



RiverOak Strategic Partners

Applicant's Answers to Third Written Questions

TR020002/D7a/TWQ

Examination Document

Project Name:

Manston Airport Development Consent Order

Application Ref:

TR020002

Submission Deadline:

7a

Date:

24 May 2019

Ref No.	Respondent	Question
CC.3 Climate Change		
CC.3.1	The Applicant	<p>Climate change¹</p> <p>Given the recently publicised scientific concerns² relating to the increasing pace of anthropogenic climate change effects, does the Applicant wish to update its answers to the ExAs First Written Questions [REP3-187, REP3-195] on:</p> <ul style="list-style-type: none"> • CC.1.1 Climate Change Projections; • CC.1.2 Climate Change Assessment Chapter 16 of Environmental Statement (ES) [APP-034]; and • CC.1.3 Climate Change Adaptation Section 16.5 and paragraph 16.6.7 of ES [APP-034]?
		<p>Applicant's Response:</p> <p>No. 'Net Zero: The UK's contribution to stopping global warming' (the CCC report) does not necessitate an alteration to the responses given to the ExA's First Written Questions [REP3-187] and [REP3-195].</p> <p>The CCC report sets out the case for increasing the pace of greenhouse gas (GHG) emissions reduction in the UK, rather than setting out specific measures to address the projected impacts of climate change. The range of projections within UKCP18 remain the primary source for assessing the effects of climate change in the context of the Proposed Development.</p>

¹ This will be an agenda item in the Environmental ISH in June 2019

² Net Zero. The UK's Contribution to Stopping Global Warming. Committee on Climate Change, May 2019

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		<p>Questions CC.1.1, CC.1.2, CC.1.3 all relate to the impact of climate change on the Proposed Development. The Applicant has previously set out its approach to managing that risk as summarised below.</p> <p>CC.1.1 Climate Change Projections</p> <ul style="list-style-type: none"> The approach to climate change projections put forward in CC1.1 is still relevant following the release of the CCC report. The climate change risk assessment to be completed post-DCO approval, will use the UKCP18 projections, which will inform the Climate Change Adaptation Strategy. The CCC report does not provide any further evidence of the pace of climate change effects and as such the answer provided at FWQ's does not need to be updated on this basis. <p>CC.1.2 Climate Change Assessment Chapter 16 of Environmental Statement (ES) [APP-033,034,035]</p> <ul style="list-style-type: none"> More radical changes to the climate, and how they should be considered in planning proposals, are not discussed in the CCC report. The approach recommended in Chapter 16 for considering more radical changes on the basis of UKCP18 and H++ scenarios in the Climate Change Adaptation Strategy is therefore still appropriate. <p>CC.1.3 Climate Change Adaptation Section 16.5 and paragraph 16.6.7 of ES [APP-033,034,035]</p> <ul style="list-style-type: none"> The Climate Change Adaptation Strategy, a framework for which was provided at Deadline 4 [REP4-033], will continue to be developed by the Applicant alongside the detailed design process. The CCC report does not alter climate change projections, guidance or best practice in the context of development projects, as it is concerned with the reduction of GHGs from the UK economy as a whole. The range of projections within UKCP18 remain the primary source for assessing the effects of climate change on the Proposed Development.

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Ec.3 Ecology and Biodiversity (including Habitats Regulations Assessment) (HRA))		
Ec.3.1	Natural England (NE)	<p>Applicant's response to Second Written Question Ec.2.2 on Ecological Surveys</p> <p>The Applicant has been unable to complete a full suite of ecological surveys. The Applicant notes in their response:</p> <p><i>"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.</i></p> <p>The Applicant goes on to state:</p> <p><i>"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."</i></p> <p>The Applicant argues 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> <ol style="list-style-type: none"> i. In light of the recent additional information and submissions relating to ecology, noise and air quality, is Natural England (NE) proposing to update its Statement of Common Ground (SoCG) with the Applicant. ii. Is Requirement 8 and in particular the net gain of 10 biodiversity units, of the dDCO an adequate provision in the absence of the full suite of ecological surveys?

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		<p>iii. In NE's view, is 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]) sufficient to mitigate the ecological effects of the Proposed Development in the absence of the full suite of ecological surveys?</p> <p>Applicant's Response:</p> <p>Discussions with Natural England (NE) remain constructive and the Applicant has provided a response to their Deadline 6 written response at Deadline 7a. It is expected that the Statement of Common Ground with NE will be updated in the light of this additional information.</p>
Ec.3.2	Natural England	<p>Outfall Works</p> <p>Is NE satisfied with the Applicant's response to the ExAs Second Written Question Ec.2.10?</p> <p>Applicant's Response:</p> <p>N/A</p>
Ec.3.3		ES Addendum Chapter 6 [REP6- number to be allocated] Air quality effects on designated sites

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	The Applicant	<p>Annex 3 of NE's Deadline 6 response states that the Applicant has incorrectly assessed the air quality impacts of future traffic growth because such growth is included in the predicted environmental concentration (PEC) and not in the process contribution (PC).</p> <p>The Applicant is requested to:</p> <ul style="list-style-type: none"> i. Respond to NE's comments regarding the approach to in-combination assessment of the Process Contributions from the proposal and other plans or projects. ii. Respond to NE's comments regarding the update to the Air Pollution Information System (APIS) background data. iii. Provide contour plots to clearly show where the Process Contribution of NO_x is more than 1% (or relevant proxy) where the background is at or over 100% of the Critical Level. This should be overlain with habitat data to clearly illustrate the potential effects on designated sites. iv. Where relevant, provide an updated consideration of the impact of NO_x from construction and operation phase effects for years 2, 6 and 20 on designated sites.
		<p>Applicant's Response:</p> <p>i. NE's comments regarding the approach to in-combination assessment of the Process Contributions from the proposal and other plans or projects were addressed in the Applicant's submission at Deadline 6 [REP6-016], which provided an assessment of annual mean NO_x and daily mean NO_x that took into account in-combination effects, including expected traffic growth associated with the Local Plan and other plans and projects (via the Kent County Council (KCC) Thanet Strategic Transport Model (TSTM)). To achieve this, for annual mean NO_x, the Environment Agency's (EA) 1% screening criterion was not used. Instead, the criterion applied states that impacts at major ecological sites can be considered negligible if the PEC is less than 70% of the AQAL. Therefore, assessment has been undertaken for all receptors where the PEC exceeded 70% of the AQAL. This has ensured that assessments were undertaken for receptors regardless of the process contribution. For Deadline 7a the Applicant has provided an in combination assessment that included the traffic contributions from all plans and projects built into</p>

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		<p>the TSTM and addressing NE's requirements. It should be noted that all plans and projects were included in the original transport and air quality modelling however this has been revised in the light of the updated Local Plan information contained in the TSTM.</p> <p>ii. NE's concern around the use of APIS background deposition rates is that they will not include emissions arising from developments subsequent to the 2013–15 APIS baseline period. No plans or projects have been identified, including in the Thanet Draft Local Plan, which will significantly increase background deposition rates, except through an increase in road traffic. Increases in road traffic have been taken into account in the forecast modelling by using traffic flows from the revised Transport Assessment [REP5-021], which includes growth associated with the Local Plan and other plans and projects from the TSTM. This ensures that other plans and projects are appropriately addressed in the in-combination assessment.</p> <p>iii. The 1% criterion has not been used in the updated NOx assessment and therefore the requested plot is not available. Instead, a contour plot was presented in Figure 4.5 of the Applicant's submission at Deadline 6 [REP6-016], indicating where the AQAL ($30 \mu\text{g m}^{-3}$) and 70% of the AQAL ($21 \mu\text{g m}^{-3}$) contours fall in relation to designated sites at which these thresholds are met or exceeded. This contour plot presents the data in accordance with the assessment approach adopted for the NOx assessment submitted at Deadline 6 [REP6-016].</p> <p>iv. An updated consideration of the impact of NOx from construction and operation phase effects for Years 2, 6 and 20 on designated sites was provided in the Applicant's submission at Deadline 6 [REP6-016]. This provided results addressing NE's methodological concerns. The assessment concluded that there will be no significant ecological effects on nationally designated sites resulting from changes to the air quality environment with the Proposed Development, and that there would be no adverse effect on the integrity of internationally designated sites resulting from changes to the air quality environment with the Proposed Development.</p>
Ec.3.4	The Applicant	<p>Noise contour maps</p> <p>Natural England states that the revised noise contour maps identify potentially significant effects for waders, which are features for the north Thanet coast SSSI between Herne Bay and Westgate and for Pegwell Bay SSSI. This coastline is also within the Thanet Coast and Sandwich Bay SPA but was not considered in the Applicant's Habitats Regulations Assessment.</p>

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		<p>i. Respond to NE's comments regarding effects on waders on SSSI sites, supported by an ES addendum where necessary?</p> <p>ii. Respond to NE's comments regarding the impact on the SPA and Pegwell Bay and confirm when you intend to submit a revised Report to Inform the Appropriate Assessment (RIAA). It is recommended that the updated text is supported by noise contour maps overlain with designated site boundaries and key bird locations; and by WeBS data.</p>
		<p>Applicant's Response:</p> <p>i) A report at Appendix EC3.4 in TR20002/D7a/TWQ/Appendices responds directly to NE's Deadline 6 response. This report demonstrates that there are no significant effects on the three SSSI wader species that are interest features of the Thanet Coast SSSI and Sandwich Bay to Hacklinge Marshes SSSI.</p> <p>ii) A summary of the Applicant's position in this respect is set out below for Pegwell Bay and for the North Thanet Coast SPA:</p> <p><u>Pegwell Bay</u></p> <p>The flight paths of aircraft are located at an altitude of over 500m and more than 1km from the flight path (outside the 1km lateral distance where disturbance is likely to cause a significant effect) from the foraging and roosting areas of the three wader species (grey plover, ringed plover and sanderling). This means that visual stimuli that could result from overflying aircraft will not affect the bird species within the SSSI.</p> <p>In terms of noise disturbance, the Applicant's surveys revealed that noise events at a similar level to those that would be experienced as a result of overflying aircraft already occur at a much higher frequency within the Bay than will occur from operation of the airport. The existing noise levels are driven by the close proximity of a well-used road to the coastline.</p>

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		<p>Overall, operation of the airport will result in a relatively small number of additional noise events of a similar magnitude to those already occurring in the Bay. Importantly however, the Bird Disturbance Study identified no occurrences where noise alone (i.e. arising from a disturbing source further than 500m from birds present) elicited a response in the birds present. Similar findings supporting this have been found from disturbance studies for other developments for example work undertaken by Jacobs for the recent Wylfa DCO examination.</p> <p>It is also relevant in this context to highlight that there are a number of operational airports in the UK that are located adjacent or close to SPAs and their constituent SSSIs designated for their congregations of non-breeding waterfowl and waders.</p> <p>Therefore, although the noise contour maps indicate that the northern part of Pegwell Bay (where the three wader species occur) could be affected by aircraft related noise events in the order 70dB, interpretation of the available evidence suggests that aircraft landing and leaving Manston will not cause additional significant disturbance to the three wader species.</p> <p><u>North Thanet Coast</u></p> <p>Desk study results indicate that the Thanet north coast (including the area to be overflowed by planes from the Proposed Development) is used by a proportion of the Thanet Coast SSSI population of all three wader species (grey plover, sanderling and ringed plover).</p> <p>Results from the Applicant's disturbance survey also indicate that this stretch of coastline receives relatively high levels of human recreational use and other events with the potential to cause disturbance to each of the three species. The area is already subject to regular overflights by aircraft, including commercial jets, light aircraft and helicopters.</p> <p>The disturbance survey recorded no disturbance responses from sanderling or ringed plover (grey plover were not recorded) foraging on the beach/ shoreline, due to low altitude over-flights by helicopters and light aircraft and the higher altitude flights by commercial jets.</p>

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		<p>There are a number of factors that indicate that the three wader species utilising the Thanet north coast will not be disturbed due to the noise generated from the aircraft flights, as follows:</p> <ul style="list-style-type: none"> • Aircraft are of sufficient altitude (well above 500m) so as not to provide a visual stimuli for disturbance; • Aircraft noise results in gradual increase and decrease in noise over a longer period than a sudden loud noise to which birds are far more sensitive; • The species show tolerance to existing high levels of disturbance on this stretch of coast. Disturbance studies in May 2019 show high existing levels of potential disturbance including from aircraft (both light and commercial) to which birds showed no disturbance response; and • Flights will be infrequent with the predictability of flight paths again reducing the potential for disturbance and the loudest planes make up a relatively small proportion of the forecast fleet and that only certain flight directions will occur on any one day. <p>To conclude, there is no evidence to suggest that the three wader species foraging and resting along the stretch of the Thanet north coast overflown by planes will be disturbed by noise or the visual presence of aircraft in flight from the Proposed Development; the effects of displacement on this species are considered negligible. In view of this, it is predicted that aircraft flights to and from Manston Airport will have no significant effect on the grey plover, sanderling and ringed plover.</p> <p>iii) An updated Report to Inform Appropriate Assessment (RIAA) is provided at Deadline 7a. As requested, this is supported by noise contour maps overlain with designated site boundaries and key bird locations; and by WeBS data. The updated RIAA concludes that the predicted overflights of the north Thanet coast and the flights to the north of Pegwell Bay (both part of the Thanet Coast and Sandwich Bay SPA and Ramsar) would not result in an adverse effect on the integrity of the SPA.</p>

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CA.3 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
CA.3.1	All parties to NOTE	<p>The questions below are designed in part to gain further information on progress and on more detailed issues in advance of the CA Hearing to be held on 4 June 2019.</p> <p>That Hearing will start by considering the ExA's understanding of the current position in respect of the Applicant's request for powers to compulsorily acquire land and/or rights over land using the tests in statute and in guidance as a framework for that discussion.</p> <p>It will also address further a range of specific issues which will be set out in the Agenda for the CA Hearing which will be published in advance of that Hearing.</p>
		<p>Applicant's Response:</p> <p>Noted.</p>
CA.3.2	The Applicant Ministry of Defence	<p>Crown Land: MoD Lands</p> <p>The Applicant's response to CA.2.1 [REP6-index number to be allocated] states that:</p> <p><i>"The Applicant will continue to liaise with the MoD and hopes that agreement can be reached prior to 9 July 2019."</i></p>

