be introduced, but generally if ATMs exceed 1,500 per month (18,000 per year) and are expected to exceed 2,500 per month (30,000 per year), then one is likely to need to be introduced. The Applicant's forecast is for 26,468 ATMs by year 20 and 5,840 general aviation movements (which are not technically ATMs but still affect the decision to create a PSZ), and the Noise Mitigation Plan contains a cap of 26,468 ATMs and 38,000 general aviation movements. It is therefore unlikely that a PSZ may need to be introduced before year 15; but possible by year 20.</p> <p>ii. Although the PSZ does not form part of the DCO application and would need to be implemented by Thanet District Council following a recommendation from the DfT and in consultation with the CAA, an addendum to the ES has been produced that discusses the likely effects of such a declaration. This document has been included at Appendix OP.2.7.</p> <p>iii. The PSZ drawing is based upon PSZ's at other airports and is not related to the forecasts for the development.</p> <p>It should be noted that the PSZ drawing at Appendix 8 of [REP5-024] are indicative. There are a range of factors which influence the size and shape of the PSZ, such as aircraft types operated, number of movements for each type and worldwide accident data. By the time Manston is predicted to have crossed the current threshold, regulations on PSZ could have changed, Manston operational data will be available and worldwide aviation safety will have changed (in all likelihood improved); all these factors could influence the size of any PSZ (if still required).</p>
OP.2.8	The Applicant	<p>Various Interested Parties [including but not limited to RR-0261, RR-0709] raise the issues of historical accidents/incidents which occurred at the Airport previously.</p> <p>How would the design and operation of the proposed scheme prevent such incidents occurring again?</p>

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		<p>Applicant's Response:</p> <p>The Applicant has investigated historic incidents at or near the airport. It understands on that on 15th January 2012 Manston Air Traffic Control (ATC) advised that a member of the public had reported roof damage caused by an overflying aircraft approaching Manston Runway 28 to land. Information is sketchy on this very unusual incident, and it is believed by the airport operators at the time that this incident might have been caused by engine slipstream during excessive 'power-up' during the visual approach, being given by manually by ATC; not following an Instrument Flight Procedure (IFP). The reason for this 'power-up' is unknown as the approach appeared normal in all other respects. Anecdotally, it was relayed that the individual operator / captain of the aircraft was requested to review the approach technique, by the airport or the CAA as this was an isolated incident.</p> <p>These types of incident, though very rare, are further minimised now (and into the future) by increased use of satellite based technology, providing safe, accurate, validated (3-dimension points in airspace), expeditious & importantly consistent, repeatable procedures with increased 'in-cockpit' automation. These procedures are regulated by the Civil Aviation Authority (CAA), reviewed on a regular basis at all UK airports, following design and safety guidance from the International Civil Aviation Organisation (ICAO)</p>
OP.2.9	The Applicant	<p>Safeguarding</p> <p>At the need and operations Issue Specific Hearing (21 March 2019) it was stated by the Applicant that whilst impact of wind turbines on aviation was historically an issue, technology has now advanced enough to safeguard against this [Written Summary of Case put Orally Need and Operation Hearing, submitted at DL5, ref not yet assigned].</p> <p>Provide further evidence to show how the scheme would accommodate existing and consented wind turbines on the airport radar system safely.</p>

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		<p>Applicant's Response</p> <p>The Applicant's aviation advisors (Osprey) are currently supporting a number of radar procurement projects that seek to either mitigate or accommodate radar interference by wind turbines that is directly comparable to that seen (or anticipated) at Manston. Based on this work, technological solutions are known to be available on the market and given their current rate of development, it is anticipated that capabilities could be even greater at the point where a procurement is required.</p> <p>The capability for such a system to include windfarm mitigation properties is outlined in the User Requirements (UR) Document, which is presented to surveillance system manufacturers, as part of procurement activity. An example of such requirements, which would be followed at Manston, is as follows:</p> <p><i>UR Document for a Surveillance Air Traffic Services mitigation technical solution in the presence of Offshore Wind Farms.</i></p> <p><i>The Single Statement of User Requirement for the technical solution is: "The User(s) requires the capability to provide safe Surveillance Air Traffic Services to the Declared Operation Coverage (DOC) as defined by the Airport's Operational Requirement (OR) and including the airspace above the defined wind farm volumes for a period of (normally) 25 years. The capability shall be delivered compliant to all applicable regulations, without negative affect to existing procedures and taking into consideration potential future procedures and without impact to the safe provision of existing Air Traffic Services (ATS) by upgrading/ replacing or adding to the core components of any existing Surveillance System"</i></p> <p><i>To meet the OR, the Primary Users (Manston Air Traffic Control)) requires the capability to provide Surveillance ATS:</i></p> <ul style="list-style-type: none"> • <i>To air traffic within the Airport's Surveillance Logical Coverage Volume;</i> <ul style="list-style-type: none"> ○ <i>Including the airspace above the defined wind farm volume.</i> • <i>That meets the Required Surveillance Performance (RSP);</i> • <i>That is compliant to all applicable regulations;</i> • <i>Without causing negative effect to existing procedures;</i>

Ref No.	Respondent	Question
		<ul style="list-style-type: none"> • <i>Taking into consideration potential future procedures;</i> • <i>Without negative Operational effect to the safe provision of existing ATS;</i> • <i>For 25 years (the full lifetime of the defined wind farms);</i> • <i>Safely and in accordance with the Airport's Safety Management System (SMS); and</i> <p><i>By upgrading/ replacing or adding to the core components of any existing airport Surveillance System.</i></p>
OP.2.11	The Applicant	<p>Safeguarding</p> <p>Appendix 7.2 section 4.5.14 of the ES [APP-044] provides data from the airport on bird strikes between 2009 and 2013. Your answer to OP.1.16 [REP3-195] states that the ES has not considered bird activity from an operational perspective.</p> <p>i. What effect would bird strikes have on the airport from an operational perspective?</p> <p>ii. To the best of your knowledge have any developments been constructed since the airport was last operational which may have an effect on obstacle limitation surfaces or birdstrike issues?</p> <p>Applicant's Response</p> <p>i. As noted in the Applicant's response to OP.1.16, the airport, in keeping with other UK airports, would manage the bird hazard to minimise the risk of bird strikes. To reiterate:</p> <p>From an operational perspective potential aerodrome bird strike hazard will be managed in accordance with CAP 772 (Wildlife hazard management at Aerodromes) and will be considered by the CAA as part of the Aerodrome Certification process in accordance with CAP 168 (Licensing of Aerodromes) (see Appendix OP.2.11 part a in TR20002/D6/SWQ/Appendices). Chapter 5 of CAP 772 (Wildlife Strike Risk Hazard management for Aerodromes) (Appendix OP.2.11 part b in TR20002/D6/SWQ/Appendices) at para 5.2 states:</p>

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Ref No.	Respondent	Question
		<p><i>In accordance with rules proscribed by EASA, the aerodrome operator shall:</i></p> <p><i>assess the wildlife hazard on and in the vicinity of the aerodrome; establish means and procedures to minimise the risk of collision between wildlife and aircraft at the aerodrome; and notify the appropriate authority if a wildlife assessment indicates conditions in the vicinity of the aerodrome are conducive to a wildlife hazard problem.</i></p> <p>ii. No. Indeed the Applicant has endeavoured to protect the Obstacle Limitation Surfaces (OLS) by monitoring development proposals in the area. This led to an objection to the development of two 1,000 feet high communications masts at Richborough which were subsequently rejected. There is a solar farm to the north east of the airport that also deters birds.</p>
OP.2.12	The Applicant MoD/Defence Infrastructure Organisation	<p>It was confirmed at the Compulsory Acquisition Hearing held on 21 March 2019 that an assessment by Aquila to consider the Applicant's preferred site for the High Resolution Direction Finder was to be carried out.</p> <p>i. Update on the progress of this assessment.</p> <p>ii. Confirm the scope of the assessment and any likely results.</p> <p>Applicant's Response</p> <p>i. RSP representatives met senior technical and commercial staff from Aquila (the MODs HRDF Engineering Authority) on 15th April 2019. In a productive meeting, Aquila proposed the following scope of work:</p> <ul style="list-style-type: none"> • Conduct review of the work undertaken to date • Review of documentation provided by Osprey • Conduct site survey • Area of Influence modelling • Provision of study report

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Ref No.	Respondent	Question
		<ul style="list-style-type: none"> ○ Identify potential location/s ○ Infringement analysis ○ Recommendations on reuse/new equipment ○ Commissioning and acceptance plan (require MOD approval) ○ Priced proposal for site works <p>ii. It was agreed that Aquila will seek to conduct the work in 2 phases comprising 3 stages:</p> <ul style="list-style-type: none"> • Phase 1a – site feasibility study • Phase 1b – a costed plan for the proposed location • Phase 2 – site works and acceptance <p>Following the meeting (at Aquila's request) a non-disclosure agreement has been signed between Aquila, RSP and Osprey and standard Aquila terms and conditions accepted.</p> <p>Aquila are seeking to complete Phase 1a, which will seek to confirm the suitability of an alternative location, before the 9 Jul 19. However, it could be envisaged that subsequent negotiations with the other elements of MOD (such as DIO regarding land-ownership and Defence Equipment and Support regarding capability delivery) may extend beyond that date.</p>

Ref No.	Respondent	Question
SE.2 Socio-economic Effects		
SE.2.1	The Applicant	<p>Construction</p> <p>At the need and operations Issue Specific Hearing (21 March 2019) it was stated that you would aim to re-open the Airport from quarter 1 of 2022. It was acknowledged that this would necessitate construction during 2021, and that additionally no construction works would take place during the night time.</p> <ul style="list-style-type: none"> i. Would such a programme have any effect on projected construction jobs? ii. What percentage of these jobs would be able to be filled by people from the local area, given the timescale and local skill levels? iii. Has this construction timetable been factored into the transport assessment? <p>Applicant's Response:</p> <p>i. The extent of construction employment has been estimated with reference to other developments of a similar scale and capital value, and via consultation with relevant experts as detailed in the Azimuth Report (Volumes I-IV) [APP-085]. Therefore, unless the scheme itself changes (i.e. gets larger or smaller) there will not be a change in overall demand for construction work. In the event of a one-year delay this would simply shift this employment effect one year further forward.</p> <p>ii. This can be determined based on quantitative analysis of those employed in the construction sector, locally/regionally alongside unemployment levels and sought occupation data in relevant sectors. However, this would seem to be a lower limit, which may well be increased with the training and outreach support which will be undertaken by the client.</p> <p>iii. The construction timetable, including details of working hours and phasing has been set out within Sections 6.3 to 6.5 in Appendix K of the Transport Assessment (TA) [APP-060 to APP-074], and Table 6.1 sets out the construction traffic generation. It assumes no construction at night time in phase 1. The worst-case scenario for traffic generation has been considered, which includes the</p>

		cumulative construction and operational traffic during the construction programme. The transport assessment will not be significantly affected by changes in the construction programme such as that identified above.
SE.2.2	The Applicant	<p>Employment – Comparators</p> <p>Volume 4 of the Azimuth Report [APP-085] uses East Midlands Airport (EMA) as a comparator for direct job levels, with a 2% adjustment used from yr 11.</p> <p>i. Do the figures used from EMA include jobs across that airport site, including those based at the Pegasus Business Park?</p> <p>ii. If so, given evidence that much of the business park constitutes non-airport related development and employment, how useful are such employment figures for comparison purposes?</p> <p>iii. Of the employment figures for EMA, what percentage are within the aviation industry?</p> <p>iv. Provide justification for the 2% adjustment from year 11. Would the opposite not be true, given economies of scale once operations became established?</p> <p>Applicant's Response:</p> <p>i The figures used to calculate the comparator employment calculation were dated 2013. 81% of the quoted 6,730 on-site employees were engaged in passenger and cargo services with almost all living in the local area. The Pegasus Business Park was not fully developed in 2013 but was included and covered, <i>“a wide range of jobs in the airport’s support activity – cargo, hotels and also a range of professions and occupations in companies that are based at Pegasus Business Park. The largest on- site employer is DHL with 1,575 staff in 2013.”</i> (East Midlands Airport Sustainable Business Plan 2015). There has been no update of the 2015 report to date (April 2019).</p> <p>It should be noted that a range of potential formula for deriving a direct job forecast were discussed in the Azimuth Report Volume IV Section 4.1. The most widely used estimate for jobs created at airports, used by Interavistas (2015,), the Airports Commission (2014, p. 15), Thanet District Council (2013, p. 2), and by York Aviation (2004, p. 9), is one million passengers or 100,000 tonnes</p>

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		<p>of freight corresponds to 950 direct jobs. Other studies provide a higher ratio, such as the Airports Council International European study (2015) shows that 1,200 direct jobs are created for the first one million passengers and 0.95 jobs per 1,000 extra passengers thereafter.</p> <p>The East Midlands comparator was derived to offer an example of an airport where freight plays an important role. Since the figure of 887 direct jobs was lower than the 950 standard formula, this figure was used in an attempt to be conservative in the estimation of the potential number of jobs Manston Airport could create.</p> <p>ii. The East Midlands-derived comparator is lower than the standard calculation for job creation, meaning that if the ratio of 950 jobs per one million passengers or 100,000 tonnes of freight had been used rather than 887, a higher number of direct jobs would have been derived. The East Midlands figure is relevant for the purposes of forecasting job creation at Manston Airport. Exact comparator figures are not possible to obtain since 1) the proposal for Manston Airport as a freight-focused airport in the South East of England is unique and 2) airport operations only constitute a relatively small proportion of total direct jobs, they generally do not provide a detailed breakdown of the direct employment numbers their presence generates.</p> <p>iii. 81% of the quoted 6,730 on-site employees (see EMA Sustainable Business Plan) were engaged in passenger and cargo services with almost all living in the local area. Direct employment figures are described in the Azimuth Report Volume IV paragraph 5.1.8 and in Europe generally breakdown as follows (Intervistas, 2015, p. 27 – percentage does not add to 100 due to rounding):</p> <ul style="list-style-type: none"> • Airlines 28% • Ground handling 14% • Airport and Air Traffic Control 14% • Retail and other in-terminal services 6% • Airport security and passenger screening 6% • Customs, immigration and government jobs 5% • Ground transport 5% • Food and beverage 8% • Maintenance, Repair and Overhaul (MRO) 6%
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		<ul style="list-style-type: none"> Other 7% <p>iv. A 2% annual allowance was made from Year 11 to reduce the forecast to account for productivity improvements (i.e. it is a downward adjustment). The difference this reduction made can be seen between Tables 4 and 5 in the Azimuth Report Volume IV. For example, in Year 20, applying the 887 formula to the Work Load Units produced a total of 4,271 jobs, which reduced on application of the 2% productivity adjustment to 3,417 jobs.</p> <p>The 2% adjustment from Year 11 to take account of the potential for productivity improvements was suggested by York Aviation (2017, p. 62), They suggested:</p> <p><i>“While information on potential on-site productivity growth can be hard to come by, we would expect some allowance to have been made. A typical figure might be around 2% per annum based on our experience at other airports.”</i></p> <p>In the absence of any alternative robust academic, peer-reviewed research, the Applicant applied the York Aviation figure of 2% to the job creation forecast which was considered to be credible.</p>
SE.2.3	The Applicant	<p>Employment – Comparators</p> <p>No Night Flights [REP4-056] state that in 2016 EMA had 540 employees, with 55,000 ATMs, but note that the proposal includes 1,024 jobs for 26,468 ATMS in year 20 almost twice the number of jobs for half the number of ATMs.</p> <p>i. Are these figures correct?</p> <p>ii. If so, justify give the apparent disparity between the figures shown.</p>
		<p>Applicant's Response:</p> <p>i. Since NNF do not provide a source for the figure of 540 employees at for East Midlands Airport, it is difficult to corroborate. However, based on information provided on the MAG website, the NNF figure seems far from correct. In any event, job creation forecasts are not calculated from ATMs as NNF imply but from Work Load Units – either tonnes of freight or number of passengers.</p>