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	(MoD) (Lands)	<p>Confirm or otherwise whether agreement will be reached in advance of the close of the Examination on 9 July 2019</p> <p>Applicant's Response:</p> <p>The Applicant has not yet reached agreement and cannot guarantee that it will do so by the close of the Examination but it will keep trying. The Applicant hopes that the asking of question CA.3.3 will help to prompt the MoD to engage.</p>
CA.3.3	MoD (Lands)	<p>Crown Land: MoD Lands</p> <p>The Applicant's response to CA.2.1 [REP6-index number to be allocated] states that:</p> <p><i>"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."</i></p> <p>Comment on this statement and, if necessary, explain the lack of response from MoD (Lands) in this respect.</p> <p>Applicant's Response:</p> <p>N/A</p>
CA.3.4	The Applicant	<p>Crown Land: High Resolution Direction Finder</p> <p>Your response to ExA question CA.2.3 [REP6-index number to be allocated] states that:</p>

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		<p><i>"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."</i></p> <p>Set out the implications of this in respect of any requests by the ExA for further information.</p> <p>Applicant's Response:</p> <p>The non-disclosure agreement and terms and conditions referred to relate to Proprietary Information held by Aquila. RSP and Osprey have already submitted all relevant material on this topic to the ExA for consideration. If further information held by Aquila was requested by the ExA, RSP would seek its release in accordance with the non-disclosure agreement (which allows this) or, if not possible, request release with redaction of any Proprietary Information.</p>
CA.3.5	The Applicant Defence Infrastructure Organisation	<p>Crown Land: High Resolution Direction Finder</p> <p>The Applicant's response to ExA question CA.2.3 [REP6-index number to be allocated] states that:</p> <p><i>"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."</i></p> <p><i>The Defence Infrastructure Organisation's response to CA.2.2 [REP6-index number to be allocated] states that:</i></p> <p><i>"Given the complexities of this matter outlined above it is considered that agreement as to the re-location of the HRDF will not be achieved on or before 9 July."</i></p> <p>The ExA consider that the implication of a failure to reach agreement with the MoD before the end of the Examination is that the ExA would not be able to recommend that any order granting development consent should include provisions relating to the</p>

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		<p>Compulsory Acquisition (CA) of an interest in, or other provisions relating to, Crown land [s135 of the Planning Act 2008] for relevant Plots.</p> <p>The guidance contained in Annex B paragraph 2 of 'Planning Act 2008: Guidance related to procedures for the Compulsory Acquisition of land</p> <p>(DCLG, September 2013) states that:</p> <p><i>"The Applicant for a project should ensure that any discussions with the Crown authority are started as soon as it is clear that an interest in Crown land will need to be acquired – i.e. before their application is submitted to the Planning Inspectorate for acceptance. The aim should be to ensure that Crown consent is in place before the application for the development consent order is submitted. If consent is not granted by the time an application is submitted, then the Applicant should give an indication of when they expect consent to be received. At the very latest, this should be by the time the examination phase of the project is completed."</i></p> <p>Comment on this position with reference to the guidance cited above.</p>
		<p>Applicant's Response:</p> <p>The Applicant started discussions with the MoD about the HRDF in January 2017, 18 months before the application was made; that element of the guidance has been complied with.</p> <p>The guidance does say that Crown consent should be in place before the application is made and at the very latest before the completion of the examination phase, and it is looking unlikely that this will be achieved. However, in practice this has rarely if ever been achieved. An analysis of the last 20 DCO decision letters reveals:</p> <ul style="list-style-type: none"> • Tees CCPP – no Crown interests • Tilbury2 – Crown consent given four weeks before the decision • Millbrook – no Crown interests

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		<ul style="list-style-type: none"> • Testo's Junction – no Crown interests • Eggborough CCGT – Crown consent given one month before the decision • M20 J10A – no Crown interests • Silvertown – no Crown interests • Wrexham – Crown interests believed to have been recorded in error; letter nevertheless received from Welsh Ministers giving conditional consent near the start of the examination. • Richborough – Crown consent date not specified but during the decision period. • Keuper Gas Storage – no Crown interests • East Anglia Three – no Crown land; s135(2) consent given for other powers affecting Crown land during the examination. • Glyn Rhonwy – consent not given by decision period, applicant decided to remove Crown land • North London Heat and Power – no Crown interests • Brechfa connection – s135(1) consent given one month before the decision; s135(2) consent given the day before the decision • Triton Knoll connection – Crown consent given four days before the decision • Humber gas pipeline – Crown consent given on the day of the decision • Meaford – no Crown interests • M4 – Crown consent given four weeks before the decision • Potash – no Crown land; s135(2) conditional consent given for other powers during the examination • North Wales wind farms connection – Crown consent given the day before the decision <p>It should therefore not be held against the Applicant if consent is not forthcoming from the Crown during the examination; it was only given once in the above 20 examples (conditionally by the Welsh Government when it believed there was no Crown interest in fact) but they were all granted.</p> <p>Since January 2017, the aim had been to have Crown consent in place before the application was submitted. However, despite on occasion weekly attempts to advance this issue with DIO (as set out in the Compulsory Acquisition Status Report), the desired degree of progress has not been made. DIO have previously stated that they provided RSP with the relevant points of contact for the HRDF capability on 22 Sep 17 and again on 27 Mar 18. On 22 Sep 17 DIO provided two email points of contact (Darren</p>

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		<p>Jones and Tim Davies) at Air Command, RAF High Wycombe. On 10 Oct 17 Sqn Ldr Darren Jones replied having spoken to Tim Davies stating that use of an alternative site would need to be agreed by DIO. As a result of this email RSP representatives again contacted DIO to state that this issue now once again resided with them. On 27 Mar 18 DIO once again directed RSP to Darren Jones and Tim Davies, even though it had been clarified on 10 Oct 17 that they considered this an issue for DIO to resolve.</p> <p>In addition to frequent email contact, we have met DIO representatives on 14 Mar 18 and 18 Oct 18; at both meetings the proposed alternative location for the HRDF was presented. After the meeting on 14 Mar 18 details of the proposed location was sent to DIO. After both meetings a draft SoCG was sent to DIO for consideration.</p> <p>Throughout this period, we have asked DIO for an appropriate point of contact within Aquila, the MODs Engineering Authority, to allow this issue to be discussed. Darren Jones and Time Davies at Air Command, RAF High Wycombe we also asked for relevant points of contact but were unable to provide them. At the meeting on 18 Oct 18 DIO provided an email address for a contact at Aquila. The email was no longer valid as the individual had left the organisation some time before but, fortunately, their telephone number was still active. Through a process of elimination, the correct individual within Aquila was identified. However, Aquila could not accept a request for assessment of the proposed location without the authority of the Project MARSHALL Delivery Team at MOD Abbey Wood. RSP representatives identified the appropriate individual within the Delivery Team and approval to proceed was obtained on 23 Mar 19. Once Aquila had identified the technical staff to undertake this work (8 Apr 19), RSP representatives met them on 15 Apr 19 when terms and conditions for the study were agreed.</p> <p>We therefore feel that, having begun engagement with DIO in a timely manner, maintained continuous engagement, met on two occasions and twice submitted a draft SoCG for their consideration, having identified Air Command RAF High Wycombe consider this a DIO issue to resolve and having gained agreement from Defence Equipment and Support at Abbey Wood to engage Aquila to conduct the necessary studies, we have made every effort to have Crown consent in place before the DCO was submitted.</p>
CA.3.6		Crown Land: High Resolution Direction Finder

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	The Applicant	<p>Given your response to question CA.2.4, that no alternative site for the High Resolution Direction Finder (HRDF) has been agreed with the Ministry of Defence (HRDF), show why the ExA's should not consider that this position should be classified as being a potential risk or impediments to implementation of the scheme that has not been properly managed.</p> <p>Applicant's Response:</p> <p>The Applicant considers that although this is a potential impediment to the scheme it has been properly managed (the fact that it has not been fully resolved does not mean that it has not been properly managed). The Applicant first contacted the Ministry of Defence in January 2017 about this issue and has continually pressed for progress since then. It took a very long time for the MoD to engage, and subsequently engage its contractor Aquila to assess the position.</p> <p>If agreement on moving the HRDF is not possible during the examination then the Applicant will continue to seek it and will update the Secretary of State during the decision period. The Applicant is confident that the site it has identified is suitable to house the HRDF.</p> <p>As outlined in our response to CA.3.5, the Applicant has been engaged with DIO since January 2017. The Applicant consulted Air Command High Wycombe in September 2017, who referred to DIO for resolution. The Applicant engaged Aquila, the MOD's Engineering Authority in October 2018 and, after being referred to the Defence Equipment and Support organisation at Abbey Wood to gain its approval, have now agreed terms and conditions for Aquila to undertake the necessary technical assessment.</p> <p>During this period, we have conducted safeguarding assessments of 7 alternative sites, identifying the preferred site which has allowed discussions with the relevant landowner to be conducted. We have twice conducted face to face meetings with DIO on this specific issue and twice submitted a SoCG for their consideration.</p> <p>The issue has been specifically raised by Sir Roger Gale, the local MP, with Secretary of State for Defence.</p>

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		Therefore, whilst the Applicant accepts that this issue is not in the position that either we or the ExA would have wished at this stage of the submission, this is not due to it not being properly managed by the Applicant. Nevertheless, this issue does now represent a risk to implementation of the scheme but not a risk that cannot be managed. The Applicant remains hopeful that, by 9 Jul 19, the Aquila assessment will confirm the suitability of the proposed alternative location, or at least will be in a position to provide a letter of no impediment. The Applicant is ready to engage with both the Project MARSHALL Delivery Team and DIO to reach agreement before 9 Jul 19 if possible.
CA.3.7	The Applicant	<p>Crown Land: The Met Office</p> <p>Your response to CA.2.7 [REP6-index number to be allocated] states that:</p> <p><i>“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.”</i></p> <p>Paragraph 3.1.2. of the SoCG between the Applicant and the Met Office [REP6-index number to be allocated] confirms that the land is held by The Met Office on behalf of the Secretary of State for Housing, Communities and Local Government.</p> <p>Clarify whether you are contending that s135 of PA2008 does not apply in this instance or whether you contend that Crown authority agreement is still required in this instance.</p>
		Applicant's Response:

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		The Applicant confirms that it intends to obtain Crown consent in respect of the Met Office's interest in land. Such consent will be procured directly from the Met Office. The Applicant has reached agreement in principle with the Met Office about a new location for the weather station.
CA.3.8	The Applicant	<p>Crown Land: The Government Legal Department</p> <p>Your response to CA.2.8 [REP6-index number to be allocated] states that:</p> <p><i>"... 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."</i></p> <p>Clarify whether you are contending that s135 of PA2008 does not apply in this instance or whether you contend that Crown authority agreement is still required in this instance.</p>
		<p>Applicant's Response:</p> <p>The Applicant confirms that it intends to obtain the Crown's consent in respect of the bona vacantia plots. These sit outside of s135 of the PA 2008 as they are held directly by the Crown's bona vacantia division. Should such agreement not be forthcoming from the Crown in respect of these plots, the ExA should note the Applicant's answer to CA.2.8 in the second written questions. The land in these plots is not owned, occupied or leased by the Crown and the Applicant believes it would be possible for the licence and option to remain in place given their limited effect – i.e. the licence is limited to plot 19c which the Applicant is only seeking to acquire rights over and the option is due to expire next year. Thus if consent is not forthcoming it will not matter significantly.</p>
CA.3.9		Special Category Land

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	All parties to NOTE	The ExA agrees with the Applicant's suggested clarification to its wording in question CA.2.9 [REP6-index number to be allocated] that that subsections 4 and 5 of s.132 of the Planning Act 2008 do not apply but that subsection 3 of s132 of the Act does apply.
		Applicant's Response: Noted.
CA.3.10	The Applicant	<p>Statutory Undertakers</p> <p>Statutory Undertakers</p> <p>The ExA notes from the Applicant's response to question CA.2.11 [REP6-index number to be allocated] that out of the six Statutory Undertakers which may be affected by the proposed scheme:</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; and

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		<p>• Southern Water Services Limited</p> <p>Only two, Nemo Link Limited and Southern Water Services Limited have agree SoCGs stating that they agree with the protective provisions contained in the dDCO.</p> <p>Set out the steps that you are taking to ensure that the draft Protective Provisions contained in the draft DCO are acceptable to all undertakers potential affected by them and that any affected undertakers indicate their acceptance of them in time for any such statements to be examined before the close of the Examination on 9 July 2019.</p>
		<p>Applicant's Response:</p> <p>The Applicant has set out below the position in relation to each of the 4 statutory undertakers with whom agreement has not yet been reached.</p> <p>BT Group plc</p> <p>Despite numerous attempts to engage with BT since February 2018, there has been no substantive response to the Applicant's correspondence to date. BT is yet to provide any comments on the draft SoCG. A copy of the latest draft was supplied to the Examining Authority at Deadline 4 (REP4-011). The Compulsory Acquisition Status Report demonstrates ongoing attempts made by the Applicant to engage with BT. The Applicant is committed to continuing engaging with BT. However, in the absence of a response from BT and agreement being reached, the Protective Provisions in Schedule 9 of the DCO (APP-006) will apply.</p> <p>Network Rail Infrastructure Limited</p> <p>Further to the Applicant's response to question CA. 2.10 of the Examining Authority's second written questions (REP6-013), the Applicant has contacted Network Rail requesting Network Rail's response to a number of outstanding matters of principle between the parties. Network Rail provided a response on these issues by email on 20 May 2019. The status of negotiations with Network Rail is described in further detail in the response to question CA.3.12 below.</p>