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		<p>MAG employs over 5,000 people across its three airports and in corporate roles, as stated in their Interim Report & Accounts for the six months ended 30 September 2018 (see Appendix SE.2.3 Part A in TR20002/D6/SWQ/Appendices). At roughly one third each for Manchester, London Stansted and East Midlands Airports gives an estimate of around 1,650. (It should be noted that this is a rough estimate and some MAG airports may be more labour intensive than others. However, in the absence of employment figures for each MAG airport, this figure serves as a guide.) Of course, there will be economies of scale from the ownership of three airports so the comparison between the Manston Airport figure of approximately 26 ATMs per job compares to the East Midlands figure of 33 ATMs per job. Whilst the figure supplied by the Applicant is shown in detail by job function, it is not possible to provide a direct comparison for East Midlands. However, given the potential for economies of scale, the comparison seems at least in the same ballpark.</p> <p>The figure for direct employment (the number of people working in and around the site) at East Midlands Airport, as reported in the Derby Telegraph on 27 July 2018 (https://www.derbytelegraph.co.uk/burton/new-jobs-east-midlands-airport-1819270), is around 4,000. This figure is expected to double over the next five years. This compares to the figures supplied by the Applicant 3,417 by Year 20. The MAG website (https://www.magairports.com/about-us/overview/) states that Manchester, London Stansted and East Midlands Airports together employ over 40,000 people on site. East Midlands supports over 6,000 jobs (See Appendix SE.2.3 Part B in TR20002/D6/SWQ/Appendices)</p> <p>Around 80 businesses are based on the East Midlands Airport site. In November 2017, UPS submitted plans to build a new £114m air freight terminal that could bring another 1,400 jobs to the airport site (see Appendix SE.2.3 Part C in TR20002/D6/SWQ/Appendices).</p> <p>ii. There is therefore no significant disparity.</p>
SE.2.4	The Applicant	<p>Employment – Comparators</p> <p>Evidence submitted by Stone Hill Park [including REP4-067] states that Glasgow Prestwick would be a more appropriate comparator airport for direct jobs numbers, given the use, size and employment sectors of that airport.</p> <p>i. Do you agree with this viewpoint? If not, justify given the usage and mix of freight and passenger traffic at East Midlands and Glasgow Prestwick.</p>

ii. If so, how would this affect your predicted job numbers?**Applicant's Response:**

i. As stated in the Azimuth Report [APP-085] Volume IV at paragraphs 4.2.4 and 4.2.5, Glasgow Prestwick Airport is not a suitable comparator for Manston Airport for a number of reasons, mainly due to scale of operation proposed at Manston, its location relatively close to London's overcrowded airport system and its proximity to one of the world's major conurbations. York Aviation (2017, p. 61) pointed out that it is difficult to identify an ideal comparator for Manston by which to gauge the airport's potential as a job creator. That Prestwick is not a suitable comparator can be seen from the following table, which compares 2016 CAA figures for Prestwick Airport and East Midlands Airport with the forecast for Year 10 and 20 for Manston Airport.

	Prestwick 2018	East Midlands 2018	Manston Y10	Manston Y20
Freighter ATMs	675	22,219	11,600	17,170
Freighter tonnage	12,988	334,536	212,351	340,758

As the table shows, Manston Airport's forecast freight operation would be considerably greater than Prestwick's. Prestwick has around 10,700 square metres of capacity for warehousing, whereas Manston would have more than double, at around 27,400 square metres, by Year 10. It should also be noted that Manston Airport is within an hour's drive time from London, one of the world's major conurbations, whereas Prestwick is located on the west coast of Scotland, near Ayr, approximately an hour's drive from central Glasgow. However, the forecast for Manston at Year 20 is very similar to that of East Midlands in 2018.

ii. Since the forecast for Manston Airport is more similar to that of East Midlands than to Prestwick, its use as a comparator rather than Prestwick is justified.

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SE.2.5	The Applicant	<p>Employment – Comparators</p> <p>Your jobs forecast uses Stansted Airport (STN) as a comparator for indirect job levels, cross checked with Luton Airport (LTN). Catalytic figures use an ICAO formula.</p> <p>Provide further justification for the use of Stansted as a comparator for indirect job levels.</p>
		<p>Applicant's Response:</p> <p>The choice of Stansted Airport as a comparator was pragmatic in that Stansted 1) has a substantial freight operation, 2) is located in the South East of the UK, and 3) had figures that were available and relatively up-to-date.</p>
SE.2.6	The Applicant	<p>Employment</p> <p>Thanet DC [REP3-010] consider that there remains significant uncertainty about whether the socio-economic benefits from the proposal, in terms of job creation, attract significant weight in support of the proposal and consider that such benefits may have been potentially overstated in the ES. It notes that the figures predicted for year 20 would represent 8.3% of all jobs in Thanet and consider that the magnitude of change for the number of jobs created needs to be reassessed against the total number of jobs in the District to reflect the actual impact on employment, with such an effect potentially not falling within the category of 'major beneficial - significance'</p> <p>Provide any evidenced counter arguments to this viewpoint.</p>
		<p>Applicant's Response:</p> <p>As indicated in the 'Comments on Local Impact Reports' [TR020002/D4/LIRC] submitted at Deadline 4, a comparison of direct employment opportunities created by the Proposed Development against total employment in Thanet as suggested by TDC would still be considered as a major change. For context, by looking at the historic trends in employment growth over the past 20 years,</p>

		<p>it can be noted that total employment has risen from 31,000 (1997) to 42,000 (2017)¹, equating to an increase of 12,000 jobs over that time. By Year 20, direct employment opportunities created from the Proposed Development (approximately 3,417, refer to Chapter 13 of the ES [APP-033,034,035], Table 13.25) will therefore comprise approximately 28.5% of total additional jobs generated across the economy of Thanet over the past period of 20 years. This is considered to be a major change resulting from one development, even over a long time period. In addition, the increases should be judged in the context of historically above average unemployment in the local area and the extent of socio-economic deprivation in parts of Thanet, compared to the wider South East. Note that the above is based on historical (i.e. actual) changes in the local economy.</p> <p>Re-assessment is not considered necessary since for operational employment, direct jobs were compared with existing employment in Thanet in three sectors which most broadly resemble the employment opportunities created by the Proposed Development (paragraph 13.8.15 of Chapter 13 of the ES [APP-033,034,035]. This provides an indication of the scale of change in local employment in related sectors. Comparisons were also drawn against Kent. Indirect/induced and catalytic jobs are expected to be created over a wider range of sectors, so the quantitative change was compared to total employment in all sectors.</p> <p>The basis of the employment calculations is set out in detail in the Azimuth Reports (Volumes I-IV) [APP-085]. Further explanation of the approach taken, the basis of these and the technical assumptions made are in answer to SE.1.13 in the Applicant's answers to First Written Questions [REP3-195] submitted for Deadline 3.</p>
SE.2.7	The Applicant	<p>Employment – Detailed figures</p> <p>Appendix SE1.5 of [REP3-187] gives detailed job figures for year 20 of operation. This includes 507 posts for employees for freight for the airport operator, with a further 1,250 employed in the cargo sheds (not by the airport operator), 600 jobs in the MRO facility, 50 staff in General Aviation and 40 in Fixed base operations and helipads, as well as 50 surface access staff.</p>

¹ Note the public dataset methodology has changed slightly over time, however the following has been reviewed.

- i. Annual Employment Survey employee analysis: open access (1991 to 1998)
- ii. Annual Business enquiry employee analysis: open access 1998-2008
- iii. Business register and employment survey: open access 2009 to 2015
- iv. And Business register and employment survey: open access 2015 to 2017

	<p>York Aviation on behalf of Stone Hill Park [REP4-065] note that 600 employees in MRO/aircraft dismantling appears excessive and cite the demise of the Monarch Engineering heavy maintenance operation which employed 250 staff at Luton and Birmingham</p> <p>i. Provide an indication or further breakdown of where or what positions the 507 and 1,250 cargo/freight staff would do.</p> <p>ii. Provide justification for the 600 MRO staff.</p> <p>iii. What positions would you expect the 50 GA staff to fill?</p> <p>iv. What roles would 50 surface access staff fill at the airport?</p> <p>Applicant's Response:</p> <p>i. The 507 airport staff will be involved in ground handling in circumstances where the aircraft operator is availing of the airport's in-house ground handling service. Tasks will include operating equipment to load and unload aircraft, driving fork-lift trucks, building up and breaking down airline pallets, building up and breaking down trucking pallets, screening export cargo, providing load master services to ensure that the aircraft are loaded safely and in accordance with the weight and balance requirements, cargo paperwork, liaising with the airline's operation department by email/telephone/online.</p> <p>The 1,250 cargo/freight staff are likely to operate over four shifts over a 24-hour period, providing an on-shift total of just over 300. These staff will be undertaking the following tasks:</p> <ul style="list-style-type: none"> • Breaking down pallets • Building new pallets • Moving pallets in and out of storage • Handling special cargos including pharmaceuticals into temperature controlled environments, perishables, etc. • Bonding and associated duties • Administration
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	<p>The Applicant has engaged an independent consultant to review the types of jobs likely to be created, the associated skills requirement, and the need for specific training and education. The results of this detailed study, commissioned to assist the local college and university with their business planning, will be available by early August 2019.</p> <p>ii. The forecast for 600 MRO employees at Manston is for twenty years hence and includes an aircraft recycling facility. This facility would be staffed full time, dismantling around 10 aircraft each year based on information provided by interested parties. Given the huge increase in aircraft in service predicted by this time (11,683 additional aircraft even by 2029 - see Appendix SE2.7 in TR20002/D6/SWQ/Appendices) the Manston forecast figure is robust. 600 people working four shifts over four narrow body aircraft bays is around 150 people per shift, around 35 people per bay. This figure includes administration, management, sales and marketing, IT and project planning, maintenance and cleaning of the building and equipment, scaffolding, etc.</p> <p>Other examples include Prestwick Aircraft Maintenance (PAM), who provide aircraft maintenance for Ryanair's fleet of 395 New Generation Boeing 737-800 series aircraft. The facility has five maintenance bays working 24/7 for nine months of the year. PAM employs approximately 500 staff during the peak maintenance period and the workshop facility employs 50 staff. BA's MRO facility in Cardiff (BAMC) currently employs some 700 staff. Across the UK, BA Aircraft Maintenance employs 2000 highly skilled engineers working across 30 hangar bays.</p> <p>iii. These roles cover a wide range of employment including flight training, corporate aviation (companies own use), business and private aviation (travel for business purposes), recreational aviation and air sports. The All-Party Parliamentary Group on General Aviation promotes the objective, set out by British Government, of making the United Kingdom the best country in the world for General Aviation, and stimulating interest in the sector. General Aviation inspires both current and future generations to take up science, technology, engineering and mathematics, thereby creating high-tech jobs and growth in all nations and regions of the UK economy. In order to achieve this objective, the All-Party Parliamentary Group believes that a network of General Aviation airfields must be protected and enhanced by the government. Manston would play a key role in assisting with this objective, and therefore a forecast of 50 staff engaged in GA by 2042 is reasonable in light of Government objectives.</p> <p>iv. The surface transport roles at Manston cover a wide range of jobs. Passengers will be encouraged to use public transport to access the airport and the nearest railway station is Ramsgate. The Applicant intends to run a shuttle service to and from the airport and Ramsgate station using electric vehicles. This will necessitate a number of drivers and related support staff. Additionally, the Applicant plans to run a bus service for local employees to avoid unnecessary use of private vehicles. As with all airports, a car park will be available and will be staffed in shifts to provide 24-hour cover. Staff will be employed in three shifts and therefore the</p>
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		figure of 50 staff is equivalent to around 14 per shift including rest days and holidays. Car hire companies and taxi firms will also be located at the airport and employ a number of staff.
SE.2.8	The Applicant	<p>Catalytic jobs</p> <p>The calculation of catalytic job figures use an ICAO formula, which appears to be a national figure, but is applied at a local level.</p> <p>i. Do you consider that the nationally based multipliers used for induced and catalytic job totals are appropriate within the local context of Manston, and if so, why?</p> <p>ii. If so, how would this affect your predicted job numbers?</p> <p>Applicant's Response:</p> <p>i. Nationally based multipliers are appropriate when establishing induced and catalytic jobs given that not all such opportunities would occur within the local area. The Azimuth figures for induced and catalytic jobs include impacts associated with the aviation sector outside the local economy in which the airport operates. Air transportation facilitates employment and economic development in the local and national economy and jobs in this category therefore capture a wide range of opportunities. For example, air transport contributes to tourism and therefore impacts tourist spending in the wider economy. Air transport also impacts trade, facilitating the import and export of goods by air and therefore their manufacture and distribution, as well as productivity. Air transport also positively impacts location and business decisions by other organisations and stimulates innovation, thereby having a long run impact on productivity and GDP at a national level.</p> <p>ii. The above answer does not affect the predicted job numbers.</p>
SE.2.9		Displacement

	The Applicant	<p>Your answer to SE1.6 [REP3-195] considered that, as the proposal will currently meet unmet demand rather than displacing existing business from other airports that no account of job transfers or losses from other areas has been incorporated into the assessment.</p> <p>However, the Azimuth report [APP-085] states that consideration of costs of switching airlines/forwarders has been taken into account, which implies that some demand would have been displaced from elsewhere. Furthermore, the answer to SE1.1 states that significant effects on outbound tourism are not anticipated as existing connections, including Gatwick, Heathrow, and London City Airports, Ebbsfleet International for trains to the continent and cross channel ferry via Dover already exist. This also implies that outbound tourism business may be displaced from other existing areas, both within the South East, and within Kent itself.</p> <p>Do you maintain the view that the proposal would solely meet unmet demand, and if so, do you have further justification for this viewpoint?</p> <p>Applicant's Response:</p> <p>Much of the forecast is to recoup UK air freight that is lost to European airports (necessitating trucking) and for the capture of increasing air freight from 2022 onwards. However, it is anticipated that some airlines/forwarders may switch from airports in the South East that already have restricted capacity (in terms of runway slots, rapid handling and availability of suitable and sufficient warehousing) or that are reaching capacity. These airports are not expected to suffer significant job losses from the transfer of freighter business since this would be replaced by passenger services.</p>
SE.2.10	The Applicant	<p>Displacement</p> <p>The case for need is based to a certain extent upon the extent of trucking between the south east and the continent</p> <p>Would the proposal result in the loss of existing trucking/logistics employment, either in transit or at the port of Dover?</p> <p>Applicant's Response:</p>