Ref No.	Respondent	Question
		<p>South Eastern Power Networks plc</p> <p>The Applicant and South Eastern Power Networks plc are now broadly agreed on the protective provisions which are to be granted in favour of South Eastern Power Networks plc. There are no outstanding matters of principle between the parties. The Applicant and South Eastern Power Networks plc's legal team are currently finalising the terms of an agreement. The Applicant anticipates that the agreement will be concluded imminently and in any event before the close of the examination.</p> <p>Additionally, the Applicant has been contacted by representatives from South Eastern Power Network's technical team and arrangements for a meeting to discuss the practical implications of the Proposed Development on South Eastern Power Network's infrastructure are in progress.</p> <p>Southern Gas Networks plc</p> <p>The Applicant and Southern Gas Networks plc are now broadly agreed on the protective provisions which are to be granted in favour of Southern Gas Networks. An agreement providing for the protective provisions is now well-advanced and the Applicant is hopeful that it will be concluded imminently and in any event before the close of the examination.</p> <p>Southern Gas Networks provided a revised protective provisions agreement on 23 May 2019 which the Applicant is considering.</p> <p>The only outstanding issue of substance is Southern Gas Network's request for the Applicant to provide an unlimited indemnity to them in respect of any costs or losses arising from the construction, operation and use of the airport. The Applicant considers that such a request is unreasonable and disproportionate given the limited interaction between the Proposed Development and Southern Gas Network's infrastructure. The Applicant considers that it is reasonable for it to decline to provide an indemnity of the kind sought by Southern Gas Networks.</p>
CA.3.11	BT Group plc	Statutory Undertakers: BT Group plc

Ref No.	Respondent	Question
		<p>The ExA notes that the Compulsory Acquisition Status report submitted at Deadline 6 on 3 May 2019 [REP6-index number to be allocated] shows a history of contact but of little progress with the first contact being made on 9 February 2018 and over thirteen months later a note for 28 March 2019 stating the BT is still locating the relevant contact to review the document.</p> <p>The ExA requires BT Group Ltd and the Applicant to provide a draft SoCG by Deadline 7a.</p>
		<p>Applicant's Response:</p> <p>Despite numerous attempts to engage with BT since February 2018, there has been no substantive response to the Applicant's correspondence to date. BT is yet to provide any comments on the draft SoCG. A copy of the latest draft was supplied to the Examining Authority at Deadline 4 (REP4-011). The Compulsory Acquisition Status Report demonstrates ongoing attempts made by the Applicant to engage with BT. The Applicant is committed to continuing engaging with BT. However, in the absence of a response from BT and agreement being reached, the Protective Provisions in Schedule 9 of the DCO (APP-006) will apply.</p>
CA.3.12	Network Rail Infrastructure	<p>Statutory Undertakers: Network Rail Infrastructure</p> <p>The ExA notes that the Compulsory Acquisition Status report submitted at Deadline 6 on 3 May 2019 [REP6-index number to be allocated] shows that on 6 March 2019 – nearly two months before the submission of the status update -Network Rail Infrastructure was reviewing the draft framework agreement.</p> <p>The ExA requires Network Rail Infrastructure and the Applicant to provide a draft framework agreement by Deadline 7a.</p>
		<p>Applicant's Response:</p>

Ref No.	Respondent	Question
		<p>The Applicant has provided (with Network Rail's permission) a copy of the draft framework agreement at Appendix CA.3.12 of TR020002/D7a/TWQ/Appendices.</p> <p>Network Rail provided further comments on the draft framework agreement on 7 March 2019. The Applicant considered Network Rail's comments and the terms of the draft framework agreement in detail. The Applicant responded on 27 March 2019 with its position on a number of matters of principle, namely (i) the effect of compulsory purchase on Network Rail's land interests, (ii) Network Rail's requests for payment of its costs and the provision of indemnities in the draft framework agreement and (iii) the scope of protective provisions which are reasonable and proportionate to the limited interaction of the Proposed Development and Network Rail's infrastructure.</p> <p>Network Rail provided a response on these issues by email on 20 May 2019.</p> <p>In summary, Network Rail's position is that:-</p> <ul style="list-style-type: none"> • Network Rail continues to object to the acquisition of the subsoil under Plot 123 which would enable the Applicant to obtain ownership of the outfall pipeline. Network Rail is not willing to transfer the freehold of the subsoil beneath the railway to the Applicant however, would be willing to grant access rights over the subsoil to the Applicant for future inspection and maintenance of the outfall pipe. A copy of the deed of grant is attached to the Framework Agreement. Network Rail are unable to agree to the compulsory acquisition of its subsoil and rights in land as to do so would provide the Applicant with the autonomy to enter land either side of the railway and potentially undertake works to the outfall pipe without the necessary protections and works specifications that Network Rail requires in accordance with its statutory duty to protect the railway. • Network Rail considers that the pipeline running underneath Plot 123 and discharging into Pegwell Bay is owned by Southern Water as the water undertaker for the area. Network Rail is possession of an agreement for an adjacent water pipe to the pipe under plot 123 with Southern Water which states Southern Water is the water and sewerage undertaker for the area within the works under that are situated. We are aware the Applicant has made enquiries with Southern Water who deny ownership of the pipe. Network Rail have attempted to contact Southern Water directly to determine ownership of the pipe.

Ref No.	Respondent	Question
		<ul style="list-style-type: none"> • Network Rail seeks the inclusion of its standard protective provisions as part of the protective provisions included at Schedule 9 to the draft DCO to ensure the safe operation of the railway (REP6-019). • Network Rail is willing to enter into a side agreement with the Applicant which provides for the modification of some of the standard protective provisions. Network Rail provided an annotated version of its standard protective provisions to the Applicant on 23 May 2019. The Applicant is currently considering these. The Protective Provisions refer to works within 15 metres of the operational railway/infrastructure and do not refer to the “authorised development” being the works authorised the DCO. It is therefore Network Rail’s position that the Protective Provisions would only apply in the event the Applicant needs to undertake works to the pipe should there be emergency/repair/maintenance works required. The Applicant has confirmed that they do not envisage any such works to be undertaken. Network Rail has made it clear that should works be required within 15 metres of operational railway/infrastructure Network Rail would be willing to enter an asset protection agreement (subject to Network Rail’s clearance and governance approvals), in which case the terms of the asset protection agreement would take precedence over the Protective Provisions. The Framework Agreement will require amending to reflect to the relationship between the Protective Provisions and asset protection agreement, this will be shared with the Applicant shortly for its review. • Network Rail are willing to continue to work with the Applicant to come to a mutually acceptable arrangement. <p>The Applicant’s position is that:-</p> <ul style="list-style-type: none"> • Following diligent inquiry as part of the land referencing exercise to support its application, the Applicant has been unable to ascertain the owner of the pipeline. In particular, following Southern Water has expressly disclaimed ownership of the pipeline. As set out at paragraphs 8.25-8.27 of the Statement of Reasons, the Proposed Development includes the acquisition of the pipeline and rights of access to it at surface level to ensure that the Applicant is able to access and maintain the pipeline into the future. The acquisition of the subsoil under Plot 123, and across the wider pipeline route, is therefore necessary to secure ownership of the pipeline itself for the Applicant.

Ref No.	Respondent	Question
		<ul style="list-style-type: none"> The Applicant did not consider that it was proportionate or necessary for the draft DCO (REP6-019) to include Network Rail's standard protective provisions. In particular, the Applicant considers that the following provisions of Network Rail's standard protective provisions and framework agreement are unreasonable:- <ul style="list-style-type: none"> A requirement to obtain Network Rail's prior approval for the carrying out of works within 15 metres of the railway (none of the works to be authorised by the draft DCO (REP6-019) being situated in the vicinity of Network Rail's infrastructure). Ongoing obligations on the Applicant to pay for any additions to railway infrastructure which may be necessary as a result of the Proposed Development (this being unnecessary as the Proposed Development would not result in any such additions becoming necessary). Payment of Network Rail's costs in upgrading Cliffs End Level Crossing, Minster and Ramsgate stations as a result of the Proposed Development (this again being unnecessary as the Proposed Development would not result in any such upgrades becoming necessary). An unlimited indemnity in respect of any costs incurred by Network Rail relating to the Proposed Development. In order to reach agreement with Network Rail, the Applicant is willing to discuss the terms of a side agreement pursuant to which the application of Network Rail's standard protective provisions is to be modified – Network Rail have agreed to modify their standard protective provisions for which the Applicant is grateful. The Applicant is currently reviewing Network Rail's proposed protective provisions which were received on 23 May 2019. As noted in its response to the examining authority's second written questions (REP6-012) the Applicant remains willing to discuss the terms of appropriate protective provisions with Network Rail and remains hopeful that an agreement can be concluded in time for the close of the examination. <p>Network Rail has seen and approved the text of this response so far as it relates to the respective positions of the Applicant and Network Rail.</p>
CA.3.13		Statutory Undertakers: South Eastern Power Networks plc

Ref No.	Respondent	Question
	South Eastern Power Networks plc	<p>The ExA notes that the signed SoCG between South Eastern Power Networks plc and the Applicant [REP4-004] states that the parties do not currently agree the nature and extent of protective provisions which are necessary and reasonable in respect of the Development.</p> <p>The SoCG is dated 7 March 2019</p> <p>i. Show what progress has been made on this lack of agreement;</p> <p>ii. Clarify whether it is intended to issue a further SoCG;</p> <p>iii. If so, provide by Deadline 7a;</p> <p>iv. If not, state how agreed protective provisions are to be arrived at before the close of the Examination on 9 June 2019.</p>
		<p>Applicant's Response:</p> <p>i. Since the statement of common ground with South Eastern Power Networks plc (SEPN) was submitted at Deadline 3, the Applicant has been in discussions with SEPN regarding the terms of protective provisions to be granted for the benefit of SEPN.</p> <p>The Applicant provided its comments on a draft agreement prepared by SEPN on 29 March 2019. SEPN provided a further draft on 1 April 2019. SEPN also provided copies of its standard deed of grant of easement and lease for review.</p> <p>The Applicant has provided further comments on the draft agreement to SEPN.</p> <p>ii. The Applicant anticipates that the agreement with SEPN will be completed imminently such that it would not be necessary to provide a further statement of common ground, although it is content to do so should the examining authority find it helpful.</p> <p>iii. Please see response to ii. above.</p>

Ref No.	Respondent	Question
		iv. Per the response to i. above, the Applicant anticipates that an agreement with SEPN will be completed by the close of the examination, enabling SEPN to withdraw from further participation in the examination (it has not made a representation).
CA.3.14	Southern Gas Networks plc	<p>Statutory Undertakers: Southern Gas Networks plc</p> <p>The ExA notes that the unsigned draft SoCG between Southern Gas Networks plc and the Applicant submitted at Deadline 3 and dated 15 February 2019 [REP3-175] states at paragraph 4.4 that:</p> <p><i>“the parties do not currently agree that the construction and operation of the proposed Development will not affect the undertaking carried on by SGN. The parties do not agree that the compulsory acquisition of the Plots above, including the creation of new rights in relation to specific plots, can be undertaken without serious detriment to SGN’s undertaking.”</i></p> <p>and at paragraph 4.5 that:</p> <p><i>“SGN does not currently agree that RiverOak should be authorised to acquire SGN's apparatus or extinguish SGN's rights or interests in land”.</i></p> <p>i. Show what progress has been made on this lack of agreement;</p> <p>ii. Clarify whether it is intended to issue a further SoCG;</p> <p>iii. If so, provide by Deadline 7a;</p> <p>iv. If not, state how agreed protective provisions are to be arrived at before the close of the Examination on 9 July 2019.</p> <p>Applicant’s Response:</p>

Ref No.	Respondent	Question
		<p>i. The Applicant is in advanced negotiations with Southern Gas Networks (SGN) on the terms of an agreement for the grant of protective provisions. For completeness, the statement of common ground with SGN submitted at Deadline 3 (REP3-175) was agreed, rather than draft, albeit was unsigned.</p> <p>Further, as noted in the response to CA.3.10 above, the Applicant and SGN are now broadly agreed on the protective provisions which are to be granted in favour of SGN. Most recently, the Applicant provided a further draft agreement to SGN on 20 May 2019. SGN provided its response in the form of a further draft agreement on 23 May 2019 which the Applicant is currently considering. The Applicant is not aware of any impediment to the conclusion of an agreement with SGN before the close of the examination, if not sooner.</p> <p>ii. The Applicant anticipates that the agreement with SGN will be completed imminently such that it would not be necessary to provide a further statement of common ground, although it is content to do so should the examining authority find it helpful.</p> <p>iii. Please see response to ii. above.</p> <p>iv. Per the response to i. above, the Applicant anticipates that an agreement with SGN will be completed by the close of the examination, if not sooner, enabling SGN to withdraw its representation.</p>
CA.3.15	The Applicant	<p>Representations from Affected Persons</p> <p>The Applicant's response to CA.2.12 [REP6-index number to be allocated] list representations from Affected Persons.</p> <p>Has the Applicant made any specific attempts to contact those making representations?</p>
		Applicant's Response:

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Ref No.	Respondent	Question
		<p>The Applicant has made specific attempts to contact each party in category 1, whether or not they have made representations. Correspondence with each category 1 party is evidenced in the Compulsory Acquisition Status Report, the latest version being submitted at Deadline 7a.</p> <p>Cogent Land LLP, Glenn Horwood, Irene Horwood and Philip Griffiths are category 2 parties in the Book of Reference. The Applicant has been in correspondence with Cogent Land LLP and is seeking to enter into a Statement of Common Ground with them. Glenn Horwood, Irene Horwood and Philip Griffiths have made representations which are supportive of the Applicant's project. They are beneficiaries of rights which would only be extinguished so far as they are inconsistent, under the terms of article 24 of the dDCO.</p> <p>The Applicant has not made specific attempts to contact all parties making representations however as stated in the Applicant's Deadline 3 Cover Letter [REP3-188] the Applicant will comment on relevant representations it considers have not been covered either by the comments on written representations or answers to the ExA's written questions.</p> <p>The Applicant notes that Adam Rogers and James Hose were mistakenly included in the list of Affected Persons in its answer to CA. 2.12 of the ExA's Second Written Questions. Adam Rogers and James Hose are in Part 2b of the Book of Reference meaning that they may be able to make a relevant claim as a result of the implementation of the DCO.</p>
CA.3.16	The Royal Air Force Manston History Museum Association	<p>Royal Air Force Manston History Museum</p> <p>The ExA note that the Applicant's response to CA.2.14 [REP6-index number to be allocated] states that:</p> <p><i>"If and when the museums are relocated (outside the scope of the DCO), the Applicant will grant a freehold of the relocated sites."</i></p> <p>But note that the Applicant's response to CA.2.22 [REP6-index number to be allocated] states that:</p> <p><i>"The DCO would not authorise any works to the museums and memorial gardens."</i></p>

Ref No.	Respondent	Question
		<p>The ExA note that the signed SoCG between the Royal Air Force Manston History Museum Association and the Applicant submitted at Deadline 3 [REP3-191] states that:</p> <p><i>"RiverOak are committed to the museum being relocated to a new facility, in consultation between the parties."</i></p> <p>i. Show where these commitments are secured in the draft DCO or in the documents listed in Schedule 10 of the draft DCO; or</p> <p>ii. State why the ExA should have regard to unsecured commitments.</p>
		<p>Applicant's Response:</p> <p>i. Although the Applicant has not been asked this question, it provides the following answer. The commitments are not secured in the draft DCO or in any of the documents to be certified. This is because the museums do not need to move as part of the project, and will only do so if their owners choose for that to happen.</p> <p>ii. The Applicant does not expect the ExA to have regard to this commitment, it is not part of the application.</p>
CA.3.18	The Applicant	<p>Pipeline plots</p> <p>The Applicant's response to CA.2.17 [REP6-index number to be allocated] states that 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> <p>State whether such owners have been written to (the ExA note that your response to CA.2.23 indicates that they have);</p> <p>Either provide a table showing responses, if any, or provide an updated CA Status report at deadline 7a.</p>

Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>The Applicant confirms that all owners of pipeline plots were written to again in April and May 2019, enclosing a draft voluntary agreement for their consideration alongside a fact sheet. The Compulsory Acquisition Status Report has been updated accordingly and the latest version will be submitted at deadline 7a.</p>
CA.3.22	<p>The Applicant</p> <p>All Parties to NOTE</p>	<p>Associated Development</p> <p>One of the arguments put forward by the Applicant in its response to CA.2.20 [REP6-index number to be allocated] is that:</p> <p><i>"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."</i></p> <p>Taking into account the existence of a system of development control and management embodied in planning legislation and regulation and of policy making embodied, inter alia, in Local Plans and the National Planning Policy Framework, justify the assertion that this development is likely to arise [...] in a piecemeal and uncontrolled manner with a worse impact on the local area.</p> <p>All parties should note that the issue of associated development in the CA and Issue Specific Hearings to be held from 3 to 7 June 2019</p>
		<p>Applicant's Response:</p> <p>The response to this question goes back to the very definition and purpose of land use planning. Land use planning is defined as a process by which optimum forms of land use and management are indicated considering the environmental, social and economic conditions of a particular area. The objective of planning land uses is to influence, control or direct changes in the use</p>

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Ref No.	Respondent	Question
		<p>of land so that land is allocated to the most beneficial use whilst maintaining the quality of the environment and promoting conservation of land resources. Land use planning contributes to orienting the location of economic and social activities regarding land suitability and providing solutions to land use conflicts in addition to identifying natural resources that should remain and areas that should be protected.</p> <p>By containing airport uses in one area, which has clear locational advantages being in such close proximity to the airfield, and controlling such uses in spatial planning terms through the Local Plan (as is the case already at the Northern Grass through Policies EC2 and EC4 of the adopted Local Plan – see RSP's response to Question G.1.3 of the ExA's first questions) the land can be regulated efficiently and ethically but also in a way that promotes and encourages airport-related uses in an areas where these uses, and their impacts, are fully accepted in land use terms and where operational synergies can be realised. This can be done in a fully transparent way which avoids potential land use conflicts elsewhere. This could not be as effectively realised if airport related uses were dispersed and located away from the airport especially when recognising that a significant proportion of the land certainly immediately adjoining the airport is in the countryside and/or benefits from other environmental protections.</p> <p>Whilst planning policies and development control measures would still apply in areas outside of the Northern Grass thereby regulating likely impacts, collectively locating uses that are directly related to the airport adjacent to the airfield would concentrate impacts such as traffic, noise and other possible pollutions in one single area where such impacts would be expected (and have been historically expected given the adopted planning policies that have applied for the Northern Grass area) and where such impacts could be best managed. Locating airport-related uses conveniently on the Northern Grass will also mean that a comprehensive approach can be taken to design, layout and landscaping so that the whole development is cohesive in its architectural and landscaping treatment.</p> <p>Additionally, and if aviation uses where not prioritised on the Northern Grass, it would very difficult to accommodate many other land uses on that land that would not be sensitive to the impacts of the operational airport.</p> <p>The emerging Thanet Local Plan is expected to include a policy that continues to safeguard the Manston Airport site (including the Northern Grass land) for airport-related uses it is transparent and fully acknowledged that the land at the Northern Grass will continue to be protected for the same airport-related uses that it has historically always been protected for.</p>

Ref No.	Respondent	Question
		<p>Furthermore, the Government encourages all airports to produce a Masterplan to set out a clear statement of intent on the part of an airport operator to enable future development of the airport to be given due consideration in local planning processes. These Masterplans provide transparency and aid long-term planning. Once operational, the expectation is that Manston Airport will produce a Masterplan - as it did when previously in operation prior to closure in 2014. Safeguarding the Northern Grass for airport-related uses both in the Local Plan and the airport Masterplan will ensure that this land is developed in a controlled manner with clear transparency and a clear understanding of the airport operator's intentions for this area.</p> <p>By containing similar development in one area, the opportunity exists to introduce strategies through local planning policies and/or the airport Masterplan to reduce impacts that are common in that area, for example, sustainability measures; green travel planning. These strategies will be far more effective and easier to promote, and the benefits are much more likely to be realised, if they apply to a particular and contained location close to the airport where occupiers can collaborate to achieve objectives alongside wider airport objectives/strategies, in lieu of trying to achieve the same outcome across a number of sites spread-out across the District and beyond. It may be more difficult to control impacts especially if a number of Local Planning Authorities are involved and there could be differences in the approaches taken to development control decisions due to area-specific policies and objectives.</p>
CA.3.23	The Applicant	<p>Land Requirement – Plots 015b, 017, 020, 021, 022, 023, 024, 025</p> <p>The ExA note the importance of the Instrument Landing System (ILS) and the protection thereof. The location of the plots is also noted. The Applicant's answer to CA.2.21 states that “CAA <i>technical safeguarding criteria define the required areas around such equipment to ensure its safe operation</i>”, and “<i>the plots referred to ...were previously safeguarded by the former Manston Airport operators/owners for this reason</i>”</p> <p>i. Provide further information on the precise impact of the required plots on the proposed ILS; their location in relation to this equipment, and their potential effect upon the working of this system.</p>

Ref No.	Respondent	Question
		<p>ii. Provide the precise reference in CAA technical safeguarding criteria where the area around an ILS is defined to ensure its safe operation.</p> <p>iii. Were the relevant plots previously in the ownership of Manston</p>
		<p>Applicant's Response:</p> <p>i. Aerodromes licensees together with their Air Traffic Services (ATS) Providers are responsible for the technical safeguarding of all the radio sites for which they hold approvals under the UK Air Navigation Order (ANO). Civil Aviation Authority (CAA) Aeronautical Publication (CAP) provides guidance to assist with that process. Aerodrome Licensees and ATS Providers who register safeguarding maps, in accordance with CAP 738, Safeguarding of Aerodromes, with the Local Planning Authority (LPA) should receive from that LPA a copy of any applications for developments either on or within the vicinity of the Aerodrome. This information should be made available to the person responsible for the technical safeguarding of radio sites. If safeguarding is not undertaken, then there is a significant risk that a gradual degradation of the integrity of the radio signal will take place. This will be perceived in several ways; complaints from pilots or Air Traffic Control (ATC) regarding poor coverage, increased background noise resulting in poor approach guidance such as imprecise glide slope or track, and worsening flight calibration results for ILS ultimately to the point when the navigation aid may be deemed unsafe for use. This can be avoided by proactively safeguarding the technical sites. The CAA's ATS Engineering Inspector will expect to see evidence of adequate technical safeguarding. If the quality of service of the radio signal reduces below acceptable limits, he or she can withdraw the ANO approval for the affected radio facility until corrective measures have been taken. The plots (015b, 017, 020, 021, 022, 023, 024, 025) are to the south, immediately abeam the runway 10 threshold (start of runway 10). The potential impact of the sites is unclear and will be modelled and flight checked as part of any new installation. However, as they are located within and adjacent to the theoretical sensitive area plus vehicle access is required around the sensitive area for airport operations then to avoid infringements and degrading the operation of the equipment these areas are required for safeguarding purposes.</p> <p>ii. The precise requirements are taken from the International Civil Aviation Organisation (ICAO), <i>International Standards and Recommended Practices</i> (SARPs) Annex 10 Volume 1, and CAP 670 <i>ATS Safety Requirements</i> (Part B, Section 4 of GEN 02). Dimensions of the Critical and Sensitive Area depend from the aircraft intended to be used on the aerodrome and the RWY</p>

Ref No.	Respondent	Question
		<p>Category (Category II/III). The Glidepath antenna (abeam the threshold) represents the reference point for the dimensions and therefore the critical and sensitive area move following the antenna location.</p> <p>iii. No.</p>
CA.3.24	The Applicant	<p>Acquiring by voluntary agreement: Avman Engineering Limited and Polar Helicopters Limited</p> <p>In its response to question CA.2.24, [REP6-index number to be allocated] the Applicant summarises the agreements reached in the SoCGs between itself and a) Avman Engineering Limited and b) Polar Helicopters Limited as including an agreement 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.</p> <p>Show where this is secured in the draft dDCO.</p> <p>Applicant's Response:</p> <p>The agreements are not secured in the dDCO. The position between these parties and the Applicant is set out in the relevant Statements of Common Ground which were submitted at Deadline 3. Neither Avman nor Polar Helicopters are objecting to the Applicant's proposals. Both leaseholders are content with the position as set out in their respective Statements of Common Ground and do not seek further commitments from the Applicant on the face of the dDCO or elsewhere.</p>
CA.3.30	The Applicant	<p>Acquiring by voluntary agreement: Stone Hill Park Limited</p> <p>Provide evidence for the statement in the Applicant's response to CA.2.25 [REP6-index number to be allocated] that the Applicant is hopeful that these negotiations [between the Applicant and SHP] can be concluded satisfactorily shortly</p>

Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>There has been telephone and email communication between the parties in the past few days.</p>
CA.3.31	The Applicant	<p>Secretary of State for Transport</p> <p>In the response to CA.2.32 [REP6-index number to be allocated], that Applicant states that:</p> <p><i>"The Applicant can confirm that the Secretary of State for Transport should now be registered as an Affected Person in 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."</i></p> <p>Provide the next iteration of the Book of Reference for Deadline 7a.</p>
		<p>Applicant's Response:</p> <p>The Applicant confirms that the next iteration of the Book of Reference is submitted at deadline 7a and contains this.</p>
CA.3.32	The Applicant	<p>Compulsory Acquisition Status Report</p> <p>The ExA notes that the version of the Compulsory Acquisition Status Report submitted at DL6 on 3 May 2019 [REP6-index number to be allocated] appears to show no change from the version submitted at DL5 [REP5-004] and only shows change in respect of the Jentex Fuel Farm and Mr David Steed from the version submitted at DL3 [REP3-006].</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>The ExA will note that since deadline 3 on 15 February 2019 a follow up letter was sent to all category 1 interest holders in March 2019 and separate letters were sent to pipeline owners in April/May 2019. The Applicant remains committed to entering into voluntary agreements with all category 1 owners wherever practicable but can only do so if those with an interest in land engage. The Applicant refers the ExA to the log of engagement with landowners in column 11 of the Compulsory Acquisition Status Report.</p>

Ref No.	Respondent	Question
DCO.3 Draft Development Consent Order (DCO)		
DCO.3.1	All parties to NOTE	<p>The ExA has published its draft DCO alongside these questions.</p> <p>All Interested Parties and Affected Persons are requested to provide comments on the ExA's draft DCO.</p> <p>The specific questions below address particular parts of that draft but should not be taken as precluding further examination of any part of the draft DCO in particular at the DCO ISH to be held on 7 June 2019</p> <p>The questions below also seek clarification on matters related to the dDCO raised in the responses received at DL6.</p>
		<p>Applicant's Response:</p> <p>Noted.</p>
DCO.3.2	All parties to NOTE	<p>All parties should note that the issue of associated development including, but not limited to, the definition of "airport-related" and of "Associated development" will be examined further in the CA and Issue Specific Hearings to be held from 3 to 7 June 2019.</p>
		<p>Applicant's Response:</p> <p>Noted.</p>

Ref No.	Respondent	Question
DCO.3.3	All parties to NOTE	All parties should note that the issue of the proposed application of the 'Crichel Down Rules' in Article 19 and the reduction from five to one year in Article 21 will be examined further in the CA and/or the DCO Issue Specific Hearing to be held on 4 and 7 June 2019.
		Applicant's Response: Noted.
DCO.3.4	All parties to NOTE	All parties should note that the issue of the limits to deviation (Article 6) related to descriptions set out in Schedule 1 will be examined further in the CA and/or the DCO Issue Specific Hearing to be held on 4 and 7 June 2019.
		Applicant's Response: Noted.
DCO.3.5	All parties to NOTE	All parties should note that the issue of the Guarantees in respect of payment of compensation, etc (Article 9) will be examined further in the CA and/or the DCO Issue Specific Hearing to be held on 4 and 7 June 2019.
		Applicant's Response: Noted.