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	<p>There is unlikely to be any downturn in UK employment in trucking/logistics due to the operation of Manston Airport. This is because freight will need to be hauled between the airport and customers/businesses. However, whilst it is expected that the volume of cross channel traffic would potentially decrease, it is unlikely to result in job losses either in the UK or Europe. There are considerable shortages of licensed, qualified HGV drivers in the UK. The average age of drivers is around 48, with less than 2% under the age of 25 (see the Transport for the North report, "Enhanced Freight and Logistics Analysis Report", attached at Appendix SE.2.10 in TR20002/D6/SWQ/Appendices). The UK is currently short of 60,000 HGV drivers, with predictions that by 2020 there will be a shortfall of 150,000 drivers. Since this is the case, it is highly unlikely that any qualified and licensed drivers would suffer redundancy due to the re-opening of Manston Airport.</p> <p>In 2018, 2.5 million trucks passed through Dover and 1.7 used Eurotunnel. The Steer Report (2018) points out that, "<i>Very significant volumes of air freight are trucked to such facilities near Heathrow, processed and then trucked to another airport, either in the UK or in continental Europe, without ever flying in or out of Heathrow itself.</i>" (Steer, 2018, p. ii). It is ultimately a policy decision as to whether trucking to and from European airports represents an inefficiency from the perspective of the UK economy as a whole. The Steer Report states that, "<i>The quality of the UK's air freight infrastructure is a major issue, with freight facilities at UK airports often being decades old and having suffered from continued under-investment. While other airports are not as slot congested as Heathrow, they now cater to significantly more widebody freight capacity than the facilities were originally designed for.</i>" (Steer, 2018, p. ii)</p> <p>The claw-back of overspill to European airports is caused by capacity constraints at South East airports. Considerable work was undertaken to establish the number of truck movements with aircraft codes and to estimate the tonnage carried. This work (detailed in the Azimuth Report Volume I) shows:</p> <ul style="list-style-type: none"> • Around 41,800 truck movements out of the UK to European airports per year in 2018, equating to some 800,000 tonnes of freight* • York Aviation calculated 844,000 tonnes to European airports by 2050 even with a third runway at Heathrow (p 19 and 23 York 2015. 1,188,714 x 71% (EU airport total) • Steer (2018) estimated around 500,000 tonnes • Northpoint, March 2019, para 39, 2.5 million tonnes <p>The calculation for tonnes of freight shown above refers to outbound traffic only and inbound traffic may represent a further considerable number of movements and tonnage. An estimate of 40% of the outbound figure would indicate 320,000 tonnes per year inbound. Together, the in- and out-bound traffic seems to be in excess of one million tonnes p.a.</p>
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		<ul style="list-style-type: none"> • The trucking figures represent the latent demand for Manston Airport. • Evidence from Heathrow that 250 trucks per day leave there for other European airports, frequently due to security clearing or capacity issues tie in with the figure derived from the airline schedules. • At present, the frictionless border between the UK and Europe mean that trucking is relatively easy and cost effective. However, if the UK's withdrawal from the EU causes delays for trucked traffic, Manston would be well positioned to benefit. <p>In terms of the forecast for Manston, there was (and still is) considerable uncertainty about Brexit. Therefore, the estimate for claw back was modelled at between 2% and 5% in Year 2, amounting to between 20,000 and 50,000 tonnes. This figure would rise sharply in the event of friction at the UK/EU borders and, in any event, Manston could expect to increase its claw back over time.</p>
SE.2.11	The Applicant	<p>Heritage Action Zone</p> <p>Historic England [REP4-058] consider that operational aircraft noise could have socio-economic impacts upon the Heritage Action Zone (HAZ), and if the heritage significance of heritage assets, or the potential for this to be appreciated by people is harmed then this might make HAZ projects more difficult to deliver.</p> <p>i. What effect do you consider the proposed scheme would have on the HAZ?</p> <p>ii. Would the acknowledged increase in noise levels and the visibility of planes overflying the HAZ have an effect on the ability of the town's heritage assets to drive economic growth in the town?</p> <p>Applicant's Response:</p> <p>i. It is considered that the Proposed Development would have a positive effect on the Heritage Action Zone (HAZ). Economic effects on the HAZ, which would in this case be indirect, are contingent on complex interactions that preclude accurate micro-scale assessment. The assessment of effects has been presented in Chapter 9 of the ES [APP-033,034,035] at local (in this case for Thanet) and Regional (in this case Kent) scales.</p> <p>Historic England's Additional Written Representation (REP4-058) noted that there is a plausible, if poorly defined, pathway by which socio-economic change, which hindered the HAZ in achieving its objectives could lead to harm to heritage assets through neglect.</p>

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		<p>This Written Representation explicitly deferred consideration of these potential socio-economic effects to the assessment presented in Chapter 13 of the ES [APP-033,034,035].</p> <p>ii. Please see the response to 2.13 below.(ii) The visual and audible change anticipated would not give rise to any adverse effect on the ability of the town's heritage assets to be used to drive economic growth, while the wider economic benefits of the proposed development would support the objective of increased economic activity.</p>
SE.2.12	The Applicant	<p>Tourism</p> <p>Paragraph 13.8.77 of Chapter 13, Volume 2 of the ES [APP-034] states that Thanet has approximately 3.1 million visitors annually, of which 75% are day visitors, meaning the remaining 775,000 individuals are overnight stay visitors. The ES further notes that anticipated passenger numbers associated with the proposal are around 1.4million in Year 20 and considers that this additional flux of people, if assumed to all be overnight stays results in a net increase of 81.6% compared to current annual tourist visitors, with 25% of visitors as overnight stays providing a potential for net increase of approximately 45.4% (paragraph 13.8.78).</p> <p>i. 1.4 million passengers per annum equates roughly to around 700,000 passengers each way (if assuming passengers will generally use the same airport for inbound and outbound flights). Do you consider passengers are likely to stay overnight in Thanet before and after their outbound and return flight?</p> <p>ii. Would it be fair to assume that many outbound passengers would be resident within the local area and so would have no need to stay overnight?</p> <p>iii. Do you consider therefore the figures within the ES are likely to be accurate?</p> <p>Applicant's Response:</p> <p>i. Yes although quite clearly not all passengers using Manston Airport can be expected to stay overnight in Thanet. There appears to be no reputable research that provides a ratio of inbound or outbound stays linked to air travel. However, the Applicant would expect some passengers to stay overnight either before an outbound early flight or after an inbound flight arriving late in the evening. Smaller airports with easy access and short walking distances between surface transport drop off and aircraft boarding tend to attract older or less mobile passengers. This market segment may travel to the airport from greater distances to take</p>

	<p>advantage of the benefits to them of flying to and from Manston. These passengers may tend to want to stay overnight rather than travel either by car or public transport from home or to their final destination of inbound. Any delays to flights (such as through severe weather) also create demand for accommodation close to the airport.</p> <p>Air transport and tourism are interlinked: the global hotel industry relies on the airline industry to, quite literally, carry its demand and hotels that serve airports around the world successfully exploit their locations. For example, only thirty years ago, Dubai had a small airport handling 4.3 million passengers per year. Dubai International Airport is now one of the busiest in the world, handling more than 88 million passengers in 2017. The hotel industry in Dubai has grown in line with the airport, from fewer than 5,000 rooms in 1988 to more than 86,000 by 2017. In terms of Low Cost Carriers that Manston is expecting to be users (although not exclusively) of the airport, it is clear that their entry into the market has supported local and regional economic development in a number of ways. These include increasing the rate of international tourism, generating new jobs, and improving the GDP of the area.</p> <p>ii. It would be fair to assume that both inbound and outbound passengers will derive from a 'local' catchment area. Southend Airport is a viable comparator for Manston Airport in terms of the passenger market and has shown there is sufficient demand to attract a number of hotels to the airport vicinity. Around Southend Airport these include:</p> <ul style="list-style-type: none"> • Holiday Inn Southend: Overlooking the runway of London Southend Airport, this hotel was opened in 2012 in has five storeys, 129 bedrooms, and a roof top restaurant overlooking the runway and surrounding Essex countryside. • Premier Inn Southend: • Skylark Hotel: Located in Aviation Way has 75 rooms <p>It should be noted that these hotels coincided with EasyJet operating services from a base at Southend in 2012. In 2010, the Borough Council's strategy was to focus on, "<i>the regeneration of the town centre and seafront and the expansion of London Southend Airport.</i>" It is therefore important to point out that whilst local people may have no need to stay overnight, the airport can be used, if the right efforts are made by the local authority, to stimulate tourism and increase overnight stays in Thanet.</p> <p>At this time, Thanet had a relatively poor performance (based on Destination Research figures (see Appendix SE.2.13 part b in TR20002/D6/SWQ/Appendices), with the number of overnight trips decreasing slightly between 2015 and 2017, number of nights increasing by 4.9% and total overnight spend increasing 2%. It should be noted that coastal visits account for only 9% in Kent, behind urban (63%) and countryside (28%) visits. In terms of the number of nights by accommodation, by far the largest percentage in Thanet was those staying with friends and relatives (33%). These people are unlikely to be negatively affected by the re-opening</p>
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		<p>of the airport. Sadly, total spend on accommodation in Thanet has not changed between 2015 and 2017. So far from being the burgeoning success story some of the opposition groups to the reopening of Manston Airport claim, it is clear that Thanet would benefit from the presence of the airport to help stimulate its tourism sector, as with Southend-on-Sea,</p> <p>iii. Plainly it is not possible to guarantee the accuracy of projected tourist visitors but the Applicant considers that the figures in the ES are robust.</p>
SE.2.13	The Applicant	<p>Tourism</p> <p>What effect would the acknowledged increase in the absolute noise level and the visibility of planes overflying Ramsgate have on the existing and potential tourism for the town?</p> <p>Applicant's Response:</p> <p>The Applicant does not consider that the increase in absolute noise levels or the visibility of planes flying over Ramsgate is likely to have an adverse impact on the existing and potential tourism for the town. The Azimuth Report (Volume IV APP-085) conducted a comparison with other coastal towns with an operational airport. These included Southend, Bournemouth and Southampton. In none of these cases did the presence of an airport appear to have any negative impact on tourism. Rather it assisted growth of the sector in each case.</p> <p>As noted in the response to SE.2.12, when compared to Southend-on-Sea, where the airport is located around four kilometres from the town and beaches, Thanet's tourism sector has not grown hugely in the past few years. Southend has seen record numbers of visitors who are staying for longer. Southend has 7.5 million visitors a year, with tourism supporting 9,500 people through direct employment and bringing £440m into the local economy (see Appendix SE.2.13 part a in TR20002/D6/SWQ/Appendices). Thanet is still far behind Southend's economic performance related to tourism. Overall, in 2017, Southend's total number of trips (day and staying overnight) amounted to 7.5 million compared to Thanet's total, across its three towns, of 4.2 million (see Appendix SE.2.13 part b in TR20002/D6/SWQ/Appendices).</p> <p>Given this comparison, the Applicant does not envisage any negative impact on the tourist industry in Ramsgate.</p>

		<p>One of the key growth areas is Thanet's Language Schools, and figures for 2017 compared to 2015 show an 11% increase in volume (see page 23 of (see Appendix SE.2.13 part c in TR20002/D6/SWQ/Appendices).). The presence of an operational Manston Airport can only serve to support this sector by making Thanet more accessible to overseas students. Research for English UK shows that around half a million people of all ages come to the UK each year to improve their English, generating £1.4bn in GVA in 2017 and supporting 35,700 jobs across the economy. The average student spends in the order of £150 every week in addition to the fees and payments to their centres.</p> <p>Even if, contrary to the experience at Southend, there was a net loss in tourism in Ramsgate as a result of the proposed development, any job losses in that sector would be outweighed by the jobs created in other sectors. Paragraph 13.8.84 of Chapter 13 of the ES [APP-034], discusses potential amenity affects and, in turn, potential implications for visitors (both number of visits and duration of stay) in Ramsgate. It recognises that indirectly this could potentially affect spending levels in Ramsgate and in turn tourism (and tourism related) businesses and jobs but concludes that any loss of tourism from existing visitors is likely to be off-set by increasing visitor spend (both direct, indirect and catalytic) associated with Proposed Development, and that the net effect is expected to be positive.</p>
SE.2.15	The Applicant	<p>Tourism</p> <p>What percentage of inbound passengers do you consider would be likely to constitute tourists, and which areas/cities would they come from?</p> <p>Applicant's Response:</p> <p>As noted in SE 2.12, the estimates are based on 1.4 million passengers in Year 20, some 700,000 each way. The assumptions behind this number are set out in the response to that question. It is currently not possible to provide a detailed breakdown on the area/city location origin of inbound tourists given the routes are yet to be determined. However, the overall balance of business and tourism and/or leisure visitors can be observed with reference to comparator airports. Clearly these are approximate, but Southend Airport is discussed below given its relative proximity to Thanet, comparable proximity to London Airports and broad similarities in the visitor offer, is appropriate.</p> <p>In terms of absolute numbers in 2018, Southend accommodated 1.48 million passengers. Of these, 0.9 million (61%) were UK scheduled airline passengers and just under 0.6 million (39%) were passengers on EU scheduled operators. Less than 1% were</p>

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		<p>charter flight passengers². Passenger numbers have increased by 52% since 2013. In terms of locations, CAA data shows in 2018, Southend served a total of 40 international destinations (Western and Eastern Europe)³ and 5 UK domestic destinations (including the Channel Islands)⁴.</p> <p>The CAA also publish – for selected airports – passenger survey data, which shows both country of residence (UK and non-UK) and journey purpose (leisure and business) of terminal passengers for 2017. Southend is not included, however, a range of other airports across the UK are included.⁵ Using an unweighted average of all airports suggests 17% of passengers are business passengers (split evenly between UK and non-UK residents) and 83% leisure passengers (of these some 62% were UK residents and some 21% non-UK). A more select list of smaller airports outside hub and/or larger metropolitan airports, where the balance of passengers is more toward leisure⁶, would suggest approximately 11% of passengers are business passengers (the majority UK based) and some 90% leisure passengers (of these approximately 70% were UK residents and 20% non-UK). This provides order of magnitude figures. [cross reference to SE 2.12].</p> <p>It should be noted that the percentage of inbound passengers that could be brought to Thanet as tourists will depend on the effort made to attract them.</p> <p>It is important to state that attracting overseas visitors and encouraging inbound passengers to visit Thanet and East Kent requires a concerted effort on the part of the District Council and tourism agencies in the area. For example, Southend's tourism market is buoyant as the local council's aspiration is for Southend to be England's number one tourism destination. The Council has worked closely with the airport to ensure, "<i>Passengers passing through London Southend Airport (LSA) will understand that they are not just at an international transport hub but are entering a destination in its own right.</i>" (see Appendix SE.2.15 in TR20002/D6/SWQ/Appendices).</p> <p>As with Southend, Thanet District Council will have to work with the airport owners to ensure Thanet is a 'destination' in its own right, providing attractions, accommodation, shopping, food, etc. that overseas visitors will want to experience. This is not something the airport can be expected to provide alone. Southend Local Authority undertakes promotional activity with the network</p>
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² Air Passengers by Type and Nationality of Operator 2018 Table 8:

https://www.caa.co.uk/uploadedFiles/CAA/Content/Standard_Content/Data_and_analysis/Datasets/Airport_stats/Airport_data_2018_annual/Table_08_Air_Pax_by_Type_and_Nat_of_Op.pdf

³ Table 12.1 International Air Passenger Traffic To and From Reporting Airports for 2018 Comparison with 2017

https://www.caa.co.uk/uploadedFiles/CAA/Content/Standard_Content/Data_and_analysis/Datasets/Airport_stats/Airport_data_2018_annual/Table_12_1 Intl_Air_Pax_Route_Analysis.pdf

⁴ Table 12.2 Domestic Air Passenger Traffic To and From Reporting Airports for 2018 Comparison with

2017 https://www.caa.co.uk/uploadedFiles/CAA/Content/Standard_Content/Data_and_analysis/Datasets/Airport_stats/Airport_data_2018_annual/Table_12_2 Domestic_Air_Pax_Traffic_Route_Analysis.pdf

⁵ Data is based on Birmingham, East Midlands, Gatwick, Heathrow, Leeds Bradford, Liverpool, London City, Luton, Manchester, Newcastle and Stansted Airports. Source:

https://www.caa.co.uk/uploadedFiles/CAA/Content/Standard_Content/Data_and_analysis/Datasets/Passenger_survey/PassengerSurvey2017.pdf

⁶ These data are based on East Midlands, Gatwick, Leeds Bradford, Liverpool, Luton, Newcastle and Stansted Airports.

of overseas routes developed through Southend Airport and this would be vital to Thanet in the event of a re-opened Manston Airport. In their Tourism Strategy and destination plan for the Borough of Southend (see Appendix SE.2.15 in TR20002/D6/SWQ/Appendices). Southend Local Authority say:

“Whether recognising the opportunity for a future visit to Southend by domestic travellers heading abroad or capturing the interest of inbound tourists to visit the area in future, the Airport will present Southend’s visitor offer linking messages to key attractions and joint brand values. The brands will connect to create stand-out positioning for both the airport and the resort of Southend to reinforce the synergies and quality of offer. European city locations served by the airport will be familiar with the Southend proposition and touch down space for any businesses seeking trade with London and the UK market will be promoted.”

Overseas overnight visitors to Kent by national ranking by volume and value of visits are shown in the table below. In the top five nations by number of visits and spend to Kent are Germany, France and Spain. These are generally included in the top destinations for the Low Cost Carrier routes that are likely to operate from Manston Airport. A review of the schedule from Southend for EasyJet, Ryanair and Flybe shows routes to and from these countries.