Ref No.	Respondent	Question
DCO.3.6	The Applicant	<p>Your response to DCO.2.45 [REP6-index number to be allocated] states that The Secretary of State responded on 26 April 2019, to advise that he was not willing to discharge the requirements and that you had requested him to reconsider.</p> <p>Provide an update on any further correspondence on this matter with the Secretary of State.</p>
		<p>Applicant's Response:</p> <p>The Secretary of State responded further on 14 May 2019, confirming that he does not wish to be the discharging authority for the requirements. His letter is appended as DCO.3.6 in TR020002/D7a/TWQ/Appendices.</p>
DCO.3.7	The Applicant	<p>Article 2: Interpretation</p> <p>Definition of commence</p> <p>Justify the inclusion of “advertisements” in the list of in the list of excluded operations from the definition of “commence”.</p>
		<p>Applicant's Response:</p> <p>The Applicant has included this because, as with any construction site, there may be a need to advertise information in connection with the scheme. For instance such advertisements may provide information on the construction programme or current or future developments that will be taking place at the site. It is also the case that, as with all prestigious schemes such as the Manston Airport project, individual contractors will want to advertise their involvement in its construction (for instance on their construction compounds). This wording is intended to regularise the position in relation to advertisements which are necessary or common place in connection with the construction of nationally significant infrastructure projects.</p>

Ref No.	Respondent	Question
DCO.3.8	The Applicant	<p>Article 2: Interpretation</p> <p>Definition of commence</p> <p>Justify the inclusion of “temporary buildings” in the list of excluded operations from the definition of “commence”.</p>
		<p>Applicant's Response:</p> <p>Temporary buildings are included in the list of excluded operations as they may be required in connection with the carrying out of the other operations explicitly excluded from the definition of 'commence'. A number of these operations could require temporary buildings to support them. For instance, site offices and employee facilities might be required in connection with diversion and laying of services. Similarly, site offices and employee facilities might be required in connection with environmental surveys (which would include those surveys under Requirement 12 of the dDCO (Protected species)).</p>
DCO.3.9	The Applicant	<p>Article 2: Interpretation</p> <p>Definition of commence</p> <p>Justify the removal of the phrase “to the extent that is unlikely to give rise to any materially new or materially different environmental effects from those identified in the environmental statement” from the list of excluded operations from the definition of “commence”</p>
		<p>Applicant's Response:</p> <p>The wording that has been removed is intended to cover situations in which variation to the works authorised by the Order is permitted, as long as the impacts of such works are not materially new or materially worse. This wording is not appropriate in</p>

Ref No.	Respondent	Question
		these circumstances as the material operations listed in the definition will take place in any event. The definition of 'commence' serves solely to define what material operations will comprise 'commencement' for the purposes of the Order.
DCO.3.12	The Applicant	<p>Schedule 1</p> <p>State whether there are any relevant watercourses within the order limits to which point (g) in the list of further associated development at the end of Schedule I will apply.</p>
		<p>Applicant's Response:</p> <p>Upon further consideration the Applicant has concluded that this item of associated development is unnecessary and it has been removed from the revised dDCO submitted at Deadline 7a.</p>
DCO.3.13	The Applicant	<p>Schedule 1</p> <p>Indicate what works may be covered by point (i) in the list of further associated development at the end of Schedule I</p>
		<p>Applicant's Response:</p> <p>It is possible that the authorised works might result in the need for works to benefit or protect land affected by the construction of the development. The Order also provides for this unlikely eventuality with the inclusion of article 17 (protective works to buildings) though that is specific to buildings. It is not possible at this stage to provide specific examples of benefit or protection that might be provided to land affected by the authorised development. However, paragraph i) of Schedule 1 is intended to ensure that the Applicant can protect or benefit those landowners affected where it is appropriate to do so. The Applicant is of the view that this provides an important permissive authorisation for the benefit of others and should be retained.</p>

Ref No.	Respondent	Question
DCO.3.14	The Applicant	<p>New Article 37</p> <p>The ExA note the inclusion of the new Article 37: Removal of human remains.</p> <p>Do you consider that, in addition, the Protection of Military Remains Act 1986 applies in this case and, if so, whether it should be referenced in the dDCO?</p>
		<p>Applicant's Response:</p> <p>The application of the Protection of Military Remains Act 1986 is unaffected by Article 37. Article 37 is intended to provide further protection in connection with human remains which do not receive protection under the Protection of Military Remains Act 1986. The Applicant is not aware of the presence of any military aircraft that would be protected under the Protection of Military Remains Act 1986.</p>
DCO.3.15	The Applicant	<p>Requirements 4 and 5</p> <p>Justify the inclusion of Work 19 in both Requirement 4 and Requirement 5</p>
		<p>Applicant's Response:</p> <p>The Applicant concedes that the inclusion of Work 19 in Requirement 4 is unnecessary. A further draft of the DCO with related amendments is submitted at Deadline 7a.</p>
DCO.3.16		Operation environmental management plan

Ref No.	Respondent	Question
	The Applicant	<p>Requirement 7(2)(c)</p> <p>State what is meant by 'long-term' and justify why this sub-paragraph does not also include short- and medium-term.</p>
		<p>Applicant's Response:</p> <p>The Applicant is content to remove the two references to 'long term' in this sub-paragraph. The original drafting was intended to make clear that the commitments were to continue for an extended period and not just for a shorter or defined period of operation. The Applicant accepts that this wording may be confusing and a revised draft of the DCO including an amended Requirement 7 is submitted at Deadline 7a.</p>
DCO.3.18	The Applicant	<p>Part 2 R21</p> <p>In its response to DCO.2.3 [REP6-index number to be allocated], TDC states that:</p> <p><i>"the draft DCO has still not revised the procedure for the discharge of requirements, which includes an automatic approval for non-determined requirements after 8 weeks at Part 2 Article 20, with no right of appeal (assumed to be because the Secretary of State is the discharge authority). Given the apparent lack of consultation with Secretary of State to ensure they can comply with these timescales, Thanet District Council is concerned that the details of the requirements submitted may not be subject to sufficient scrutiny, prior to be automatically approved by virtue of the current wording of the draft DCO."</i></p> <p>Comment</p>
		<p>Applicant's Response:</p> <p>The Applicant has included the same procedure for discharge of requirements that has been included in numerous Highways DCOs where the Secretary of State is the discharging authority (see for example Part 2 of Schedule 2 to the M20 Junction 10a</p>

Ref No.	Respondent	Question
		Development Consent Order 2017 and Part 2 of Schedule 2 of the A19/A184 Testo's Junction Alteration Development Consent Order 2018). The Applicant believes that this is an appropriate form of words for the discharge of requirements and it has been previously accepted by the Secretary of State. Discussions with the Secretary of State concerning its role in the discharge of requirements are ongoing.
DCO.3.19	The Applicant	<p>Schedule 10</p> <p>Justify the exclusion of the operation environmental management plan from Schedule 10.</p>
		<p>Applicant's Response:</p> <p>The operation environmental management plan is not included in Schedule 10 because (unlike the outline construction environmental management plan) it is not intended to be a certified document. This is because it is not possible, at this stage of the design of the development, to produce an outline operation environmental management plan which would be of sufficient detail to assist the Examination. It is for this reason that, in place of such an outline plan, the Applicant has drafted Requirement 7 in such a way that it is prescriptive as to what a future operation environmental management plan should contain. This prescription, together with the necessity for approval by the Secretary of State, provides sufficient control over the content of any future operation environmental management plan in accordance with which the authorised development must be operated and maintained.</p>
DCO.3.20	The Applicant	<p>Historic England (HE)</p> <p>Historic England state in their response to the Examining Authority's Second Written Questions by the Historic Buildings and Monuments Commission for England [Dated 26 April 2019, reference not yet allocated] that they consider that the Applicant should provide sufficient flexibility in the scheme quantum and design for any nationally important archaeological remains that may be discovered during the course of future surveys to be preserved as part of the scheme should their importance warrant</p>

Ref No.	Respondent	Question
		<p>it (to comply with paragraph 5.191 of the ANPS). This should include options for building and landscape design such as flexible zones of land-use and modelling of the potential to increase the proportion of land in non-harmful land-uses. Furthermore, they consider that the Applicant should provide sufficient flexibility in the scheme quantum and design for any nationally important historic buildings and historic landscape to be preserved should their importance be confirmed by further surveys to be of a level so as to require this. The following is proposed by HE:</p> <p><i>"No amendments to the DCO have been made to reduce the risk to heritage assets that might arise from the proposed limits of deviation. We suggest that an additional subsection might be added to Article 6, saying "In the light of further heritage assessment, Heritage Constraint Areas in which deviations are restricted will be identified by the Applicant in consultation with Kent County Council, and if appropriate Historic England, before they are submitted to the Secretary of State for consideration."</i></p> <p><i>"No amendments to the DCO have been made to reduce the risk to heritage assets or their settings that might arise from the size of and design of proposed structures. We suggest that an additional subsection might be added to say that the external appearance and dimensions of any element of Works that has the potential to affect a Heritage Constraint Area (see para. 6.3.1) should be subject to consultation with Kent County Council, and if appropriate Historic England, before it is submitted to the Secretary of State for consideration"</i></p> <p><i>"No amendments to the DCO have been made in response to our suggestion that sign-off of the Master Plan should be dependent on adequate provision having been made for heritage surveys, options modelling and preservation. We suggest that it should be required that before the Master Plan is approved the Applicant should commission further assessment of the historic character of the airfield and model the options for increasing the proportion of land in non-harmful land-uses in response to the result of heritage surveys"</i></p> <p>Comment.</p> <p>Applicant's Response:</p>

Manston Airport DCO - Responses to ExA's Third Written Questions

Ref No.	Respondent	Question
		The Applicant has introduced revised wording to Requirement 3(1) and a new Requirement 3(3) to address the concerns raised by Historic England. The proposed amendments have been shared with Historic England and their comments have been requested.

Ref No.	Respondent	Question
F.3 Funding		
F.3.1	All parties to NOTE	<p>The questions below are designed in part to gain further information on more detailed issues, particularly those related to the submission of a revised Funding Statement in advance of the CA Hearing to be held on 4 June 2019.</p> <p>That Hearing will start by considering the ExA's understanding of the current position in respect of the funding of the proposed project.</p> <p>It will also address further a range of specific issues on funding which will be set out in the Agenda for the CA Hearing which will be published in advance of that Hearing.</p> <p>Applicant's Response:</p> <p>The Applicant notes the ExA's proposal to consider the position in respect of the Applicant's request for powers of compulsory acquisition against the tests in statute and guidance and wishes to make the following observations to inform that discussion by way of introduction:</p> <p>1. Regulation 5 of the Infrastructure Planning (Applications and Prescribed Forms and Procedure) Regulations 2009 requires an application for a DCO which contains provision for the compulsory acquisition of land to contain "<i>a statement of reasons and a statement to indicate how an order that contains the authorisation of compulsory acquisition is proposed to be funded</i>". Where a DCO does not include compulsory purchase powers, there is no requirement for a funding statement and the funding of the Project will not be a matter that falls for consideration by the ExA, even if substantial compensation were payable for Part 1 or section 10 claims (i.e. to landowners outside the order limits who had a claim due to the construction or operation of the project) or if there were payments for areas such as relocation or noise mitigation. The reason for that is that where persons are subject</p>

Ref No.	Respondent	Question
		<p>to compulsory acquisition, Parliament has seen fit to protect them by ensuring that there is sufficient information to satisfy the decision-maker that there are funds available to compensate for the land taken. It is in that context that a funding statement falls to be considered.</p> <p>2. DCLG's Guidance related to procedures for the compulsory acquisition of land (September 2013) provides that an applicant should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made. It is sufficient to show the funds are likely to be available (rather than that they <i>will</i> be available) within the standard five years after development consent has been granted. Therefore, if this DCO was made on the expected date (and without containing any modification to the standard five year compulsory acquisition period) the Applicant would only be required to show that funds for compulsory acquisition are likely to be available by January 2025. However, the Applicant has gone much further than these requirements, in terms of scope, certainty and timing. It has been demonstrated that the funds for compulsory acquisition, non-acquisition compensation claims, relocation and noise insulation are all available <i>now</i> and secured through the Joint Venture Agreement.</p> <p>To the extent that the ExA has any residual concerns that the Applicant does not have sufficient funds to compensate for the land subject to compulsory acquisition, those concerns should be entirely allayed by the restriction in Article 9 of the draft DCO. Article 9 prevents the Applicant from commencing the development or from exercising any powers of compulsory acquisition until it has provided security of £13.1 million, which has been approved in writing by the Secretary of State. That sum is sufficient to cover all liabilities for compensation arising out of compulsory acquisition as well as costs of noise mitigation (including relocation). If the Applicant is not able to satisfy the Secretary of State that such funds are available and secured, then it will not be able to commence the authorised development or acquire any land by compulsory acquisition.</p> <p>Furthermore, the time limit for exercising compulsory acquisition powers in this case has been reduced to one year (see Article 21) rather than the usual five years. The effect of this is that the Applicant must satisfy the Secretary of State that the requisite funding is available and secured; obtain his written approval and serve a notice to treat (or make a General Vesting Declaration) within one year of the grant of the DCO. If it is not able to do so then it will not be able to exercise powers of compulsory acquisition or commence the Project and there will be no prospect of compulsory acquisition "hanging over" those affected by the powers set out in the DCO. No landowner will be left unprotected as there is no prospect that their land can be compulsorily acquired until such time as the Secretary of State is satisfied that funding is secured to compensate them for the land taken.</p>