Top 10 nations by volume of Visits (000s)		Top 10 nations by volume of spend (£m)	
Germany	177.1	Germany	£49.63
France	114.5	France	£31.75
Poland	96.8	USA	£26.83
Spain	85.2	Spain	£21.31
Netherlands	78.2	Australia	£19.51
Romania	69.6	Bulgaria	£18.89
Belgium	66.2	Czech Republic	£16.26
Other Eastern Europe	55.2	Netherlands	£14.78
USA	48.9	Belgium	£13.59
Irish Republic	34.1	Italy	£11.43

Source: International Passenger Survey, 2017

Economic Impact of Tourism Kent - 2017 Results 11

Source: Destinations Research, Economic Impact of Tourism – Kent – 2017 Results

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		<p>Germany: There were 2.51 million visits by air from Germany to the UK in 2017. The average length of stay was just over 5 days with an average spend of £482 per visit. There are currently no flights from Southend to Germany</p> <p>Spain: Spain is one of the best-connected countries to the UK. There were 2.27 million visits to the UK by air from Spain in 2017 with 15.8 million nights spent and an average spend per visit of £458, an increase of just over 5% from the previous year (figures provided by Visit Britain). Routes from Southend include:</p> <ul style="list-style-type: none"> • EasyJet to Barcelona, Mahon, Palma, Ibiza, Alicante, Murcia, Malaga, Tenerife, Lanzarote • Ryanair to Alicante, Barcelona Reus, Bilbao, Malaga, Palma <p>France: Visitors from France made 1.68 million visits by air to the UK in 2017. The average length of stay was 5.7 days with a spend of £438 per visit.</p> <ul style="list-style-type: none"> • EasyJet to Paris, Bordeaux and Geneva • Ryanair to Brest • Flybe to Caen-Normandy, Rennes
SE.2.16	The Applicant	<p>Automation</p> <p>Your answer to SE1.3 considers that the target market for freight will principally be freighters but with express freight and in house e-commerce operators also likely to be targeted, with the scope for mechanisation of the handling process less likely than might be the case at East Midlands or Heathrow, meaning any reduction of employment potential from mechanisation would be nominal. It was confirmed at the need and operations Issue Specific Hearing (21 March 2019) that a modern e-commerce business is targeted for the integrator role at Manston, as opposed to any existing express freight integrator.</p> <p>Would such a modern dynamic business model not be more likely to embrace mechanisation than 'older' business forms and types of freight?</p> <p>Applicant's Response:</p>

	<p>Processing facilities and or fulfilment centres tend to be highly automated, with automatic sorting based on pre-coded packages. An alternative approach is for containers/pallets of unsorted packages to simply be transferred direct from aircraft to truck and to a fulfilment centre for sorting, via bonded warehouse. In this scenario the need for highly mechanised handling processes within the airport cargo sheds is likely to be less. At this stage it is unclear which of these two modes of operation will be the predominant for new integrators.</p> <p>In relation to General Cargo, there is typically far less automated handling and therefore less mechanisation, although where there are opportunities to introduce it – for example in relation to Pharmaceuticals and perishables.</p> <p>The proposal is for Manston to provide state of the art facilities in terms of digitalisation of the whole consignment chain to ensure tracking, insurance and invoices are handled electronically at each stage of the handling process from collection from the consignee to delivery to the customer. This is likely to be particularly prized by the growing e-commerce market.</p> <p>In a recent article in Cargo Facts (a leading air cargo industry publication), entitled “<i>The Silicon Solution? How robots are reinventing the cargo warehouse</i>” (1 May 2019), this issue was addressed directly in the section of the article ‘Work without Labour’, which is provided below. The article makes it clear that increases in digitalisation does not necessarily have adverse impact on jobs.</p> <p>Work without labour</p> <p>Whenever the subject of robots comes up, the issue of their effects on the human workforce must be addressed. Automation in the warehouse, after all, can make picking activities four to five times more efficient than if they were performed by humans.</p> <p>However, as many logistics companies insist, the use of autonomous robotics is having little effect on the numbers of workers they have hired and retained. Rather, the systems merely make the workers’ jobs less labour-intensive and therefore more attractive to the average worker.</p> <p>“The real benefit of AMRs [Automatic Mobile Robots] is that they relieve employees from tedious, low-value work, such as walking a cart full of items from order assembly areas to shipping, and then walking back,” explained Rock Magnan, president of RK Logistics. “It improves the workplace experience for the employee, makes them more efficient, and frees up time for them to focus on more higher-value activity.”</p>
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		<p>In fact, Magnan said, RK has historically had trouble finding people willing to do warehouse work, especially in the Bay Area. "We continually have dozens of positions open," he said. "The AMRs help improve the workplace experience for our warehouse associates, enabling us to focus them on work that's more thoughtful and stimulating, and makes the best use of their talent. This technology has proven to be a positive recruiting advantage for us."</p> <p>Melonee Wise, CEO of Fetch Robotics says: "Robots don't take jobs, they take tasks"</p> <p>"These robots carry all the weight of the products and they get you the goods, you reduce travel time, you reduce bending down to pick up products – it just improves safety," agreed XPO's Harik. "It's more of a risk aversion solution."</p> <p>While Harik says XPO does not have to hire as many temporary workers during peak periods, due to the efficiency savings, he said the company is adding more data scientists and machine-learning people to service the robots. "There's definitely an increase in focus on technology overall," he added.</p>
SE.2.17	The Applicant	<p>Education, training and skills</p> <p>It is stated that commitments around education, training and local recruitment will be captured in a Section 106 agreement.</p> <p>i. What is the current status and progress of this agreement?</p> <p>ii. Provide a draft of any such agreement.</p> <p>Applicant's Response:</p> <p>i. As noted previously, the Applicant has convened an Employment and Skills Group comprising of various stakeholders, including the local planning authority. The Applicant has held meetings and liaised with the group in relation to securing commitments around education, training and local recruitment. The intention has been that this would be secured within a section 106 agreement. Whilst</p>

		<p>discussions have been ongoing, it has not yet been possible for the stakeholders to particularise the commitments they would wish to see secured. A list of potential commitments has been drawn up and is under consideration by the stakeholders.</p> <p>The higher education and further education stakeholders have suggested that they require research to be undertaken to better inform and build a case for the development of courses and initiatives. RSP has therefore commissioned some research to assist with this.</p> <p>As such, it has not yet been possible to table a draft s.106 agreement. However, the Applicant notes the ExA's SWQ DCO.2.48 which references the ExA's consideration that a Requirement may be an appropriate way to secure the commitments. The Applicant considers that a Requirement may be a suitable way of securing the commitments which would allow for the detail to be developed and agreed by the relevant stakeholders.</p> <p>ii. As noted above, a draft s.106 agreement has not yet been tabled. It would not be appropriate for the Applicant to draw up such an agreement without the agreement of the stakeholders who will be delivering the initiatives. As such, it may be that a Requirement such as the one proposed by the Applicant in its answer to SWQ DCO.2.48 would be a suitable way of securing the commitments at this time.</p>
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Ref No.	Respondent	Question
Tr.2 Transportation and Traffic		
TR.2.1	The Applicant	<p>The Examining Authority (ExA) request that the Applicant responds to question Tr.2.1 in advance of Deadline 6 and ideally by 23.59 on Tuesday 16 April 2019.</p> <p>Alternative Manston-Haine Link</p> <p>Junction 2 A299 / A256 / Cottington Link Rd</p> <p>Junction 4 A299 / B2190</p> <p>Junction 6 A299 / Seamark Rd / A253 / Willetts Hill</p> <p>Junction 7 A299 / A28</p> <p>Junction 12: Manston Road / B2050 / Spitfire Way</p> <p>Junction 15: Manston Road / Hartsdown Road / Tivoli Road / College Road / Nash Road</p> <p>Junction 16 Ramsgate Rd / College Rd / A254 / Beatrice Rd</p> <p>Highway Safety Improvement at Spitfire Way/Alland Grange Road</p> <p>Highway Safety Improvement at Manston Road/Manston Court Road</p>

Ref No.	Respondent	Question
		<p>Section 5 of the Revised Transport Assessment (RTA) submitted on 5 April 2019 [REP5-021] sets out an alternative Manston-Haine link road from that set out in the draft Thanet Transport Strategy. Figure 5.1 shows a Design Manual for Roads and Bridges (DMRB) compliant alternative link road. This cuts through the radar safeguarding area and some units of the Northern Grass Area (NGA).</p> <p>The RTA submitted on 5 April 2019 [REP5-021] sets out changes to junction mitigation schemes.</p> <p>i. What changes to the application documents for example, Schedule 1 of the draft Development Consent Order (dDCO) and revisions to Works Plans, are necessary?</p> <p>ii. Do:</p> <p>a) the alternative Manston-Haine link road; and</p> <p>b) the changes to junction mitigation schemes; and</p> <p>c) the removal of mitigation schemes at Junctions 1, 10, 13, 17, 20, 21a, 21b, 26 and 27 as set out in APP-061; separately and/or together constitute a material change to the Proposed Development?</p> <p>The Applicant must fully justify its response.</p> <p>In responding to this question, the Applicant should have explicit regard to 'DCLG Planning Act 2008: Guidance for the examination of applications for development consent' (March 2015), in particular to paragraphs 109 to 115 of that Guidance.</p> <p>The Applicant's attention is drawn to the Planning Inspectorate's 'Advice note sixteen: How to request a change which may be material, v2' (March 2018).</p>

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Ref No.	Respondent	Question
		<p>Applicant's Submitted Response:</p> <p>i. There are no changes necessary to the dDCO or revisions to the Work Plans as the Manston-Haine link road is not part of the DCO application, but is a scheme being brought forward by Kent County Council (KCC) Highways as part of the Inner Circuit Route Improvement Strategy (ICRIS) proposals included in the Thanet Transport Strategy. The delivery of the link road will be undertaken by KCC and land requirements for its delivery will be negotiated between KCC and the Applicant separate to the DCO.</p> <p>The off-site junction improvements are not part of the DCO application and will be dealt with through Section 278 Highways agreements.</p> <p>ii. The alternative Manston-Haine link road and changes to the off-site junction improvements do not constitute material changes to the Proposed Development as there are no changes to the access junction proposals or road network within the red line boundary and therefore there is no change to the DCO application. As identified in the response to Tr2.1 i. above, the alternative Manston-Haine link road is a KCC scheme which would be delivered separately to the Proposed Development.</p>
TR.2.2	<p>Kent County Council (KCC)</p> <p>Thanet District Council (TDC)</p>	<p>Alternative Manston-Haine Link</p> <p>Junction 2 A299 / A256 / Cottington Link Rd</p> <p>Junction 4 A299 / B2190</p> <p>Junction 6 A299 / Seamark Rd / A253 / Willetts Hill</p> <p>Junction 7 A299 / A28</p>

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Ref No.	Respondent	Question
		<p>Junction 12: Manston Road / B2050 / Spitfire Way</p> <p>Junction 15: Manston Road / Hartsdown Road / Tivoli Road / College Road / Nash Road</p> <p>Junction 16 Ramsgate Rd / College Rd / A254 / Beatrice Rd</p> <p>Highway Safety Improvement at Spitfire Way/Alland Grange Road</p> <p>Highway Safety Improvement at Manston Road/Manston Court Road</p> <p>The removal of junction mitigation schemes at Junctions 1, 10, 13, 17, 20, 21a, 21b, 26 and 27 as set out in APP-061</p> <p>Provide any views as to whether these proposals separately and/or together constitute a material change to the Proposed Development?</p>
		<p>Applicant's Response:</p> <p>N/A</p>
TR.2.3	The Applicant	<p>Alternative Manston-Haine Link</p> <p>Junction 2 A299 / A256 / Cottingham Link Rd</p> <p>Junction 4 A299 / B2190</p> <p>Junction 6 A299 / Seamark Rd / A253 / Willetts Hill</p>

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Ref No.	Respondent	Question
		<p>Junction 7 A299 / A28</p> <p>Junction 12: Manston Road / B2050 / Spitfire Way</p> <p>Junction 15: Manston Road / Hartsdown Road / Tivoli Road / College Road / Nash Road</p> <p>Junction 16 Ramsgate Rd / College Rd / A254 / Beatrice Rd</p> <p>Highway Safety Improvement at Spitfire Way/Alland Grange Road</p> <p>Highway Safety Improvement at Manston Road/Manston Court Road</p> <p>The removal of junction mitigation schemes at Junctions 1, 10, 13, 17, 20, 21a, 21b, 26 and 27 as set out in APP-061</p> <p>If the answer to question Tr.2.1 above is in the affirmative, the Applicant should submit a material change request.</p> <p>This should be submitted as soon as practicable but not later than Deadline 6.</p> <p>This should include, but not be limited to:</p> <p>a) a tracked change and clean version of the Second Revised 2.1 Draft Development Consent Order [REP5- 002] showing any proposed changes, including those to Schedule 1;</p> <p>b) an updated Revised 2.2 Explanatory Memorandum [REP5-006], in a tracked change and clean version, explaining and justifying any changes;</p> <p>c) an updated version of the revised Works Plans [REP3- 197];</p>

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		<p>d) a revised updated Book of Reference [REP3-194] showing any consequent changes including to the purposes for which relevant land and/ or rights over land are to be acquired;</p> <p>e) a revised Statement of Reasons [APP-012], in tracked changed and clean versions, explaining and justifying any changes to the Book of Reference;</p> <p>f) a report either showing where in the submitted Environmental Statement the proposed link road and changes to junction mitigation schemes have been assessed or an assessment of those proposals;</p> <p>g) a revised Master Plan [APP-079]; and</p> <p>h) a revised Planning Statement [APP-080], in tracked changed and clean versions.</p> <p>The Applicant's attention is drawn to the Planning Inspectorate's 'Advice note sixteen: How to request a change which may be material, v2' (March 2018) in particular paragraph 4 which sets out the information required.</p> <p>Applicant's Response:</p> <p>As advised in the answer to TR2.1, there are no proposed changes to the DCO project, so no material change request is being submitted.</p>
TR.2.4	The Applicant	<p>Alternative Manston-Haine Link</p> <p>Junction 2 A299 / A256 / Cottingham Link Rd</p> <p>Junction 4 A299 / B2190</p>

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		<p>Junction 6 A299 / Seamark Rd / A253 / Willetts Hill</p> <p>Junction 7 A299 / A28</p> <p>Junction 12: Manston Road / B2050 / Spitfire Way</p> <p>Junction 15: Manston Road / Hartsdown Road / Tivoli Road / College Road / Nash Road</p> <p>Junction 16 Ramsgate Rd / College Rd / A254 / Beatrice Rd</p> <p>Highway Safety Improvement at Spitfire Way/Alland Grange Road</p> <p>Highway Safety Improvement at Manston Road/Manston Court Road</p> <p>i. Do these proposals include land outside the dDCO Order Limits?</p> <p>ii. Do these proposals involve changes to the dDCO Order Land so that additional land will need to be subject to Compulsory Acquisition powers?</p> <p>iii. If so, how will this be secured at this stage of the Examination?</p>
		<p>Applicant's Response:</p> <p>i. No additional land outside the order limits is required as part of the Development Consent Order (DCO) scheme.</p> <p>ii. The Applicant does not propose any changes either within or beyond the DCO Order land as part of this application. The Manston Haine Link is a Kent County Council (KCC) scheme. It is not promoted by the Applicant and is not required for the Proposed Development. This has been demonstrated in the Transport</p>

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		<p>Assessment (TA) [REP5-021]. All other junction improvements can be delivered within the existing highway boundary.</p> <p>iii. Given that there is no proposed change to the DCO the Applicant does not need to secure any changes to the application.</p>
TR.2.5	The Applicant	<p>Section 5 Manston-Haine Link</p> <p>In what way is cutting across the radar safeguarding area appropriate in aviation safety terms?</p>
		<p>Applicant's Response:</p> <p>The location of the Manston-Haine link does not have adverse effects with respect to aviation safety. The proposed link is intended to follow the alignment of the existing Manston road, where possible. Where the proposed link diverts from this and into the radar safeguarding area, the dish will be approximately 27m above ground level and above the proposed link; hence all road traffic will be well below the ceiling of the dish.</p>
TR.2.6	The Applicant	<p>Section 5 Manston-Haine Link</p> <p>i. In what ways does the alternative route affect the quantum of buildings in the NGA being sought?</p> <p>ii. Provide a table showing proposed floorspace for Works Nos. 15, 16 and 17.</p> <p>iii. Show how any changes in floorspace impact on employment creation estimates for the Proposed Development.</p>

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		<p>Applicant's Response:</p> <ul style="list-style-type: none"> i. The alternative route crosses a very small section of the Northern Grass Area (NGA) on the north west corner. The latest drawing showing the amended route is provided as Appendix TR.2.6 of TR20002/D6/SWQ/Appendices) There will be no effect on the quantum of floorspace proposed under works 15, 16 and 17. ii. Works areas 15, 16 and 17 correspond to Zones 1, 2 and 3 on Masterplan drawing 2089 (page 10 of application document TR020002/APP/7.1 – Masterplan) see below: <p>The zones / works areas each have a maximum quantity of permitted building development within the area. This is based on the building footprint.</p> <p>Work 17 / Zone 1: Up to 30,000m² Work 15 / Zone 2: Up to 60,000m² Work 16 / Zone 3: Up to 26,000m²</p> <p>Total allowable development across Zones 1, 2 & 3 together is up to 105,100m²</p> iii. There will be no change in floorspace proposed in the NGA if the amended route is adopted and therefore no impact on employment numbers
TR.2.7	The Applicant	<p>Alternative Manston-Haine Link</p> <p>Junction 2 A299 / A256 / Cottingham Link Rd</p> <p>Junction 4 A299 / B2190</p>

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		<p>Junction 6 A299 / Seamark Rd / A253 / Willetts Hill</p> <p>Junction 7 A299 / A28</p> <p>Junction 12: Manston Road / B2050 / Spitfire Way</p> <p>Junction 15: Manston Road / Hartsdown Road / Tivoli Road / College Road / Nash Road</p> <p>Junction 16 Ramsgate Rd / College Rd / A254 / Beatrice Rd</p> <p>Highway Safety Improvement at Spitfire Way/Alland Grange Road</p> <p>Highway Safety Improvement at Manston Road/Manston Court Road</p> <p>Provide evidence as to whether or not the inclusion of the link and changes to the junction mitigation schemes affect the costings of the proposed scheme?</p> <p>If the response is in the affirmative:</p> <ul style="list-style-type: none"> a) ensure that the updated Funding Statement to be submitted at Deadline 6 includes these implications; b) show and explain any implications for the business model submitted as Appendix F.1.5 of the Applicant's Appendices to Responses to First Written Questions [REP3-187]; and c) if the above road schemes are proposed to be funded by another body or jointly funded, show how this is secured through the dDCO.
		Applicant's Response:

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		As advised in response to Tr.2.1 the Manston-Haine link is not part of this application and is for KCC to promote; there is therefore no change to the costings of the proposed scheme. The junction improvements will be delivered via a section 278 agreement outside of this process.
TR.2.8	The Applicant TDC KCC	<p>Manston-Haine Link</p> <p>i. Do the TDC draft Local Plan to 2031 and draft Thanet Transport Strategy allow for flexibility of routeing?</p> <p>ii. Will the alternative route deliver the same benefits sought by the draft Thanet Transport Strategy?</p> <p>iii. Is the alternative route acceptable to KCC and TDC?</p>
		<p>Applicant's Response:</p> <p>i. The policy wording does allow for flexibility of routeing and this has been discussed and agreed with KCC.</p> <p>ii. As demonstrated in the TA [REP-021], the alternative route will deliver the same benefits as those sought by the Thanet Transport Strategy.</p> <p>iii. N/A</p>
TR.2.9	The Applicant	<p>Manston-Haine Link</p> <p>The Applicant's Responses to First Written Questions [REP3-195], referring to the Register of Environmental Actions and Commitments [APP-010], cites <i>"Planting within the 45m wide buffer zones along the western perimeter of the business park (Northern Grass Area)"</i> as providing mitigation for receptors identified as being subject to significant visual impact</p>

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		<p>effects as listed in Section 11.8 Assessment of Landscape Effects in Chapter 11 Landscape and Visual, in Environmental Statement Volume 2 [APP-034].</p> <p>What effects will the revised proposals set out in the RTA submitted on 5 April 2019 [REP5-021] have on planting schemes?</p> <p>Applicant's Response:</p> <p>It should be noted that the proposals have not been revised. The Manston-Haine link is a scheme promoted by KCC. Although the Applicant is seeking to work with KCC and Thanet District Council (TDC) in terms of accommodating proposals for a link route, it is envisaged that any mitigation required as a result of KCC's proposals would need to be assessed when a separate application is made for that scheme.</p>
TR.2.10	The Applicant	<p>Timing of Construction</p> <p>At the Need and Operations Hearing (21 March 2019) [REP5-024] it was confirmed by the Applicant that it has now programmed to start the construction of the Airport in 2021.</p> <p>Given this, will 2039 still represent the peak in traffic movements and therefore the worst-case scenario?</p> <p>Applicant's Response:</p> <p>In light of the slight delay to the start of construction, the peak in traffic movements will be in 2041. Assuming the same approach to growth of traffic based on TEMPro, this would result in an additional 1.1% of background traffic growth in the two-year period between 2039 and 2041 which is a small amount of growth. Essentially, the contribution from the Proposed</p>

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		<p>Development will not change even though background traffic increases by a marginal amount and as such the impacts reported are unlikely to change.</p> <p>Notwithstanding this, it is considered that the 2039 traffic growth used in both the original Transport Assessment (TA) [APP-060] and the TA addendum [REP5-021] is robust. It is highly unlikely that the Local Plan residential and employment site allocations will all be fully delivered within the Local Plan period. The Thanet Strategic Transport Model (TSTM) is based on the full completion of the Local Plan growth of 17,140 additional homes and a minimum of 5,000 additional jobs. However, the realism of this level of housing growth in the remaining 12 years is highly doubtful. With reference to the TDC Annual Monitoring report, in the 5-year period before the Local Plan commencement (2006/07 – 2010/11), average annual completions were around 515 houses with a distinct peak in 2010/11 with approximately 980 houses. However, over the last 10 years, annual completions of houses have averaged 460 units, and since Local Plan commencement:</p> <ul style="list-style-type: none"> Between 2011 and 2016, 1,555 homes were completed, an average of 311 per annum. Based on this evidence, it would take over 50 years to build the remaining 15,585 homes; and In 2016/17 there was a higher rate of growth with 389 completions, bringing the annual average up to 325 homes and 1,944 completions. Based on this evidence, it would take nearly 48 years to build the remaining 15,196 homes. <p>The Annual Monitoring Report states that 6,143 homes are projected to be delivered in the 5 years between 2017 and 2022, an average of 1,229 per annum, and 9,696 between 2023 and 2031, an average of 1,212 per annum. This rate of delivery far exceeds the historic evidence of completions, based on the last 10 years, at 460 completions per annum, the build out of the remaining 15,196 homes would take 33 years – up to 2050. It is unrealistic that the projected level of construction will be sustained over the Local Plan period.</p> <p>The build out of 15,196 homes over the 22 years from 2017 to the original fully operational year of 2039 would require a construction rate of 690 units per year, which is considered ambitious when taking into account the historical evidence as set out above. In the past 10 years, this level of construction has been exceeded in only 2 years – 2008/09 and 2010/11.</p>

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		Therefore, the traffic growth by 2041 can realistically be lower than the 2039 figures used in the ES [APP-035], which remains the worst-case scenario.
Revised Transport Assessment (RTA) (5 April 2019) [REP5-021]		
TR.2.11	The Applicant KCC	<p>Section 3.2 Study Area</p> <p>Sets out that the study area has been revised and Junctions 1, 9, 14, 17, 18, 19, 22, 23, 24, 25 and 28 have been removed and Junction 29 'End of the Manston to Haine Link Road with the A256 and Haine Road' has been added.</p> <p>i. Provide an explanation of how this position has been arrived at.</p> <p>ii. In the absence of a signed Statement of Common Ground (SoCG), is this agreed by KCC?</p> <p>Applicant's Response:</p> <p>i. The use of the TSTM has resulted in a lower quantum of development traffic or no development traffic at a number of the junctions previously assessed, and therefore these have been discounted, as follows:</p> <ul style="list-style-type: none"> Junction 14 – A28 (Canterbury Road) /B2052 – Select link analysis data for setting out the proposed development traffic indicated that no vehicles associated to the development would route through this junction; Junctions 17/18/19/22 – All these links received very minor traffic flows from the development that were not considered high enough for detailed junction assessments based on the data from the select link Analysis from the KCC TSTM. The flows were as follows (total vehicles at junction in peak hours); <ul style="list-style-type: none"> Junction 17 – 13 in the AM peak and 8 in the PM peak; Junction 18 – 5 in the AM peak and 0 in the PM peak (nature of this junction changes due to KCC Manston to Haine Link Road)

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		<ul style="list-style-type: none"> ○ Junction 19 – 22 in the AM peak and 4 in the PM peak; and ○ Junction 22 – On opposed movements that would affect the junction operation in the AM peak 3 vehicles and in the PM peak 13 vehicles. ○ For all three junctions above the vehicles were light vehicles and no HGVs would route through these junctions. ● Junction 24: Star Lane Link/Nash Road – The results of the KCC TSTM modelling indicate a drop-in traffic in the 2039 + development scenario compared to the 2039 base model on this junction. It is also noted that a very low number of vehicles are proposed to route through the junction from the development (6 in the AM Peak and 0 in the PM Peak). It was considered that assessment of this junction was not necessary. <p>Junctions 1/9/25/28 - KCC insisted that the Applicant carried out a revised Transport Assessment [REP5-021] using outputs from the TSTM. These junctions are not included in the TSTM.</p> <p>Junction 23: Park Lane/A28 (Canterbury Road) – In previous Assessments the two elements of the Park Lane/A28 (Canterbury Road)/Station Road junction were split into two junctions. In the revised assessment this junction has been combined in a linked junction model and both are considered part of Junction 8 (8a/8b);</p> <p>The select link analysis from the TSTM outputs which shows the development traffic flows is provided at Appendix TR2.11 in TR20002/D6/SWQ/Appendices.</p> <p>ii. The inclusion of the new Junction 29 was based on discussion with KCC as this is part of the Manston Haine Link Road and is included in the TSTM.</p> <p>At the request of KCC, the Applicant is undertaking capacity assessment of Junctions 1, 25 and 28. The assessments will use a combination of TSTM traffic data and the original Transport Assessment traffic flows.</p>

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TR.2.12	The Applicant KCC	<p>Paragraph 3.2.5</p> <p>Sets out that the validation of the junctions (Section 5 of the TA [APP-061]) has been checked by KCC's consultants and have been confirmed as satisfactory.</p> <p>In the absence of a signed SoCG is this agreed by KCC?</p>
		<p>Applicant's Response:</p> <p>KCC has agreed that the validation of the junctions is acceptable.</p>
TR.2.14	The Applicant KCC	<p>Paragraph 4.2.4 (HGV Movements)</p> <p>Assumes arrivals and departures per day have been evenly split across the 24-hour period, with some slight tailing off in the 21:00 – 00:00 period as may be expected with overnight shift working.</p> <p>i. Does this include HGV movements for the NGA?</p> <p>ii. If so, is such a distribution appropriate for the uses proposed?</p> <p>iii. Given that there are now proposed to be no scheduled night flights (Revised Noise Mitigation Plan [REP4-023] states that aircraft cannot take-off or be scheduled to land between 2300 and 0600), is spreading HGV traffic movements evenly across the 24 hour period justified?</p>

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		<p>iv. It is now anticipated that a significant number of movements are likely to be associated with a new e-commerce integrator. Would it be reasonable to expect HGV movements to be clustered around the arrival and departure of such aircraft to ensure speed of delivery to the customer?</p> <p>v. If so, would this, coupled with the overall night flight ban, not result in a much greater level of HGV movements in the day than in the night, which would need to be tested?</p> <p>vi. In light of the commitment for no scheduled night flights, is an even spread across the 24 hour period still agreed by KCC?</p> <p>vii. Should HGV movements and their timings be secured in the dDCO, for example, through a HGV management strategy?</p> <p>Applicant's Response:</p> <ul style="list-style-type: none"> i) No – the NGA Heavy Good Vehicles (HGV) movements are considered separately, paragraph 4.2.4 relates only to the HGVs generated by the movements at the Cargo Freight Facility. This reflects the methodology agreed with KCC. ii) Yes, the distribution is appropriate. The NGA HGV generation calculation is based on TRICS and has been distributed over a 12-hour period, as per the trip rates identified in TRICS. iii) It remains reasonable to assume even distribution over a 24-hour period as the precise timetable for flights has not yet been established. As outlined below there is no reason to assume clustering at this stage and as such even distribution provides a reasonable assumption for use within the TA [REP5-021]. HGV drivers are likely to seek to avoid peak periods by travelling at night and in the early hours. It is also likely that departing and arriving freight will need to be processed prior to onward departure.

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		<p>iv) It is not necessarily the case that trips would be clustered around arrival and departure times of aircraft. HGV movements will have to allow for handling time for both inbound and outbound cargo. Whilst some products may enter and leave the site relatively quickly, others may be subject to a longer period of processing and/or storage. This will be equally true for the new e-commerce integrators.</p> <p>v) No. For the reasons set out above distribution of HGV traffic across a 24-hour period is reasonable.</p> <p>vi) N/A.</p> <p>vii) In transport terms, the movement and timing of HGV's has been shown to have little impact on the transport network. Any impacts predicted have been adequately mitigated and as such it is not necessary to implement limits on movements and timings. Furthermore, HGV movements are already inherently limited by the aviation movement cap and the noise contour control included in the noise mitigation plan. It is not considered practicable or enforceable to implement a further limit on HGV movement timings.</p>
TR.2.15	The Applicant	<p>Appendix C</p> <p>Appendix C sets out 'Traffic Generation Tables' for passengers. Table 1.1 identifies that there will not be any passenger departures between 09.00 and 13.00. However, the TA [APP-061] at Table 6.7 shows that similar airports do have departures during these times. As a result of this assumption, Table 1.5 of Appendix C of the RTA shows that there would be no passenger traffic movements associated with departures during the peak am period.</p> <p>i. Is it feasible that there will be no passenger flight departures between 09:00 and 13:00?</p> <p>ii. How is this secured in the dDCO?</p>

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		<p>iii. How would it be possible to ensure that there would be no unacceptable impacts from the proposal during the peak am period, if this has not been tested?</p> <p>Applicant's Response:</p> <ul style="list-style-type: none"> i. The applicant concedes that it is unlikely that there will be no passenger flights between 09.00 and 13.00. The pm peak is accepted to be the worst case scenario and that which is tested in the TA. By adopting a scenario where there are no flight between 09.00 and 13.00 more traffic is introduced into the pm peak therefore ensuring a robust case is presented in the TA. ii. It is not necessary to secure this in the DCO as the intervention is purely for modelling purposes and does not affect the worst case transport assessment scenario. iii. The applicant believes that impacts are sufficiently assessed and mitigated as described in the TA and its supporting documents. For the reasons outlined in 'i' above, the applicant believes that a reasonable assessment scenario has been adopted and that changes in aircraft departure within the bounds of a realistic operational scenario (ie. c 13 passenger aircraft departures per day in Y20) times would not significantly affect the outcomes of the assessment.
TR.2.16	The Applicant	<p>Table 1.7 of Appendix C</p> <p>Illustrates Total Light Vehicle Traffic for the Passenger Terminal.</p> <p>i. Does this include staff and any other non-passenger movements?</p>

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		<p>ii. If not, why do the figures fluctuate so widely in Table 1.7, when passenger numbers in Tables 1.3 and 1.5 of Appendix C are relatively consistent?</p> <p>Applicant's Response:</p> <ul style="list-style-type: none"> i) No. Table 1.7 sets out the vehicle movements related to passenger movements. ii) The figures fluctuate due to the influence of the arrival times for passengers taking a departing flight, which assumes 30% arriving 2 – 3 hours before a flight and 70% arriving 1 – 2 hours before a flight, as well as departure times for passengers on arriving flights which assumes departure up to 1 hour after the flight arrival. The arrival times were revised based on discussion and agreement with KCC after the DCO submission.
TR.2.17	The Applicant KCC	<p>Tables 4.1 (Passenger Mode Share Estimates Day) and 4.2 (Passenger Mode Share Estimates Night)</p> <p>Sets out the assumed passenger mode share.</p> <p>i. How does the commitment to have no scheduled night flights affect such patterns?</p> <p>ii. Is this agreed by KCC?</p> <p>Applicant's Response:</p> <ul style="list-style-type: none"> i) It has no impact – the passenger mode share estimates relate to those arriving at Manston Airport to leave on the first flights or leaving Manston Airport having arrived on the last flight.