Ref No.	Respondent	Question
		<p>The principle of protecting landowners through an article akin to Article 9 has been accepted by the Secretary of State in a number of previous DCOs. See for example the Rookery South, Able Marine Energy Park and Swansea Bay Tidal Lagoon DCOs as set out in the Applicant's Funding Statement [REP6-015].</p> <p>3. While the availability of funding for compulsory acquisition is a matter for the ExA to consider, the source of that funding is not a matter that falls for consideration in this land-use planning forum. In so far as the source of any funding may be foreign direct investment, the source and origin of that funding, including the costs of compulsory acquisition, will be closely scrutinised by HMRC as it would with any other inward investment into the UK. Indeed, Manston as a project has already been reviewed and approved by HMRC and approval has been granted pursuant to the Business Investment Relief scheme. Through BIR the government seeks to encourage non-domiciled UK residents to invest in the UK. The investment of private funds in the UK economy is a benefit to be encouraged. The National Infrastructure Delivery Plan 2016 – 2021 noted that around 50% of the £483 billion project pipeline would be delivered through private investment (Executive Summary, page 9 and see also page 5 of the Analysis of the National Infrastructure and Construction Pipeline, November 2018). It outlined the government's strategy to ensure successful infrastructure planning, prioritisation and financing which included steps to unlock private investment and explained that "<i>The government seeks to create the right environment to encourage private investment in infrastructure and is supporting this in a number of ways</i>" (paragraph 1.39), particularly welcomed private sector investment in airport infrastructure (paragraph 5.7). Bank investment in infrastructure declined following the financial crisis (https://www.instituteforgovernment.org.uk/explainers/financing-infrastructure) and in part that explains government attempts to attract private investment. Appropriate checks on private investments are carried out by HMRC. There is no requirement in statute or guidance that requires private investors or shareholders to be revealed to the ExA or the public at large or that there must be transparency as to the source of funding. Indeed, such a requirement would be likely to discourage the very type of investment that the government is seeking to encourage. The Applicant has offered to provide full, unredacted details of all investors to the ExA on the basis that those details are not revealed in unredacted form to the public. The ExA has been unable to confirm that sensitive details would be redacted prior to publication on the website. The benefit of Article 9 is that it requires the approval of the SoS without obliging the Applicant to reveal sensitive information to the wider public.</p> <p>4. As to the funding of the Project itself, there is no requirement, either in statute or guidance, for an applicant to have secured all funds to cover the costs of a project in order to obtain development consent. DCLG's Guidance related to procedures for the compulsory acquisition of land (September 2013) provides that a funding statement should provide "<i>as much information as</i></p>

Ref No.	Respondent	Question
		<p><i>possible about the resource implications of both acquiring the land and implementing the project for which the land is required</i>" (paragraph 17). The requirement to provide as much information as possible about the resource implications of the project does not mean that the funding statement required for compulsory acquisition should be treated as a surrogate for testing the economics of the Project as a whole (see, for example, the conclusions of the Examining authority in the Able Marine Energy Park DCO, paragraph 18.162 in the recommendation subsequently endorsed by the Secretary of State). As to the funding of the project, the Guidance recognises that it may be the case that "<i>details cannot be finalised until there is certainty about the assembly of the necessary land</i>" and provides that in such instances, the applicant should provide an indication of how any potential shortfalls are intended to be met. It would be extremely rare for an applicant to ever be able to show that all funds to cover a project were secured and committed prior to the grant of development consent. Such projects are generally funded through debt or equity finance and final funding decisions are inevitably only made once development consent has been secured and even then there is no guarantee that the project will go ahead, since its powers are permissive. The Hinkley Point C nuclear power station project received its investment decision to go ahead in July 2016, more than three years after the DCO was granted in March 2013. The Thames Tideway Tunnel funding statement says that the project would be delivered by an infrastructure provider that did not then exist. This project is no different in that respect from almost every other, in that funding will be secured through equity and debt following the granting of the DCO, and that is all that is required to be stated pursuant to the guidance.</p>
F.3.2	The Applicant	<p>Revised Funding Statement</p> <p>The ExA notes the submission of a partly revised Funding Statement at DL6 on 3 May [REP6-index number to be allocated].</p> <p>The ExA notes that one of the changes between this version and that submitted with the application documents [APP-013] is that the company structure has been amended to reflect that RiverOak Investments (UK) Ltd (RIU) is now the 90% owner of the Applicant rather than M.I.O. Investments Ltd.</p> <p>The Revised Funding Statement [REP6-index number to be allocated] states at paragraph 12 that RIU has the same directors as M.I.O Investments Ltd, a Belize registered company, who are the funders of the project.</p>

Ref No.	Respondent	Question
		<p>Information in the public domain held at Companies House shows that RIU has two Directors, Nicholas Rothwell and Rico Seitz.</p> <p>i. Clarify whether M.I.O Investments Ltd or Nicholas Rothwell and Rico Seitz are the funders of the project.</p> <p>The Structure Chart for M.I.O Investments Ltd in Appendix F.2.4 in the Applicant's Appendices to Answers to Second Written Questions [REP6-index number to be allocated] shows Gerhard Huesler as holding a share in RIU.</p> <p>ii. Is he a Director?</p> <p>iii. Why is the Structure Chart for M.I.O Investments Ltd in Appendix F.2.4 in the Applicant's Appendices to Answers to Second Written Questions [REP6-index number to be allocated] and not for RiverOak Investments (UK) Ltd?</p>
		<p>Applicant's Response:</p> <p>i. Mr Rothwell, who gave evidence at the March hearing on compulsory acquisition, and Mr Seitz are both significant funders of the Project. There are four additional funders, three of whom are referred to in correspondence from Helix Fiduciary AG appended at page 219 to the summary of the Applicant's case at the Compulsory Acquisition Hearing [REP5-011] . The fourth is Gerhard Huesler. M.I.O Investments Limited is a pass-through entity through which funds from those investors are invested into the Project.</p> <p>ii. No, Gerhard Huesler is not a director of RIU.</p> <p>iii. The heading of the structure chart at page 311 of the Appendices to Answers to Second Written Questions is incorrect and should refer to RiverOak Strategic Partners Limited rather than M.I.O. Investments. The content of the chart is correct.</p>
F.3.3		Revised Funding Statement

Ref No.	Respondent	Question
	The Applicant	<p>The Revised Funding Statement [REP6-index number to be allocated] states at paragraph 12 that RIU is managed and administered by Helix Fiduciary AG ("Helix"), a Swiss registered and regulated fiduciary company on behalf of the beneficial owners.</p> <p>Information in the public domain held at Companies House shows that 60 per cent of the shares in RIU are held by HLX Nominees Ltd a company with an address in the Virgin Islands.</p> <p>i. Show the relationship between Helix Fiduciary AG and HLX Nominees Ltd.</p> <p>ii. Explain how transparency of funding is achieved by having a majority shareholder registered in the Virgin Islands</p> <p>Information in the public domain held at Companies House shows that the Company Secretary is Wellco Secretaries Ltd.</p> <p>Information in the public domain held at Companies House describes Wellco Secretaries Ltd. as a non-trading company with the most recent set of filed accounts showing the company to be dormant.</p> <p>iii. Set out the role of Wellco Secretaries in managing and administering RIU</p> <p>iv. Explain the benefit of having a dormant company to fulfil this role.</p>
		<p>Applicant's Response:</p> <p>i. Helix Fiduciary AG, a Swiss registered and regulated fiduciary provider, is the 100% shareholder of HLX Nominees Ltd. Nicholas Rothwell and Rico Seitz are the 100% shareholders of Helix Fiduciary AG.</p> <p>ii. There is no requirement in statute or guidance that the funding arrangements of an NSIP must be 'transparent'. The statutory requirement, where a DCO includes powers of compulsory acquisition, is to provide a funding statement. The purpose of that statement is to show that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period. Where a DCO contains no compulsory acquisition powers, the funding of a project would not fall for consideration by the</p>

Ref No.	Respondent	Question
		<p>ExA and no issues as to the nature or source of the funding would arise. The sources of funding for this Project will be, and indeed have already been, scrutinised by HMRC and the ExA must rely on that body carrying out appropriate checks without trespassing beyond its own land-use planning remit.</p> <p>For the avoidance of doubt, HLX Nominees Limited is a BVI registered company, but is managed and administered out of Switzerland. As it is owned by Helix and performs a role within legal structures for Helix Fiduciary AG it also falls under the review of the regulator in Switzerland. Helix and its clients are reviewed by the Swiss regulator and banks on a regular basis. Source of funds tests (Know Your Client – KYC) are applied to all funds. Any funds transferred to the UK are transferred under the laws of the EU. The funds that belong to the UK resident investors are then fully declared to HMRC. The Swiss resident investors who have been named to the ExA (Rothwell, Seitz and Huesler) have also reported to the Swiss Tax authorities.</p> <p>iii. The registered office of RIU is with Wellden Turnbull “WT” a firm of chartered accountants based in Cobham, Surrey. The directors of RIU have instructed WT to act as company secretary so that the necessary UK filings for the company are taken care of on an annual basis. They use their in-house secretary which is a corporate secretary to act as RIU secretary. This is a very common practice to do within the UK. WT also act as the accountant for RIU</p> <p>iv. Companies are dormant if they do not trade. A company acting as corporate secretary does not have to be a trading company. This is standard practice in the UK and indeed worldwide.</p>
F.3.4	The Applicant	<p>Revised Funding Statement</p> <p>The Revised Funding Statement at paragraph 12 shows a sum of £11,3500,000.</p> <p>Clarify this figure.</p>
		Applicant's Response:

Ref No.	Respondent	Question
		<p>That was a typographical error in the Revised Funding Statement [REP6-015]. Adding the figures for Land Acquisition and Noise Mitigation measures in the table below paragraph 29 in the Revised Funding Statement gives the total of £11,350,000 (note that the sum allowed for blight falls within the total land acquisition costs and should not be added separately). That was based on 225 properties qualifying for noise insulation (at up to £10,000 each). At the noise hearing the Applicant indicated that it proposed to make a conservative allowance for noise mitigation for up to 275 properties. The effect of this is to increase the cost of land acquisition and noise mitigation measures to £11,850,000, which is the figure that should be used.</p> <p>Article 9 contains provision for £13.1 million. That figure was based on an early estimate of the number of properties likely to qualify for noise mitigation (10,000 properties with compensation of up to £4,000). The current proposal is to provide compensation of up to £10,000 to up to 275 properties.</p> <p>Notwithstanding the reduced cost of noise mitigation to £11.85m, the Applicant remains committed to securing £13.1 million to the satisfaction of the SoS prior to the commencement of the Project or the compulsory acquisition of any land. The Applicant's solicitors currently hold this amount in the Applicant's client account.</p> <p>An updated Funding Statement is provided at Deadline 7a correcting the error identified above (TR020002/D7a/3.2).</p>
F.3.5	The Applicant	<p>Revised Funding Statement</p> <p>The Revised Funding Statement [REP6-index number to be allocated] states at paragraph 15 that Helix has provided an explanatory letter about its role in the funding of the project, together with a confirmatory letter from PwC that the investors have unencumbered funds substantially in excess of the funds required for the completion of the DCO (namely blight claims, land acquisition and the cost of noise mitigation measures). These are attached to this statement.</p> <p>The ExA notes that there is no letter from Helix attached to the revised Funding Statement.</p> <p>Set out the status of this letter.</p>

Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>The letter referred to is the letter that was appended to the original Funding Statement [APP-013].</p>
F.3.6	The Applicant	<p>Revised Funding Statement</p> <p>The ExA notes that the confirmatory letter from PwC appended to the revised Funding Statement remains the same as that appended to the application version of the Funding Statement [APP-013].</p> <p>This letter shows that a sum exceeding £15m is held at on behalf of unnamed clients at two branches of an unnamed bank in an unnamed jurisdiction some ten months before the submission of the revised Funding Statement.</p> <p>i. Show how such partial information serves to address the test in Government guidance quoted in the revised Funding Statement to indicate how shortfalls in land acquisition and the costs of the project would be met.</p> <p>ii. Explain why the holdings at the two separate banks were examined on different days and</p> <p>iii. Show how any double counting of holdings resulting from, for example, transfers between banks in between the examination of the accounts was explicitly ruled out.</p> <p>Applicant's Response:</p> <p>i. The PWC letter shows that the Project has two investors with access to unencumbered funds which together exceed £30million. PwC was appointed by Helix to carry out the review because of its well established international reputation and credibility. The letter confirmed that PwC had identified the beneficial owners of the account holders and that each of the</p>

Ref No.	Respondent	Question
		<p>accounts had assets in excess of £15 million pounds. Helix controls the bank accounts and as directors and managers of M.I.O. can access those funds.</p> <p>The Joint Venture Agreement commits the Applicant to fund all compulsory acquisition and mitigation costs. Letters from Calder & Co and BDB Pitmans reveal that to date the Applicant has spent in excess of £15.2million on the Project, which is a very clear indication of its firm commitment to delivering the Project. On the basis of the information before it, the ExA can be satisfied that the Applicant has access to significant funds and that those funds are committed to the Project and will suffice to cover compulsory acquisition and mitigation costs. The Guidance requires applicants to demonstrate that adequate funding is likely to be available to enable compulsory acquisition within the statutory period following the order being made, i.e. within 5 years of the grant of the DCO. In this case the Applicant has shown that it has access to the requisite funds now. Its confidence in the availability of that funding is such that it has agreed to shorten the 5 year statutory period for the exercise of compulsory acquisition to a single year. To the extent that the ExA has any residual concerns that those subject to compulsory acquisition will not be adequately protected, the Applicant draws their attention to Articles 9 and 21 of the draft DCO which together mean that if the Applicant is not able to satisfy the Secretary of State within one year of the grant of the DCO that adequate funds are secured, it will not be able to commence the Project or to exercise any powers of compulsory acquisition.</p> <p>ii. PwC carried out a review of the accounts which was independent of Helix. It appears that PwC's requests for information were received by the banks on different days. The systems of one of the branches could not provide a portfolio valuation on the specified past date but only on the day it received the written request.</p> <p>iii. The Applicant confirms that there was no double-counting. Each of the separate accounts identified in the PwC letter separate contained in excess of £15m and each continues to contain in excess of £15m. PwC would not have produced the letter if there was any question of double counting. Helix has provided BDB Pitmans a copy of portfolio valuations dated 17/5/19 for the two same accounts and BDB Pitmans have provided a letter of confirmation that each of the same two accounts contains substantially more than the currency equivalent of cash and short term investments of £15 million, appended as F.3.6 in TR020002/D7a/TWQ/Appendices. Helix is a regulated body and would never either double count funds or claim the same funds in different accounts; at the very least because this could be considered money laundering.</p>

Ref No.	Respondent	Question
F.3.7	The Applicant	<p>Revised Funding Statement</p> <p>The Revised Funding Statement [REP6-index number to be allocated] states at paragraph 15 that:</p> <p><i>"So far, £15.2 million has been expended on the DCO process. Funds are drawn down by RiverOak on demand under the provisions of the joint venture agreement between the parties."</i></p> <p>i. From where are these funds drawn down?</p> <p>ii. Indicate where this expenditure is shown on any audited or unaudited accounts submitted to the ExA thus far; or</p> <p>iii. Provide such accounts;</p> <p>iv. If they are drawn down from the accounts covered in the PwC confirmation letter, then what is the current balance of those accounts?</p>
		<p>Applicant's Response:</p> <p>i. The letters from the accountants Calder & Co and from BDB Pitmans show that to date the Applicant has spent some £15.2million on the Project. Those funds were drawn down from the funders, via M.I.O Investments Ltd.</p> <p>ii. The letter from Calder & Co, accountants, at page 325 of the Appendices to the Applicant's answers to the second written questions [REP6-014] , together with the completion certificate from BDB Pitmans, confirms the sums that have been spent on the Project to date. Other than the Jentex acquisition all expenditure has been through RiverOak Operations Limited. As explained in the letter from Calder & Co submitted with responses to the Second Written Questions (Appendix F.2.4 in REP6-014), the accounts of RiverOak Operations Limited to 31 August 2017 have not yet been finalised. Calder & Co are currently in the process of finalising those accounts which will be filed at Companies House within the next three weeks and will be supplied to the ExA when available. Expenditure on the Project appears within the profit and loss account. The acquisition of the Jentex</p>

Ref No.	Respondent	Question
		<p>site took place within the current accounting year and is not yet shown in a set of formal accounts for RiverOak Fuels Limited. However, full details are recorded in the company's book keeping records which were inspected by Calder & Co prior to writing the letter.</p> <p>iii. There are currently no finalised accounts, as explained above.</p> <p>iv. The sums expended to date were not drawn down from the accounts covered in the PwC confirmation letter. The sums available in each of those accounts continues to exceed £15m (i.e. £30m in total) as confirmed in the letter from BDB Pitmans referred to above.</p>
F.3.8	The Applicant	<p>Revised Funding Statement</p> <p>The Revised Funding Statement [REP6-index number to be allocated] states at paragraph 13 that:</p> <p><i>"...the full cost of the project will be met by private sector investors once the DCO is granted – such details cannot yet be finalised."</i></p> <p>If details cannot yet be finalised, state how the ExA is to provide an evidenced recommendation to the Secretary of State that funding for the proposed scheme is available and that the issue of funding is not a potential risk or impediment to implementation of the scheme that has not been properly managed?</p> <p>Applicant's Response:</p> <p>DCLG Guidance related to procedures for the compulsory acquisition of land (September 2013) expressly recognises that prior to the grant of a DCO <i>"it may be that...details cannot be finalised until there is certainty about the assembly of the necessary land"</i> and in such circumstances the applicant should provide an indication of how any potential shortfalls are intended to be met (paragraph 17). The government plainly understands that funding decisions on major infrastructure projects may not be</p>

Ref No.	Respondent	Question
		<p>made until there is certainty as to whether the project will be permitted to proceed with the requisite land assembly powers. That of itself cannot be a potential risk or impediment to implementation or if it is, it is one that applies to all DCOs.</p> <p>As required by the Guidance, the Applicant has given an indication of how any potential shortfalls are intended to be met. The Funding Statement explains that on the grant of the DCO funds will be raised from investors, many of whom have already approached the Applicant.</p> <p>There is no requirement in statute or guidance that all funds to deliver the Project are available prior to the grant of development consent. That would be unrealistic. It is the granting of the DCO that provides the certainty that allows funding arrangements to be finalised. No project the subject of a DCO application can be guaranteed to be funded and built at the time of the examination into the application, nor could that reasonably be expected.</p>
F.3.9	The Applicant	<p>Revised Funding Statement</p> <p>The Revised Funding Statement [REP6-index number to be allocated] states at paragraph 13 that:</p> <p><i>“To meet the capital costs of construction, RiverOak will select one or more funders from amongst those who have already expressed interest and others that are likely to come forward, to secure the best deal for constructing and operating the project.”</i></p> <p>With this apparent reliance on investors who are likely to come forward, state how the ExA is to provide an evidenced recommendation to the Secretary of State that funding for the proposed scheme is available and that the issue of funding is not a potential risk or impediment to implementation of the scheme that has not been properly managed?</p> <p>Applicant's Response:</p> <p>The Guidance does not require the Applicant to satisfy the ExA or the Secretary of State that the funding for the Project is available now. The Guidance recognises that it may not be possible to finalise funding arrangements until there is certainty as to the assembly of land following the grant of the DCO. The fact that final funding decisions have not been made at this stage,</p>

Ref No.	Respondent	Question
		<p>when the application for consent is still under consideration is entirely in line with other DCOs that have been subject to examination. Where details cannot be finalised, the Guidance explains that applicants should provide “<i>an indication</i>” of how potential shortfalls are intended to be met. This is precisely what the Applicant has provided. Shortfalls are intended to be met through private funding from one or more investors. The absence of final funding decisions does not present a risk or impediment to the implementation of the scheme. It is unsurprising and entirely in accordance with the position on the vast majority of all DCOs that have been made to date.</p>
F.3.10	The Applicant	<p>Revised Funding Statement</p> <p>The application version of the Funding Statement [APP-013] stated at paragraph 14 that:</p> <p><i>“If further evidence of funds is required for the satisfaction of the Examining Authority as to their availability then RiverOak would be happy to supply it.”</i></p> <p>The ExA notes that no such statement is contained in the revised Funding Statement [REP6-index number to be allocated].</p> <p>Does this indicate that the Applicant is unwilling to provide any further information on funding in addition to that already provided at, or before, Deadline 6?</p> <p>Applicant's Response:</p> <p>No, the statement was removed because the Applicant has provided significant additional information as to the evidence of funds since the original Funding Statement which it anticipated would have satisfied the ExA as to the availability of funds. Indeed, that additional information is listed in the text immediately following the deleted statement and is the reason the deleted statement is no longer necessary. The Applicant remains willing to provide further evidence of funds should the ExA consider that to be necessary.</p>

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F.3.11	The Applicant	<p>Revised Funding Statement</p> <p>Paragraph 16 of the revised Funding Statement [REP6-index number to be allocated] lists the information provided since the start of the Examination.</p> <p>i. Show where in these nine pieces of information the ExA can find independent proof that the sum of £13.1m contained in Article 9 of the draft DCO is held by one or more named firms, bodies or individuals whose financial and other details are open to public scrutiny in the UK.</p> <p>ii. Show where in these nine pieces of information the ExA can find independent proof that one or more named firms, bodies or individuals whose financial and other details are open to public scrutiny in the UK are committed to funding the construction and set-up costs of the proposed project.</p>
		<p>Applicant's Response:</p> <p>i. The letter from PwC supplied with the original Funding Statement provides independent proof of such funds being available. The Joint Venture Agreement commits the Applicant to funding the costs of compulsory acquisition and noise mitigation. There is no requirement in statute or guidance that the holder of such funds must be a body or individual whose financial and other details are open to public scrutiny in the UK. However, the ExA can be assured that the source of funding will be scrutinised by HMRC which is the appropriate body for that task. The ExA should assume that other regulatory bodies, including HMRC, will perform their roles properly and there is no suggestion in either legislation or guidance that that it is for an examining authority to 'vet' the source of foreign direct investment into the UK. If that was the case, bearing in mind that so much of UK infrastructure is funded by such investment (e.g. Hinkley Point C and Thames Tideway Tunnel) it would have been made absolutely clear in guidance from MHCLG; it has not been.</p> <p>The ExA can be satisfied that those subject to compulsory acquisition are adequately protected by Article 9 of the draft DCO, read together with Article 21. The effect of those Articles is that the Applicant cannot compulsorily acquire any land or commence</p>

Ref No.	Respondent	Question
		<p>the Project until it has secured adequate funding, to the satisfaction of the Secretary of State within one year of the grant of development consent. In the event that it is unable to do so, it will not be able to acquire land by compulsion or implement the Project.</p> <p>ii. As set out above, the Applicant is not required to demonstrate that the funding for the Project is from firms, bodies or individuals whose financial and other details are open to public scrutiny in the UK. HMRC scrutinises overseas investment in the UK without opening the details of private investors to "public" scrutiny. As to the commitment to the Project, the Applicant has demonstrated that there are private investors in the Project with significant resources available to them. To date some £15.2m has been spent on the Project, money that would be wasted if the Project is not seen through to delivery. That provides a clear indication of the Applicant's commitment to this Project. As explained above, in line with almost all previous DCOs, the final decisions on the funding of the Project will not be made until such time as the DCO is granted. There is no requirement that funds must be committed to cover the entire project at the time of examination nor could there reasonably be. No applicant could guarantee a commitment to fund the entirety of a project before consent had even been granted.</p>
F.3.12	The Applicant	<p>Revised Funding Statement</p> <p>Paragraph 16 of the revised Funding Statement [REP6-index number to be allocated] lists the information provided since the start of the Examination.</p> <p>Paragraph 16c states that one item of information is:</p> <p><i>"Information about the project's investors, their assets, expenditure on the project to date and their use of Business Investment Relief to invest in UK infrastructure (appended to REP5-011)"</i></p> <p>Show where in Appendices to REP5-011 information is set out showing the assets of named investors.</p>
		Applicant's Response:

Ref No.	Respondent	Question
		<p>Appendix 5 to REP5-011 (which starts on page 218) provides information about the assets of the project's investors by reference to the PwC letter appended to the Funding Statement [APP-013], which confirms that the investors have unencumbered assets of at least £15m in each of two bank accounts. The cost of obtaining the letter from PwC given the rigour of the checks they undertook was 11,680.36 Swiss francs, which gives an indication of the weight that should be placed on it.</p> <p>The names of the investors are not provided. The concern of the ExA is to ensure that the Applicant is likely to have funds available to enable compulsory acquisition. The purpose of the information provided by the Applicant is to satisfy the ExA that it has access to such funds and that they are committed to the Project through the Joint Venture Agreement. The identity of the investors is not material to the ExA's recommendation. Again, the Applicant respectfully suggests that the ExA's remit does not extend to scrutinising the source of funds, but only to ascertaining the likelihood of the funds being available to compensation those persons subject to compulsory acquisition.</p>
F.3.13	The Applicant	<p>Revised Funding Statement</p> <p>Paragraph 16 of the revised Funding Statement [REP6-index number to be allocated] lists the information provided since the start of the Examination.</p> <p>Paragraph 16d states that one item of information is:</p> <p><i>"Evidence that the Applicant has spent £12.8 million on pursuing the DCO application so far plus a further £2.4 million acquiring the 'Jentex' fuel farm."</i> And refers to Appendices F.2.21 and F.2.7 in the Applicant's Appendices to Answers to Second Written Questions [REP6-index number to be allocated]</p> <p>Appendix F.2.7, a letter from Calder & Co, states that:</p> <p><i>"On 16th October 2018, RiverOak Fuels Limited acquired land and buildings on the North side of Canterbury Road West, Manston, Ramsgate for £2.3m. This asset will be shown in the company's first accounts which will be prepared for the period from incorporation to 31st August 2019".</i></p>

Ref No.	Respondent	Question
		<p>In the absence of any accounts comment on the strength of this evidence.</p> <p>Applicant's Response:</p> <p>Calder & Co are a reputable firm of professional chartered accountants. Its confirmation as to monies expended on the Project should carry very substantial weight. The letter is accompanied by the completion statement from BDB Pitmans which confirms the sum of £2.3m to acquire the Jentex site.</p>
F.3.14	The Applicant	<p>Revised Funding Statement</p> <p>Paragraph 17 of the revised Funding Statement [REP6-index number to be allocated] states that:</p> <p><i>"The initial phase of the project, which will bring the airport back into use, is estimated to cost about £186 million. This cost estimate includes the cost of ... the funding of the acquisition of the necessary rights over land, including any interference with rights."</i></p> <p>Clarify whether the figure of £186 million includes the £13.1 million contained in Article 9 of the draft DCO.</p> <p>Applicant's Response:</p> <p>No, the £13.1 million contained in Article 9 is additional to the constructions costs of £186 million shown in Appendix F.1.6 to the Applicant's responses to the ExA's First Written Questions [REP3-187].</p>
F.3.15		<p>Revised Funding Statement</p>

Ref No.	Respondent	Question
	The Applicant	<p>Paragraph 20 of the revised Funding Statement [REP6-index number to be allocated] shows estimates of costs including:</p> <p><i>"Implementation of insulation policy and Part I claims: £2.25m (up to 225 properties at £10,000 each);"</i></p> <p>The application version of the Funding Statement [APP-013] showed this to be:</p> <p><i>"Implementation of insulation policy and Part I claims: £4m (up to 1000 properties at £4000 each);"</i></p> <p>Explain the differences in these figures.</p>
		<p>Applicant's Response:</p> <p>The Applicant originally made a conservative assumption that 1,000 properties would be entitled to noise mitigation and the Noise Mitigation Plan originally proposed a payment of up to £4,000 for each of those properties. The ExA subsequently asked the Applicant to show the affected properties on a map and postcode data was used to inform this process, which led to a refined estimate of 225 affected properties. Adopting a conservative approach, the Applicant has made allowance for the insulation costs of up to 275 properties with proposed payments of up to £10,000 each towards insulation of those properties. The figure of £2,750,000 is shown in the revised Funding Statement submitted at Deadline 7a (at TR020002/D7a/3.2) together with other costs associated with the Noise Mitigation Plan.</p>
F.3.16	The Applicant	<p>Revised Funding Statement</p> <p>Paragraph 20 of the revised Funding Statement [REP6-index number to be allocated] provides a summary of various categories of funding.</p> <p>The Funding Statement submitted as part of the application [APP-013] stated that £500,000 for blight claims was in RiverOak's accounts.</p>