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		ii) KCC has agreed to the mode share estimates that have been set out in the TA addendum [REP5-021].
TR.2.18	The Applicant	<p>Section 4.4</p> <p>States that fuel deliveries are anticipated to arrive in a uniform pattern across a period of 24-hours since the facility cannot accommodate multiple vehicles per hour.</p> <p>i. How does the commitment to have no scheduled night time flights affect fuel deliveries?</p> <p>ii. Is there sufficient capacity to store fuel which is delivered overnight for aircraft departing the following day?</p> <p>Applicant's Response:</p> <p>i. The assumption of a uniform pattern of fuel tankers over a 24-hour period has been based on the historic situation when Manston Airport was last operational. The commitment of no scheduled night flights has been taken into account within the traffic and transport assessments, and it is not considered that this would impact the proposals for fuel deliveries.</p> <p>ii. The fuel farm has capacity to store fuel which is delivered overnight for aircraft the following day. The site also has storage for additional emergence stocks of fuel.</p> <p>It should be noted that the even spreading of HGVs only results in 1 arrival and 1 departure to the fuel farm site each hour. Even if a worst case was applied where fuel was only delivered during the 12-hour day, if that could even be achieved, this would result in only 2 arrivals and 2 departures per hour. This would not affect the assessment presented in the TA [REP5-021] or ES transport chapter [REP5-022].</p>

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TR.2.20	The Applicant	<p>Freight tonnage</p> <p>KCC in its Local Impact Report (LIR) [REP3-143], Paragraph 4.1.13 states:</p> <p><i>"It is forecast that a total of 340,758 tonnes of freight per annum will be reached in Year 20 (Table 6.3 of TA). If this is deemed to be the peak handling capacity of the facility, then an appropriate cap should be placed on any grant of Development Consent to ensure that the trip generation assessment presented in the TA is robust".</i></p> <p>i. What is the Applicant's response?</p> <p>ii. If necessary, how would this be secured in the dDCO?</p>
		<p>Applicant's Response:</p> <p>i. As noted in TR 2.19 above, it is neither necessary nor practicable to include such a cap.</p> <p>ii. N/A.</p>
TR.2.22	The Applicant	<p>Figure 1.1 KCC Strategic Model Zones</p> <p>Sets out the Output Area Zones. However, it is not clear from the labels, for example 'Thanet 006A', where these are located.</p> <p>Provide a labelled map showing each zone or rename them so that it is clear where each is located.</p>
		<p>Applicant's Response:</p>

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		A labelled map of the zones within the Thanet area has been provided with this response in Appendix TR2.22 in TR20002/D6/SWQ/Appendices .
TR.2.23	The Applicant KCC	<p>Section 6.2 Assessment Scenarios</p> <p>Identifies assessment scenarios based upon output results of testing the Proposed Development using the KCC Thanet Strategic Traffic Model (TSTM).</p> <p>i. Is the use of the 2031 Do Maximum Scenario as the future baseline justified and is it agreed by KCC?</p> <p>ii. Can it be guaranteed that the improvements associated with the draft Thanet Transport Strategy, including Thanet Parkway Station, will be delivered?</p> <p>iii. What would be the consequences if such improvements were not delivered?</p> <p>Applicant's Response:</p> <ul style="list-style-type: none"> i) Yes. KCC required consideration of the Local Plan growth and the Thanet Transport Strategy, as captured within the 2031 Do Maximum Scenario, and this was agreed with KCC. ii) The Applicant cannot guarantee that any of the improvements associated with KCC's draft Transport Strategy will be delivered as they are reliant on numerous factors outside of their control. Nonetheless, it is accepted in good faith that KCC will seek to deliver those improvements and the applicant will continue to work with KCC to ensure that their part in that delivery is fulfilled in a matter that is commensurate with any impacts or requirements resulting from the implementation of the Proposed Development.

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		iii) The Proposed Development does not rely on either Thanet Parkway or any other component of the Thanet Transport Strategy.
TR.2.24	The Applicant KCC Network Rail	Thanet Parkway Rail station i. Is there a realistic likelihood that the Thanet Parkway Rail station will be delivered and has the identified funding gap (KCC's response to the ExA first written question Tr.1.20 [REP3-139]) been resolved? ii. What is the latest position with the planning application?
		<p>Applicant's Response:</p> <p>i) It is understood that the Thanet Parkway Station has been awarded £14 million by the South East Local Enterprise Partnership (SELEP), and has contributions of up to £10.95 million from KCC, £2 million from TDC and £0.7 million from the East Kent Spatial Development Company. The estimated cost is currently £27.7 million. On this basis it appears that the funding gap has been met.</p> <p>ii) N/A.</p>
TR.2.25	The Applicant	Paragraph 6.2.2 <p>Introduces a scenario: 2031 Do Maximum (partial Manston Haine Link) + Manston Airport DCO. This assumes the Year 20 traffic generation and that the section from Manston Court Road to Manston Road through the NGA is not provided. However, this scenario does not feature in the junction capacity assessments in Section 6.3.</p> <p>Therefore, what is its purpose?</p>

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		<p>Applicant's Response:</p> <p>The 2031 Do Maximum (partial Manston Haine Link omitting the link between Manston Court Road to the north east of the Northern Grass Area and Manston Road to the south) + Manston Airport DCO was a scenario test requested by the Applicant in order to understand traffic flow routing, this is not a proposal that is proposed by KCC or the Applicant and as such the results have not been included in the TA Addendum [REP5-021].</p>
TR.2.28	KCC	<p>Section 6.3 Junction Capacity Assessments</p> <p>Sets out the junction capacity assessments for Junctions 2, 3, 4, 5, 6, 7, 8A, 8B, 10, 11, 12, 13, 15, 16, 20, 21A, 21B, 26, 27 and 29.</p> <p>Does KCC agree with these assessments?</p>
		<p>Applicant's Response:</p> <p>N/A.</p>
TR.2.29	The Applicant	<p>Table 6.3 Junction 2 – 2039 Peak Hour Modelling Results</p> <p>Sets out that the '2039 with Development Scenario' reduces AM peak average queues (17 vehicles) at the A299 Hengist Way (E) from the '2039 Baseline'. At this stage of the assessment no mitigation measures are taken into account.</p> <p>Explain why, with the additional traffic associated with the Proposed Development, there is a queue reduction?</p>

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		<p>Applicant's Response:</p> <p>The TSTM is dynamic and redistributes traffic as a result of changes to demand on the network. For example, if there is increased traffic at a junction or on a link which results in delay, traffic is reassigned on the network to reduce the extent of delay. This can cause reductions in overall traffic on an arm at a junction irrespective of the additional development traffic.</p>
TR.2.30	KCC	<p>Junction 8: A28 / Park Ln / Station Rd (Three-Arm Mini Roundabout and Left in/Left out Priority Junction)</p> <p>Based on the new modelling undertaken, do KCC still disagree that mitigation is not required for Junction 8A?</p>
		<p>Applicant's Response:</p> <p>N/A.</p>
TR.2.31	The Applicant	<p>Table 6.26 Junction 15 - 2039 Baseline - Peak Hour Modelling Results and Table 6.27 Junction 15 - 2039 Baseline Development - Peak Hour Modelling Results</p> <p>The results in these tables are significantly different to that in the previous version of the RTA, dated 29 March 2019.</p> <p>Explain why.</p> <p>Furthermore, Table 6.27 shows that with the addition of development traffic some MMQ, DoS and PRC values improve over the 2039 Baseline. At this stage of the assessment no mitigation measures are taken into account.</p>

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Ref No.	Respondent	Question
		<p>Explain why, with the additional traffic associated with the development, there is an improvement in some of these values?</p> <p>Applicant's Response:</p> <p>There was a modification to the previous RTA in the latest submission. As noted in response to TR2.29, the TSTM is dynamic and redistributes traffic as a result of changes to demand on the network. For example, if there is increased traffic at a junction or on a link which results in delay, traffic is reassigned on the network to reduce the extent of delay. This can cause reductions in overall traffic on an arm at a junction irrespective of the additional development traffic. Reductions in traffic flows at some junctions or links as a result of the additional development traffic which will subsequently mean that the capacity modelling show an improvement at some other junctions.</p>
TR.2.32	The Applicant	<p>Table 6.30 Junction 16 - 2039 Baseline + Development - Peak Hour Modelling Result</p> <p>The 2039 Baseline + Development scenario sets out a reduction in MMQ and DoS PM Peak result against the 2039 Baseline for College Road B2052 (WB) (6/1). At this stage of the assessment no mitigation measures are taken into account.</p> <p>Explain why.</p> <p>Applicant's Response:</p> <p>Junction 16 does require a mitigation scheme, and this is set out at paragraph 7.2.18 of the TA Addendum [REP5-021].</p>

Ref No.	Respondent	Question
		As explained in response to TR2.29, there are reductions in traffic flows at some junctions or links as a result of the additional development traffic which will subsequently mean that the capacity modelling shows an improvement at the junction.
TR.2.33	The Applicant KCC	<p>Junction 26: Newington Road / Manston Road (Three-Arm Mini Roundabout)</p> <p>Table 6.36 shows that the 2039 With Development scenario improves average queues in the PM Peak (31 vehicles at Newington Road North) and AM Peak (9 vehicles at Manston Road). At this stage of the assessment no mitigation measures are taken into account.</p> <p>Explain why.</p> <p>In addition:</p> <p>Does KCC agree that no mitigation is required for this junction?</p> <p>Applicant's Response:</p> <p>As explained in response to TR2.29, there are reductions in traffic flows at some junctions or links as a result of the additional development traffic which will subsequently mean that the capacity modelling shows an improvement at the junction. Therefore there is no requirement for mitigation measures at the junction.</p>
TR.2.35	The Applicant KCC	<p>Junction 29: Manston to Haine Link Road / Haine Road / A256 (Four-Arm Standard Roundabout)</p> <p>Table 6.39 shows that the 2039 With Development scenario improves average queues in the PM Peak (5 vehicles at New Haine Road). At this stage of the assessment no mitigation measures are taken into account.</p>

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Ref No.	Respondent	Question
		<p>Explain why.</p> <p>In addition:</p> <p>Does KCC agree that no mitigation is required for this junction?</p>
		<p>Applicant's Response:</p> <p>As explained in response to TR2.29, there are reductions in traffic flows at some junctions or links as a result of the additional development traffic which will subsequently mean that the capacity modelling shows an improvement at the junction. Therefore there is no requirement for mitigation measures at the junction.</p>
TR.2.37	The Applicant KCC	<p>Table 7.1 Junction 2 (A299 / A256 / Cottington Link Rd (Four-Arm Standard Roundabout))</p> <p>This shows that with the mitigation scheme there will still be significant PM Peak Average Queues on the A256.</p> <p>Is a 'nil detriment mitigation scheme' considered acceptable in these circumstances? Provide justification.</p> <p>Furthermore, KCC's LIR [REP3-143] set out that:</p> <p><i>"Should the proposed scheme of mitigation for the A299 / A256 roundabout be taken forward, it will require refinement as the lane markings on the A256 northbound approach to the junction are potentially confusing and do not cater for right turning movements. The ARCADY assessment should be updated accordingly. Additionally, swept path analysis should be undertaken to demonstrate that the three proposed circulatory lanes would operate safely".</i></p> <p>The Applicant provided the following response to KCC's LIR, submitted for deadline 4 on 8 March 2019 [REP4-028]:</p>

Ref No.	Respondent	Question
		<p><i>"DMRB Volume 6 Section 2 Part 3 TD 16/07 states "8.28 The use of right pointing arrows on lane dedication signs or as markings on the road is not permitted on roundabout approaches (except at mini-roundabouts). This is to avoid confusing drivers, particularly those from overseas, over which way to proceed around the roundabout. Where a right hand lane is dedicated to a specific destination, it should be associated with an ahead arrow on the approach. A right pointing arrow may be used on the circulatory carriageway." For this reason, no right turn arrow has been located on approach. That aside, lane marking will be refined through the detailed design process and as such are subject to change".</i></p> <p>The proposed mitigation in the RTA is consistent with that in the TA.</p> <p>Does KCC accept the Applicant's response on this matter?</p>
		<p>Applicant's Response:</p> <p>The junction has queuing issues on the A256 and A299 arms in the 2039 Baseline as a result of the Local Plan growth and general traffic growth. Whilst this hasn't been identified as requiring improvement in the draft Thanet Transport Strategy, this is a capacity problem due to overall growth and should be dealt with through identification of an improvement scheme by KCC.</p> <p>The mitigation scheme presented in the TA Addendum [REP5-021] results in significant reductions in queues on the A256 compared to the 2039 Baseline which exceeds a nil detriment improvement. In addition, the mitigation results in a reduction of queues in the AM peak on the A299 Hengist Way arm by 133 vehicles which brings it near to 2017 Baseline levels of queuing.</p>
TR.2.38	The Applicant KCC	<p>Table 7.2 Junction 4 (A299 / B2190 (Four-Arm Standard Roundabout))</p> <p>This shows that with the mitigation scheme there will still be significant AM Peak Average Queues at Tothill Street and the B2190(N) and PM Peak Average Queues at A299(W) with an RFC value of 1.00.</p>

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Ref No.	Respondent	Question
		<p>Is a 'nil detriment mitigation scheme' considered acceptable in these circumstances? Provide justification.</p> <p>Furthermore, KCC's LIR [REP3-143] set out that:</p> <p><i>"It is not considered that the proposed schemes of mitigation for the A299 / B2190 and A299 / A253 roundabouts will deliver practical benefits to the capacity of the junctions, in view of the limited flare lengths proposed. There are potential highway safety implications arising from these short flare lengths, particularly on the A299 exit arms".</i></p> <p>The proposed mitigation scheme to Junction 4 has been revised in the RTA.</p> <p>Does this overcome KCC's concern?</p>
		<p>Applicant's Response:</p> <p>The junction has queuing issues in the 2039 Baseline as a result of the Local Plan growth and general traffic growth. Whilst this hasn't been identified as requiring improvement in the draft Thanet Transport Strategy, this is a capacity problem due to overall growth and should be dealt with through identification of an improvement scheme by KCC.</p> <p>The mitigation scheme presented in the TA Addendum [REP5-021] results in queues and delay on the Tothill Street arm which are comparable to the 2039 Baseline, and reductions in queues on the Hengist Way, the A299 (W) and B2190 (N) arms that are an improvement on the 2039 Baseline scenario and therefore exceeds nil detriment.</p>
TR.2.39	The Applicant KCC	<p>Table 7.3 Junction 6 (A299 / Seamark Rd / A253 / Willetts Hill (five-arm standard roundabout))</p> <p>This shows that with the mitigation scheme there will still be significant PM Peak Average Queues on the A253 Canterbury Rd with an RFC of 1.07.</p>

Ref No.	Respondent	Question
		<p>Is a 'nil detriment mitigation scheme' considered acceptable in these circumstances? Provide justification.</p> <p>Furthermore, KCC's LIR [REP3-143] set out that:</p> <p><i>"It is not considered that the proposed schemes of mitigation for the A299 / B2190 and A299 / A253 roundabouts will deliver practical benefits to the capacity of the junctions, in view of the limited flare lengths proposed. There are potential highway safety implications arising from these short flare lengths, particularly on the A299 exit arms".</i></p> <p>The proposed mitigation scheme to Junction 6 has been revised in the RTA.</p> <p>Does this overcome KCC's concern?</p>
		<p>Applicant's Response:</p> <p>The junction has queuing issues in the 2039 Baseline as a result of the Local Plan growth and general traffic growth. Whilst this hasn't been identified as requiring improvement in the draft Thanet Transport Strategy, this is a capacity problem due to overall growth and should be dealt with through identification of an improvement scheme by KCC.</p> <p>The mitigation scheme presented in the TA Addendum [REP5-021] results in improvements to the 2039 Baseline scenario and therefore exceeds nil detriment.</p>
TR.2.40	The Applicant KCC	<p>Table 7.4 Junction 7 (A299 / A28 (Five-Arm Standard Roundabout))</p> <p>This shows that with the mitigation scheme there will still be significant AM Peak Average Queues on the A28 (East) and PM Peak Average Queues on A299 (West).</p> <p>Is a 'nil detriment mitigation scheme' considered acceptable in these circumstances? Provide justification.</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>The junction has queuing issues in the 2039 Baseline as a result of the Local Plan growth and general traffic growth. Whilst this hasn't been identified as requiring improvement in the draft Thanet Transport Strategy, this is a capacity problem due to overall growth and should be dealt with through identification of an improvement scheme by KCC.</p> <p>The mitigation scheme presented in the TA Addendum [REP5-021] results in improvements to the 2039 Baseline scenario and therefore exceeds nil detriment.</p>
TR.2.41	The Applicant KCC	<p>Table 7.5 Junction 12 (Manston Road / B2050 / Spitfire Way (Four-Arm Staggered Priority Junction))</p> <p>i. Does this illustrate that a signalised layout is preferable to a roundabout layout (Table 7.6)?</p> <p>ii. Does it represent the best long-term solution?</p> <p>iii. Will the scheme of mitigation impact upon the footprint of the RAF Museum?</p> <p>Furthermore, KCC's LIR [REP3-143] set out that:</p> <p><i>"The Local Highway Authority has significant safety concerns with the proposed scheme of mitigation for the B2050 / Manston Road / Spitfire Way junction, in view of the incorporation of uncontrolled right turns and intervisibility splays between arms which appear to cross third party land".</i></p> <p>The proposed mitigation scheme to Junction 12 has been revised in the RTA.</p> <p>iv. Does this overcome KCC's concern?</p>

Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <ul style="list-style-type: none"> i. The results indicate that the signalised layout provides better capacity than the roundabout layout which has been based on the layout assumed for the purpose of the testing of the Local Plan growth in the TSTM. The signalised layout also enables pedestrian crossing facilities to be accommodated which complements the pedestrian improvements that will be delivered by the Development, as well as the Manston Haine Link Road which also allows for pedestrians along its length, as required by the KCC design standards. ii. The junction assessment shows that the signalised layout operates within theoretical capacity on all arms in the long term. iii. The footprint of the RAF Museum building will not be impacted by the signalised layout scheme. iv. The concerns identified by KCC relate to uncontrolled right turns and intervisibility splays. The Road Safety Audit received on 30 April 2019 has not raised any concerns regarding these issues, The Applicant is satisfied that KCC's concerns should have been addressed.
TR.2.42	<p>The Applicant</p> <p>KCC</p>	<p>Table 7.7 Junction 15 (Manston Rd / Hartsdown Rd / Tivoli Rd / College Rd / Nash Rd (Five-Arm Signalised Junction))</p> <p>This shows that with the mitigation scheme there will be an increase in the AM Peak MMQ and DoS at College Road Lane 1 (3/1), with all arms of the junction still operating well over capacity.</p> <p>Is a 'nil detriment mitigation scheme' considered acceptable in these circumstances? Provide justification.</p> <p>Furthermore, KCC's LIR [REP3-143] set out that:</p>

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Ref No.	Respondent	Question
		<p><i>"Further information is required detailing how the apparently modest scheme of mitigation for the Manston Road / Hartsdown Road / Tivoli Road / College Road / Nash Road junction (comprising a new signal head and stage sequence and new white lining) will take the junction from significantly over-capacity operation to generally within capacity outside of the PM peak hour, as this is not considered plausible on the basis of the details provided".</i></p> <p>The proposed mitigation scheme to Junction 15 has been revised in the RTA.</p> <p>Does this overcome KCC's concern?</p>
		<p>Applicant's Response:</p> <p>The junction has queuing issues in the 2039 Baseline as a result of the Local Plan growth and general traffic growth. Whilst this hasn't been identified as requiring improvement in the draft Thanet Transport Strategy, this is a capacity problem due to overall growth and should be dealt with through identification of an improvement scheme by KCC.</p> <p>The mitigation scheme presented in the TA Addendum [REP5-021] results in improvements to the 2039 Baseline scenario on all arms except the College Road Lane 1 in the AM peak, and therefore exceeds nil detriment on the whole.</p>
TR.2.43	The Applicant KCC	<p>Table 7.8 Junction 16 (Ramsgate Rd / College Rd / A254 / Beatrice Rd (Five-Arm Signalised Junction)</p> <p>With the exception of the A254 (SB) Ramsgate Road (9/1) and (9/2), this shows all arms of the junction still operating well over capacity.</p> <p>Is a 'nil detriment mitigation scheme' considered acceptable in these circumstances? Provide justification.</p> <p>KCC in response to the ExA's First Written Question Tr.1.27 [REP3-139] stated:</p>

Ref No.	Respondent	Question
		<p><i>"The proposed scheme of mitigation for the Ramsgate Road/College Road/A254/Beatrice Road junction would appear to result in a highly unconventional junction layout, which is unlikely to be acceptable to the Highway Authority, not least due to the lack of inter-visibility between the stop lines".</i></p> <p>The mitigation scheme for this junction does not appear to have altered in the RTA.</p> <p>What is the Applicant's response?</p>
		<p>Applicant's Response:</p> <p>The junction has queuing issues in the 2039 Baseline as a result of the Local Plan growth and general traffic growth. Whilst this hasn't been identified as requiring improvement in the draft Thanet Transport Strategy, this is a capacity problem due to overall growth and should be dealt with through identification of an improvement scheme by KCC.</p> <p>The mitigation scheme results in improvements to the 2039 Baseline scenario and therefore exceeds nil detriment.</p>
TR.2.45	The Applicant	<p>Off-Site Infrastructure Improvements</p> <p>KCC set out in their LIR [REP3-143] at Paragraph 4.1.24:</p> <p><i>"Whilst the proposal to include 2.0m footways along the widened sections of Spitfire Way and Manston Road is welcome in principle, it is important that continuous and direct walking routes to local trip generators are provided where possible. It is notable in this respect that it is not proposed to provide such routes to local residential areas (notably Manston village), which is considered necessary in order to promote sustainable transport accessibility to the site by staff in particular. This could further encourage inappropriate pedestrian activity within the carriageway to the detriment of highway safety".</i></p> <p>In response (submitted for deadline 4 on 8 March 2019 [REP4-028]) to KCC's LIR, the Applicant has stated:</p>

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Ref No.	Respondent	Question
		<p><i>"Consideration can be given to alternative footway provision subject to feasibility".</i></p> <p>i. Has the Applicant given it any consideration?</p> <p>ii. Is it considered necessary?</p>
		<p>Applicant's Response:</p> <p>i and ii The Applicant has given consideration to the need for footways. It concluded that these were not required. Manston Village is a small settlement and is unlikely to generate significant numbers, if any pedestrian trips to Manston Airport.</p>
TR.2.46	The Applicant KCC	<p>Timing of Mitigation Works</p> <p>KCC in response to the ExA First Written Question Tr.1.31 [REP3-139] stated:</p> <p><i>"...the Transport Assessment appears to set out no defined trigger points for the proposed mitigation strategy, which is not considered to provide adequate clarification or safeguarding over the proposed delivery timescales of any of the mitigation or works."</i></p> <p>In response to this, the Applicant stated in their 'Comments on Third Party Responses to First Written Questions [REP4-029]':</p> <p><i>"Further dialogue will be conducted with KCC regarding the mitigation requirements and trigger points based on the revised Transport Assessment which will be submitted at Deadline 5".</i></p> <p>The RTA does not include such information. What is the latest position on this matter (including those schemes required to improve highway safety)?</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>As the TSTM does not include interim years, it has not been possible to model future years other than 2031. The discussion on trigger points is ongoing with KCC and the Applicant will keep the ExA updated as to any progress.</p>
TR.2.47	The Applicant	<p>Emergency Access Points</p> <p>KCC in response to the ExA First Written Question Tr.1.18 [REP3-139] stated:</p> <p><i>"KCC still requires details of any emergency access points onto the existing highway network".</i></p> <p>In the Applicant's 'Comments on Third Party Responses to First Written Questions [REP4-029]' it was stated that:</p> <p><i>"Details of any emergency access points onto the existing highway network will be included as part of the revised Transport Assessment to be submitted at Deadline 5".</i></p> <p>However, this does not appear to be set out in the RTA.</p> <p>Provide at Deadline 6.</p> <p>Applicant's Response:</p> <p>Emergency Access points were not included in the RTA. Indicative locations are shown in the plan provided at Appendix TR2.47 in TR20002/D6/SWQ/Appendices. There is some flexibility around the site boundary for emergency access and optimum locations will be confirmed with the emergency services and KCC Highways.</p>

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Ref No.	Respondent	Question
TR.2.48	KCC	<p>Infrastructure requirements within the Thanet Transport Strategy</p> <p>KCC in response to the ExA First Written Question Tr.1.22 [REP3-139] stated:</p> <p><i>“Please note that the Highway Authority considers that as the proposed development subject to the DCO will build out over the period of the submitted Thanet Local Plan, it should proportionately contribute towards infrastructure requirements within the Thanet Transport Strategy, either through physical improvements or appropriate financial contributions. The Highway Authority considers that the emphasis for funding the necessary changes to infrastructure apportionment should be borne by the applicant”.</i></p> <p>What is the Applicant's response?</p> <p>Applicant's Response:</p> <p>As noted in previous responses, the Applicant is prepared to make contributions to the infrastructure requirements that are necessary to mitigate the impacts of the project on the road network. It does not consider that there is any policy justification for providing funding for works that go beyond that.</p> <p>It should be borne in mind that the Applicant is already making a significant (c £300 million) contribution in the form of investment in infrastructure (i.e. an airport and Nationally Significant Infrastructure Project) that would often attract investment from Government. The reopening of the airport, whilst necessarily a commercially viable prospect, is also delivering significant benefits in terms of economic uplift and job creation. It would therefore be disproportionate to expect the applicant to make further contributions over and above those that mitigate impacts of the Airport itself in order to support the delivery of other commercially led developments such as housing schemes.</p>

Ref No.	Respondent	Question
TR.2.50	The Applicant	<p>Section 8 - Highways England Network Impacts</p> <p>Does not refer to staff trip distribution associated with the NGA. Table 8.1 shows that 23.6% of staff (presumably passenger terminal staff) are likely to come from Dover using the A229 - A256.</p> <p>i. Given this, would it not be reasonable to anticipate that some staff of the NGA would come from Dover utilising the strategic highway network?</p> <p>ii. If so, should this not be included in the modelling?</p> <p>Applicant's Response:</p> <p>i. Table 8.1 in the TA addendum [REP5-021] sets out the distribution for all staff, including the NGA, which does include trips from Dover.</p> <p>ii. This has been included in the modelling.</p>
TR.2.51	The Applicant	<p>Table 8.2</p> <p>This sets out the anticipated passenger trips distribution for the strategic highway network. An Interested Party [REP3-152] raises the following concerns regarding Table 8.2 which has not changed in the RTA.</p> <p><i>"The key issues are:-</i></p> <p><i>(a) the omission of trips from the Medway local authority area (which has a greater population than any other local authority area in Kent). This is a clear error and requires rectification.</i></p>

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Ref No.	Respondent	Question																					
		<p>(b) the inherent unlikelihood that there will be fewer passengers from London (and all points around it outside Kent, such as Surrey and south Essex, which are not accounted for separately) than from Dover District. I find this counter-intuitive and it requires explanation – for example, by producing passenger origin data from previous operational periods.</p> <p>(c) the assumption that all Swale traffic will leave the M2 at junction 6 and use the A251. This cannot be true – the great majority of population in Swale District is in Sittingbourne and Sheerness, not Faversham, and thus most of the Swale traffic would route via the M2 junction 5 and the A249. Few people use junction 6 and the congested and slow A2 to reach Sittingbourne from the east.”</p> <p>What is the Applicant's view?</p>																					
		<p>Applicant's Response:</p> <p>(a) The Medway local authority area is part of the West Kent distribution which comprises 12.5% of passenger trips (as set out in paragraph 4.7.9 of the TA addendum [REP5-021]) and should have been included in Table 8.2. While the overall percentage of trips from West Kent was correct and included Medway, Table 8.2 did not specifically identify the proportion of that 12.5% that came from Medway. Based on population and journey distance and time, the distribution set out in Table 8.2 should be revised as follows. This has no implications for the findings of the Transport Assessment.</p> <table border="1"> <thead> <tr> <th>West Kent District</th><th>Original Distribution</th><th>Revised Distribution</th></tr> </thead> <tbody> <tr> <td>Maidstone</td><td>3.2%</td><td>2.31%</td></tr> <tr> <td>Tunbridge Wells</td><td>1.6%</td><td>1.14%</td></tr> <tr> <td>Tonbridge & Malling</td><td>2.2%</td><td>1.56%</td></tr> <tr> <td>Gravesham</td><td>1.7%</td><td>1.20%</td></tr> <tr> <td>Dartford</td><td>1.9%</td><td>1.33%</td></tr> <tr> <td>Sevenoaks</td><td>1.9%</td><td>1.38%</td></tr> </tbody> </table>	West Kent District	Original Distribution	Revised Distribution	Maidstone	3.2%	2.31%	Tunbridge Wells	1.6%	1.14%	Tonbridge & Malling	2.2%	1.56%	Gravesham	1.7%	1.20%	Dartford	1.9%	1.33%	Sevenoaks	1.9%	1.38%
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Ref No.	Respondent	Question			
		<table border="1"> <tr> <td>Medway</td><td></td><td>3.58%</td></tr> </table> <p>This amounts to 6 two-way trips in the AM peak hour and 4 two-way trips in the PM peak hour.</p> <p>(b) Passenger origin data has been agreed with KCC and is considered to be robust.</p> <p>(c) The assumptions concerning the M2 at Junction 6 and the A251 have been agreed with KCC and Highways England and are therefore not considered to be in question. In any event, even if the routing was altered as suggested, the quantum of traffic would be so small as to not make any material difference.</p>	Medway		3.58%
Medway		3.58%			
TR.2.52	The Applicant	<p>Tables 8.3 and 8.4</p> <p>An Interested Party [REP3-152] raises the following concerns regarding Tables 8.3 and 8.4, which have not changed in the RTA.</p> <p><i>“Tables 8.3 and 8.4 assume that all West and South London HGV traffic will use the M2 to its end, then the A2 and the A282 to reach the M25 towards Surrey. This route is not only fictitious (as in fact one does not use the A282 at all, since there is a direct junction between the A2 and the M25) but also is a minority choice, as it is several miles longer than the more common choice which is M2 – A249 – M20 – M26 – M25. Therefore the impact on the A249, and the substandard M2 junction 5, have been underestimated.</i></p> <p><i>Tables 8.3 and 8.4 further assume that there will be negligible traffic to/from freight distribution and servicing sites throughout Kent, other than Ashford. This ignores the fact that there are more warehousing/depot facilities in the Swale and Aylesford areas than in Ashford, yet these do not figure at all. For this reason, more trips are likely to occur along the M2 as far as junction 5 than estimated”.</i></p> <p>What is the Applicant's view?</p>			

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>The inclusion of the A282 as part of the routing was a typographical error. The tables should read A299 – M2 – A2 –M25 (N)/(S).</p> <p>Tables 8.3 and 8.4 refer to "West and South London" and do not specifically refer to Surrey as a destination. Route mapping software identified that the journey distance via the A2 is comparable to that by the A249 and marginally quicker.</p> <p>The assumption is that the majority of freight (95%) will be distributed to London and the surrounding area. The remaining traffic is diluted into the network, assuming 2% to Dover and Folkstone Port, 2% to Ashford freight distribution sites and 1% to Ramsgate Port. The actual volume of HGVs is so small as to not make any material difference.</p>
TR.2.53	The Applicant	<p>Wider Committed Development</p> <p>An Interested Party [REP3-152] has raised the following concern:</p> <p><i>"Moreover, none of the TA appears to take account of committed developments which will load additional traffic, especially HGVs, onto the M2 / A249. Of these, the resumption of ferry services at Ramsgate Port is the most significant, as this would place a new volume of HGVs onto these roads which have not existed for many years, during which time other traffic has increased enormously. The newly-adopted Canterbury District Local Plan 2017, with large-scale residential proposals in Canterbury, Whitstable, Herne Bay and Sturry, is the other principal factor that has not been reflected. These need to be built in, because they will themselves mean that the M2 and A249 perform significantly worse than they do today."</i></p> <p>What is the Applicant's view?</p>
		<p>Applicant's Response:</p>

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Ref No.	Respondent	Question
		The TA addendum [REP-5-021] is based on the TSTM which includes all committed development, as well as the draft Local Plan growth. This does not include the resumption of ferry services at Ramsgate port. As identified in paragraph 2.3.8 of the KCC transport evidence base document for the draft Thanet Local Plan, " <i>Forecasting Report - Thanet Local Plan Evidence Base</i> ", CO04300697/001 Revision 01, July 2018, TEMPPO 7 (Dataset 72) was used to determine forecast growth for the external zones of the A28 (towards Canterbury District), A299 (towards Canterbury District and M2), and the A256 (towards Dover district). The uplift extracted from TEMPPO was approximately 13%. Growth from other districts has therefore been accounted for.
TR.2.55	The Applicant	<p>Lower Thames Crossing</p> <p>Several Interested Parties have set out that a Lower Thames Crossing could result in more traffic in Kent, which should be taken into account in the Transport Assessment.</p> <p>What is the Applicant's view?</p>
		<p>Applicant's Response:</p> <p>The Lower Thames Crossing is not a confirmed scheme and has not been identified by Highways England or KCC as an infrastructure scheme to be considered as part of the future scenarios. The Applicant has used KCC's TSTM to forecast the traffic impact of the Proposed Development, and this does not include the Lower Thames Crossing.</p>
TR.2.56	<p>The Applicant</p> <p>KCC</p>	<p>Stage 1 Road Safety Audits</p> <p>For the proposed site accesses, are provided in Appendix J of the RTA.</p> <p>i. It is set out that they do not include drainage information. Is this critical to the assessment?</p>

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Ref No.	Respondent	Question
		<p>ii. They include recommendations for works such as lighting and speed limits and swept path analysis. Are these provisions already included in the Proposed Development but not provided to the RSA team and have they been assessed in the ES?</p> <p>iii. The RSAs suggest that signing details and swept path analysis were not provided. Given that Figures 6.1 to 6.3 of the RTA show this information, why was this the case?</p> <p>iv. Does KCC accept their findings?</p>
		<p>Applicant's Response:</p> <p>i) This is not required for a Stage 1 RSA. Drainage information would be part of detailed design of mitigation proposals.</p> <p>ii) A Designers Response is provided which responds to the comments relating to lighting, signage, speed limits and swept path analysis. This is at Appendix TR2.57 in TR20002/D6/SWQ/Appendices. 'Requirement 4 of the dDCO requires lighting details to be approved as part of the detailed design of the project.</p> <p>iii) The swept path analysis and signing details were not available at the time that the RSA was commissioned, however it was available in time for the TA Dddendum [REP5-021] submission at Deadline 5. The Designers Response submitted at Deadline 6 now includes this detail. The swept path analysis is provided as part of the Designers Response.</p> <p>iv) N/A</p>
TR.2.57		Stage 1 Road Safety Audits

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	The Applicant	<p>Have been undertaken for the access junctions. Table 14.9 of the Revised Environmental Statement Chapter and Noise and Air Quality Technical Notes (5 April 2019) [REP5-index number to be allocated] says that Stage 1 Road Safety Audits will also be undertaken for the off-site mitigation proposals. However, these are not included in the RTA.</p> <p>i. Provide these at Deadline 6. These should be based on latest design (including signage and swept path analysis).</p> <p>ii. In response to the findings of the RSA already undertaken (See Question Tr.2.56) and to be commissioned, the ExA requests the Applicant's design team's response to the recommendations. This should also be summarised in a tabular format setting out for each junction, the comment made, the Applicant's response and any action required and how this is to be achieved.</p> <p>Applicant's Response:</p> <p>i) and ii) These are provided at Appendix TR2.57 in TR20002/D6/SWQ/Appendices '</p>
TR.2.59	The Applicant	<p>The draft Framework Travel Plan</p> <p>Table 4.1 sets out staff modal split targets. At Year 20, this includes a target of 87% Car, 6% Bus, 3% Walking or Cycling and 4% Rail (with bus link). Paragraph 4.2.5 states that this is comparable to the targets set out in the Draft Masterplan (2012) for Derry Airport. However, the comparable targets at Derry Airport are for 2019.</p> <p>i. Is this an appropriate comparison given there is more than a 20 year time period between them?</p> <p>ii. Do you consider that Table 4.1 set low targets and should more challenging ones be set?</p>

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		<p>Applicant's Response:</p> <ul style="list-style-type: none"> i) As set out in paragraph 5.1.3 of the Airport Surface Access Strategy [REP5-021], the mode share targets have considered other comparable airports in terms of size, location and accessibility by public transport. The mode share targets are considered to be realistic and result in a robust approach to traffic generation. Consideration was given to emerging forms of flexible multiple occupation transit, such as shared taxi, however KCC felt that this was not appropriate for the locality. The modal split presented by the Applicant has been agreed with KCC. ii) As identified in i. above, the mode share targets result in robust traffic generation estimates. Once Manston Airport is operational, the Travel Plan targets would be reviewed regularly based on monitoring surveys of travel patterns.
TR.2.61	The Applicant	<p>The Car Parking Management Strategy</p> <p>Paragraph 2.2.15 identifies a need for passenger parking spaces of 1,815. Paragraph 2.3.2 sets out that once recovered ground from the contractors' compounds after construction Phase 4 is taken into account there would be 2,966 spaces.</p> <p>i. Is such a large overprovision justified?</p> <p>ii. Would this help to achieve the modal shift targets set out in the draft Framework Travel Plan?</p>
		<p>Applicant's Response:</p> <p>i and ii Paragraph 2.3.2 states that 1,815 spaces have been provided in line with estimated demand. The Applicant has long been aware of concerns (including as raised by KCC) about the provision of overspill parking and the potential for</p>

Ref No.	Respondent	Question
		vehicles for to park on unofficial offsite parking. In order to provide comfort that these issues will not arise, flexibility has been provided within the masterplan to accommodate additional parking
TR.2.62	The Applicant	<p>Section 3.2 'Masterplan Staff Parking Allowance' of the Car Parking Management Strategy</p> <p>Does not set out how many car parking spaces are provided on-site for staff.</p> <p>Provide this information.</p>
		<p>Applicant's Response:</p> <p>This is set out in 3.1.7 for staff at the passenger terminal that is 279 spaces and 3.1.8 for staff at the Cargo Access of 563.</p>
TR.2.63	The Applicant	<p>Section 4 'Northern Grass Area Car Parking' of the Car Parking Management Strategy</p> <p>Identifies a need for 990 spaces for B1 uses and 1,115 for B8 uses. It is not clear if this provision is made in the masterplan.</p> <p>Provide this clarification.</p>
		<p>Applicant's Response:</p> <p>The car parking is shown on the indicative masterplan. The number of spaces identified is based on the emerging parking standards for the district and would need to be accommodated into the final design.</p>
TR.2.64		Paragraph 5.1.4 of the Car Parking Management Strategy refers to a need 729 parking spaces for terminal staff.

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	The Applicant	<p>Should this be 279, as identified in Paragraph 3.1.7?</p> <p>Applicant's Response:</p> <p>It should be 279 spaces, this is a typographical error.</p>
TR.2.66	The Applicant	<p>Airport Surface Access Strategy</p> <p>At Paragraph 4.7.1 states that it is proposed to enhance the bus service provision by:</p> <ul style="list-style-type: none"> • <i>“Increasing the frequency of services to the Proposed Development;</i> • <i>Extending bus operating times; and</i> • <i>Introducing new routes and extending existing provision to service the Proposed Development”.</i> <p>i. What evidence is there to suggest that this is feasible?</p> <p>ii. How will this be secured?</p> <p>Applicant's Response:</p> <p>The Airport Surface Access Strategy is appended to the Transport Assessment which forms part of the ES. The mitigation measures contained in the Airport Surface Access Strategy are set out in the Register of Environmental Actions and Commitments. Requirement 7 of the dDCO requires approval of an Operation Environmental Management Plan prior to the commencement of operation of the airport. This plan must contain a chapter addressing traffic management and green travel planning and relevant mitigation measures set out in the Register of Environmental Actions and Commitments must</p>

Ref No.	Respondent	Question
		be included. Requirement 7 then provides that the airport must be operated and maintained in accordance with the approved Operation Environmental Management Plan.
TR.2.68	The Applicant	<p>Preliminary Construction Traffic Management Plan (PCTMP)</p> <p>The Applicant in oral evidence at the Compulsory Acquisition issue specific hearing set out that if the dDCO is granted, construction will not commence until 2021 and would be compressed into a shorter time frame, with operations beginning from quarter 1 of 2022.</p> <p>i. Will this affect the volume of construction traffic in Years 1 and 2?</p> <p>ii. If so, does the PCTMP need to be updated?</p> <p>Applicant's Response:</p> <p>i. The ES and the transport assessment have always assumed that the majority of construction activity would take place in Phase 1. There has been no change to the volumes of construction traffic reported in the ES [APP-033,034,035].</p> <p>At the CAH oral evidence was given as to an amendment to the business plan so as to show an increased expenditure on construction in the first year following consent. This was a change to the business plan to bring it into line with ES and to ensure a robust worst case financial forecast with greater expenditure incurred earlier in the process. Whilst construction will begin later than anticipated the compressed programme was always modelled as a worst case within the ES [APP-033,034,035], the later start date will not change the effects reported in the ES [APP-033, 034,035] for the reasons described above.</p> <p>ii. No.</p>
TR.2.69		Appendix I

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Ref No.	Respondent	Question
	The Applicant	The diagrams on pages (of the pdf): 389, 390, 394, 430, 439, 654, 659, 689, 698, 873 and 878 are not completely visible. Provide complete versions at Deadline 6.
		Applicant's Response: These are provided at Appendix TR.2.69 in TR20002/D6/SWQ/Appendices .
Revised Transport Environmental Statement chapter and Noise and Air Quality Technical Notes (5 April 2019) [REP5-022]		
TR.2.71	The Applicant KCC TDC	Table 14.17 Summary of Highway Links Where Receptors Have Been Identified Illustrates highway links that contain sensitive receptors. i. What was the methodology applied to identify highway links and receptors identified? ii. Were these agreed with KCC and/or TDC? iii. Do KCC and TDC agree with highway links included?
		Applicant's Response: i) The methodology applied to identify the highway links has been based on the study area of the Thanet Strategic Transport Model (TSTM), and also the main routes that would be used by the Development traffic.

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		<p>ii) The sensitivity of the links has been based on the <i>Guidance to Environmental Assessment of Road Traffic</i>. This has not been raised as a concern by KCC or TDC as the focus has been on the Transport Assessment work with respect to agreements.</p> <p>iii) N/A.</p>
TR.2.72	The Applicant	<p>Table 14.18 Magnitude of Each Transport Effect - Thresholds Used</p> <p>Sets out the thresholds used for the magnitude of each transport effect.</p> <p>Provide further justification for the thresholds selected for pedestrian amenity and delay, fear and intimidation.</p>
		<p>Applicant's Response:</p> <p>The ES Chapter [APP-033,034,035] has been based on the Guidelines for the Environmental Assessment of Road Traffic (GEART), produced by the Institute of Environmental Assessment. Chapter 4 of the document provides guidelines for determining the magnitude and significance of environmental impacts and considers each of the environmental effects. The ES Chapter [APP-033,034,035] has adopted the thresholds applied for severance to the assessment of effects on pedestrian delay, amenity and fear and intimidation as these are inter-related. These are set out in Chapter 14 of the ES [APP-033,034,035].</p>
TR.2.73	The Applicant	<p>Paragraph 14.9.6</p> <p>Sets out 3 scenarios:</p> <p><i>"Scenario 1 - 2039 Baseline – KCC 'Do Maximum' with Manston Haine Link through the NGA;</i></p>

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Ref No.	Respondent	Question
		<p><i>Scenario 2 - 2039 Baseline – RiverOak Alternative Alignment</i></p> <p><i>Scenario 3 - 2039 With Development – RiverOak Alternative Alignment”</i></p> <p>It is not clear how the Applicant has forecast traffic flows associated with Scenario 2. Provide clarification.</p>
		<p>Applicant's Response:</p> <p>The development traffic was tested using the TSTM.</p> <p>Scenario 1 is the model used by the Local Plan transport evidence base and assumes that the Manston Haine Link routes through the NGA. It does not include development traffic.</p> <p>Scenario 3 is the model which includes the development traffic and assumes the alternative alignment of the Manston Haine Link.</p> <p>Scenario 2 is the strategic model assuming the alternative alignment of the Manston Haine Link without development traffic associated with the project. Scenario 2 took the output from Scenario 3 and removed the development traffic flows to derive a baseline scenario. This was done so that a comparison could be made between the traffic assuming the alternative alignment of the link road both with and without development.</p>
TR.2.74	<p>The Applicant</p> <p>KCC</p> <p>TDC</p>	<p>Paragraph 14.9.8</p> <p>States:</p> <p><i>“The links which have exceeded the percentage increase of traffic threshold for their respective sensitivity under the GEART guidelines have been identified based on the comparison between Scenarios 3 and 2”.</i></p>

Ref No.	Respondent	Question
		<p>i. Provide justification why it is considered appropriate to compare Scenarios 3 and 2 to assess the effects of the proposal.</p> <p>ii. Does the comparison of Scenarios 3 and 1 at Appendix 14.3 result in greater differences and potential effects? If so, explain why this should not be considered in the assessment.</p> <p>iii. Do KCC and TDC agree with the approach taken in this regard?</p>
		<p>Applicant's Response:</p> <p>i. The TSTM assumes the Manston Haine Link road running through the centre of the Northern Grass Area. The Applicant has demonstrated that an alternative alignment is feasible. It has developed scenarios to establish the traffic impacts of the Proposed Development with that alternative alignment in place. Scenario 3 assumes the alternative alignment with the development traffic. That was compared to Scenario 2 (alternative alignment without development traffic) to enable a realistic assessment of the project's impacts.</p> <p>ii. A comparison of Scenarios 3 and 1 will not provide a clear indication of changes in traffic flows as a result of the development alone as it shows changes in background traffic, not just the development traffic, and it also shows changes in traffic flows as a result of the realignment of the Manston Haine link. This was considered to be an inappropriate approach to evaluate the environmental effects as a consequence of the development traffic.</p> <p>iii. N/A.</p>
TR.2.76	The Applicant	<p>Links 35 and 36 – Manston Road east and west of Preston Road</p> <p>Explain why these links been assessed together.</p>

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		<p>Applicant's Response:</p> <p>These two links have been assessed together as they form the route through Manston village and have fundamentally the same traffic flow and development traffic.</p>
TR.2.77	The Applicant	<p>Paragraphs 14.10.20 & 14.10.24</p> <p>Do these refer to the Manston-Haine link road in the draft Thanet Transport Strategy or the alternative link road proposed by the Applicant?</p>
		<p>Applicant's Response:</p> <p>Those paragraphs refer to the alternative Manston to Haine Link Road identified by the Applicant. However, the paragraphs referred to above relate to traffic through Manston village which will significantly reduce, whichever alignment is selected for the link road. The extent of the improvement is no less effective with the implementation of the alternative alignment.</p>
TR.2.78	The Applicant	<p>Operation Stack/Brock</p> <p>The Town and Country Planning (Manston Airport) Special Development Order 2019 at Article 3(2) states:</p> <p><i>"The planning permission granted by paragraph (1) ceases at the end of 31st December 2020 and immediately thereafter the land reverts to its previous lawful use".</i></p> <p>At the Need and Operations Hearing (21 March 2019) it was confirmed by the Applicant that they have programmed to start the construction of the Airport in 2021.</p>

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		<p>Does this overcome any potential conflicts with Operation Stack/Brock?</p> <p>Applicant's Response:</p> <p>Yes. The Applicant was allowing for the situation that Operation Stack/Brock was extended beyond 31/12/20 but this possibility has all but disappeared following the Parliamentary written answer given by Jesse Norman MP on 27 March 2019:</p> <p>Manston Airport</p> <p>Commons</p> <p>235730</p> <p>To ask the Secretary of State for Transport, if he will confirm the commitment given by his Department to reinstate Manston Airport following the cessation of the use of that airfield as a potential lorry park after the UK leaves the EU.</p> <p>Answered by: Jesse Norman</p> <p>Answered on: 27 March 2019</p> <p>The Town and Country Planning (Manston Airport) Special Development Order 2019 came into force on 24 January 2019, updating the SDO from 2015, and extends planning permission for the use of Manston as an emergency lorry holding facility until 31 December 2020.</p>

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		S.5(2) of the Order states that the land must be restored to its condition before the date of the Order coming into force, prior to the Order expiring on 31 December 2020. The Department will do this.

APPENDICES