Ref No.	Respondent	Question
		<p>The Revised Funding Statement [REP6-index number to be allocated] states that £500,000 for blight claims is in RiverOak's accountant's accounts.</p> <p>i. Provide evidence of the transfer of this amount between the two accounts;</p> <p>ii. Explain why the dormant company accounts for the Applicant approved by the Board in April 2019 show no changes of assets from 31 July 2017 to 31 July 2018.</p> <p>iii. State who is RiverOak's current accountant and provide evidence that this sum is in its accounts.</p>
		<p>Applicant's Response:</p> <p>i. The £500,000 is shown as a balance in a client account held by Calder & Co for the Applicant.</p> <p>ii. RiverOak Strategic Partners Limited holds only an investment in the trading subsidiary companies. At both 31 July 2017 and 31 July 2018, these investments were held at cost and had not changed. The assets in the trading subsidiary, RiverOak Operations Limited, have changed over this time period and the changes are reflected in that company's annual accounts. Following 31 July 2018 RiverOak Strategic Partners Limited acquired further investments in other subsidiary companies and these additional investments will be reflected in the company's next annual accounts.</p> <p>iii. Calder & Co are the Applicant's accountants and this evidence has already been provided at Appendix 7 of [REP5-011].</p>
F.3.17	The Applicant	<p>An e-mail dated 6 April 2019 submitted by BDB Pitmans LLP [AS-072] cites one reason for not identifying the potential investors in the proposed scheme as being the level of unwanted contact some of them received when they were previously identified in connection with a CPO with TDC.</p> <p>Evidence from Cllr. Chris Wells, former Leader of TDC, [REP4-081] states that:</p>

Ref No.	Respondent	Question
		<p><i>"I asked for a credit note, or bank guarantee, of the availability of £19m for that first two years. They left my office promising just that with a letter of credit from a recognised bank. Within days it was being referred to as a letter of comfort; then a letter of assurance. When it finally arrived it was an expression of interest from a well known name in aviation financing, caveated that no financial reliability could be taken from this expression of interest. To overcome this, it was accompanied by several letters of support, pledging funds, but with all the details of identity of the investors redacted so no checks on their wealth could be run."</i></p> <p>If all the details of the investors were redacted, show how and where their identities were identified.</p> <p>Applicant's Response:</p> <p>Two potential investors wrote letters which were sent to Thanet District Council in un-redacted form. The first was from the Airbus Group (current annual revenues €63 billion) dated 14th September 2014 marked "Strictly Confidential" and the second was from Orix USA Corporation (part of Orix Corporation of Tokyo current annual revenues \$23.6 billion) dated 3rd August 2015 marked "Highly Confidential". Both letters are attached in their un-redacted form at Appendix F.3.17 in TR020002/D7/TWQ/Appendices. In both cases details of Airbus and Orix respectively appeared in the public domain. The Applicant is not able to confirm how they came to be in the public domain. Both companies reported to RiverOak Investment Corp (the Applicant's predecessor) that various attempts at communication with them by e-mail and telephone had been made from persons in East Kent. The reference to the sum of £20 million in the Orix letter is to the estimated cost of returning Manston to full operations, the airport having been closed less than three months previously.</p>
F.3.18	The Applicant	<p>Guarantees in respect of payment of compensation, etc.</p> <p>Article 9 of the draft DCO states that:</p> <p><i>"9.—(1) The authorised development must not be commenced, and the undertaker must not exercise the powers in articles 19 to 33, until—</i></p>

Ref No.	Respondent	Question
		<p><i>(a) subject to paragraph (3), security of £13.1 million has been provided in respect of the liabilities of the undertaker to pay compensation, noise insulation costs and relocation costs under this Order;</i></p> <p>State whether this Article should specifically list the cost of Compulsory Acquisition as well as that of compensation in 9(1)(a)?</p> <p>Applicant's Response:</p> <p>The reference in the article to compensation is intended to include compensation due to landowners for compulsory acquisition of their land and for temporary possession of their land. The Applicant is content to alter article 9(1)(a) such that it reads as follows:</p> <p><i>"(a) subject to paragraph (3), security of £13.1 million has been provided in respect of the liabilities of the undertaker-</i></p> <p style="padding-left: 40px;"><i>(i) to pay compensation to landowners in connection with the acquisition of their land or of rights over their land by the Applicant exercising its powers under Part 5 of this Order; and</i></p> <p style="padding-left: 40px;"><i>(ii) to pay noise insulation costs and relocation costs as required by Requirement 9 of Schedule 2 to this Order."</i></p> <p>An amended draft Order incorporating this amendment is be submitted at Deadline 7a.</p>
F.3.19	The Applicant	<p>Question F.2.22 quoted the Applicant's Written Summary of Case put Orally Compulsory Acquisition Hearing and associated appendices which 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>

Ref No.	Respondent	Question
		<p>The Applicant's response to F.2.22 [REP6-index number to be allocated] cites the £15 million committed in the joint venture agreement and states that there are further funds available when required albeit not specifically committed to the project.</p> <p>Does the figure of £30 million quoted above include funds that are not specifically committed to the project?</p>
		<p>Applicant's Response:</p> <p>Yes. As is apparent from the Joint Venture Agreement, the Applicant is committed to the costs of compensation and noise mitigation to a total of £15 million. The ExA can therefore be satisfied that the Applicant has access to sufficient funds and that they are committed to the Project. The PwC letter shows that the Project funders have access to unencumbered funds significantly in excess of that figure, albeit they are not specifically committed to the Project at this stage and nor is there any requirement in statute or guidance that they should be. It would be unrealistic to expect such funds to be set aside for a long period absent any certainty as to the outcome of the DCO process.</p>
F.3.20	The Applicant	<p>The Applicant's response to F.2.26 [REP6-index number to be allocated] confirms the existence of a Business Plan for the proposed scheme but states that this is a commercially sensitive internal document.</p> <p>Show how, in the absence of a submitted business plan, the ExA may submit an evidenced recommendation to the Secretary of State as to whether the proposed scheme is intended to be independently financially viable?</p>
		<p>Applicant's Response:</p> <p>The Applicant is satisfied that the Project is independently viable. Indeed, it would not be eligible for any public funding. The Applicant has committed very substantial funds to the Project to date because of its confidence in its viability.</p> <p>However, as explained above, the requirement for a funding statement only arises where a DCO includes powers of compulsory acquisition and the information as to the funding must be viewed in that context. The requirement to provide as much information</p>

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Ref No.	Respondent	Question
		<p>as possible about the resource implications of the project cannot mean that the funding statement required for compulsory acquisition should be treated as a surrogate for testing the economics of the Project as a whole. The Funding Statement is provided and examined so as to protect those subject to compulsory acquisition and to ensure insofar as is possible that their land will not be taken by an applicant unable to compensate them for that acquisition. In this case, those subject to compulsory acquisition are protected through Article 9 of the draft DCO which prevents the Applicant from acquiring their land or commencing the Project until such time as the Secretary of State has confirmed in writing that funds are secured. If that is not achieved within one year of the grant of the DCO, then the Applicant will not be able to compulsorily acquire land or implement the Project.</p> <p>As to the viability of the Project as a whole, the Applicant is not in a position to disclose its confidential business plan to the public. To do so would reveal sensitive information to competitors and potential clients and is not commercially appropriate. The Applicant is not aware of detailed business feasibility plans being required of other applicants for development consent or, indeed, that this is required by legislation or guidance. The Applicant has, however, provided the ExA with its business model at Appendix F.1.5 in [REP3-187].</p> <p>The Applicant provided a summary of the <i>Chesterfield</i> case in Appendix 9 of the summary of its case at the March compulsory acquisition hearing (page 266 of [REP5-010]). In that case compulsory acquisition powers were granted notwithstanding that the proposed development was only marginally viable such that there was a real risk that it would not be carried out. In order to authorise the compulsory acquisition of land, the Secretary of State must be satisfied that there is a compelling case in the public interest but that does not necessarily require him, as a condition precedent to authorising the acquisition, to be satisfied on the balance of probabilities that the proposed development will go ahead if the land is acquired.</p> <p>In the event that the Applicant cannot secure funds for compulsory acquisition within one year of the DCO, no compulsory acquisition will be possible. In the event that land is compulsorily acquired such that it is owned by the Applicant and the Project then proves unviable such that it cannot be delivered, then none of the impacts associated with its operation will arise.</p>

Ref No.	Respondent	Question
HE.3 Historic Environment		
HE.3.1	The Applicant	<p>Visual effects</p> <p>The Applicant responded to question HE.2.4 that visibility of aircraft movements would not have any effect on the character of conservation areas or the setting of assets and therefore the significance of effect of the proposed development on listed buildings would be infrequent and transient. In answer to question ND.2.13 the Applicant acknowledges that proposed new integrators at the airport would be expected to have a cluster of air movements in the evening and late in the evening, as well as soon after the airport opens the following morning.</p> <p>Given the above and the potential clustering of incoming and outgoing flights before and after the proposed night flight restriction, do you still consider that visibility of aircraft movements would have no adverse effect on the character or appearance of relevant conservation areas or the setting of relevant listed buildings?</p>
		<p>Applicant's Response:</p> <p>This conclusion that visibility of aircraft movement would not affect these heritage assets, as discussed in HE.2.4 of the <i>Applicants Responses to the Second Written Questions</i> [REP6-012], remains valid. It is a characteristic of aircraft movements that their visibility would be transient and intermittent. Clustering within the anticipated ATMS would result in more frequent visibility of aircraft movements at these times of the day, but a reduction in the frequency of ATMs at other times. It is therefore considered that that the visibility of ATMs would not give rise any adverse effects.</p> <p>This response draws upon and is consistent with the response on ATMs and visibility provided under LV.2.11 of the <i>Applicants Responses to the Second Written Questions</i> [REP6-012].</p>

Ref No.	Respondent	Question
HE.3.2	Historic England	<p>Non-designated heritage assets</p> <p>In answer to question HE.2.5, and in relation to the T2 Hangar and WWII Dispersal Bay, the Applicant states that the Historic England Listing Selection Guide for Military Structures (the Guide) notes that outside key sites identified in the Historic Military Aviation Sites Guidance, it is only groups (of buildings, fighter pens and defences) and individual examples of strong intrinsic or associational importance, which would be considered to be of national significance. Manston airport is not listed as a key site in the Guide. The Applicant considers that their potential loss could be mitigated by recording of the structures.</p> <p>Do you agree with the above opinion and interpretation of your Guide?</p>
		<p>Applicant's Response:</p> <p>N/A</p>
HE.3.3	The Applicant	<p>Draft Written Scheme of Investigation</p> <p>The Applicant's answer to question HE.2.7 states that reference will be made in a revised draft WSI to the need to consider issues of contamination and pollution in the design of investigative works and working procedures.</p> <p>Provide the revised WSI by Deadline 7a securing this.</p>
		<p>Applicant's Response:</p>

Ref No.	Respondent	Question
		A revised draft WSI has been provided at Appendix HE.3.3 in TR20002/D7a/TWQ/Appendices . The revised draft WSI makes reference to the need to consider issues of contamination and pollution in the design of investigative works and working procedures at Section 6.
HE.3.4	The Applicant	<p>Draft Written Scheme of Investigation</p> <p>Historic England note in their response to the ExA's Second Written Questions [Reference number not yet allocated,] that the draft WSI does not make provision for preservation in situ of important remains and does not make it clear what process would ensure that such remains are preserved. They consider it likely that achieving preservation might entail alterations to the quantum and design of the development, which is beyond the scope of the WSI.</p> <p>They also state that the WSI does not provide for the preservation of important heritage assets should they be discovered. They are of the view that sufficient flexibility in the scheme quantum and design should be provided for any nationally important archaeological remains that may be discovered during the course of future surveys to be preserved as part of the Proposed Development, should their importance warrant it.</p> <p>i. Provide your comments on those of Historic England, justifying any views which differ.</p> <p>ii. If such comments require alterations to the draft WSI, provide such alterations by deadline 7a.</p> <p>Applicant's Response:</p> <p>i. This is now secured through revisions to dDCO Requirement 3. These revisions are included in the revised dDCO submitted at Deadline 7a. The revisions provide that, before a masterplan is submitted, the Applicant must carry out an archaeological survey and consider options for minimising impacts on archaeological assets, which may involve a smaller development footprint. Provision is also made for consultation with Historic England on the options identified before a masterplan is submitted for approval under Requirement 3.</p>

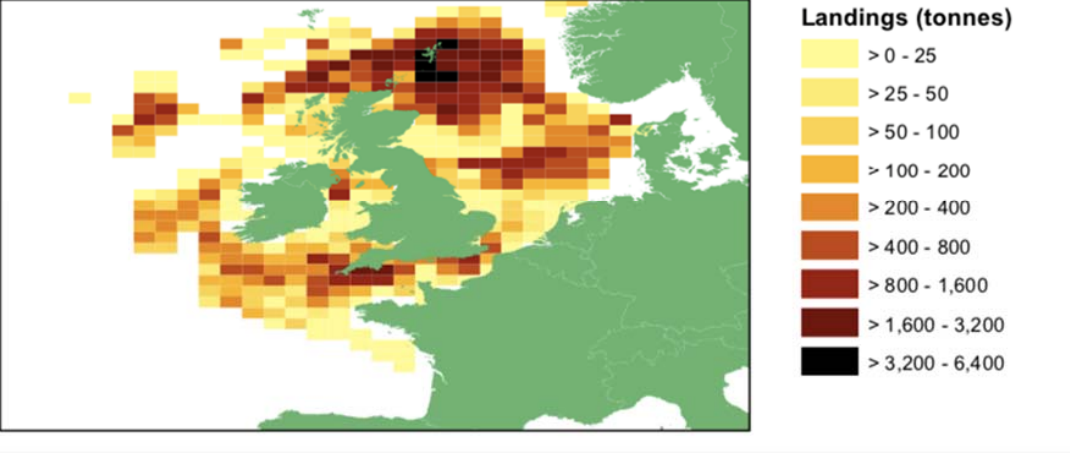
Ref No.	Respondent	Question
		<p>The WSI, which is secured by dDCO Requirement 16, sets out methods and standards for archaeological work. This archaeological work would allow for the identification and more detailed assessment of archaeological remains within the site, and where appropriate for the mitigation of disturbance of archaeological remains by further recording.</p> <p>In contrast, the preservation of particularly significant archaeological remains would be achieved through development of the masterplan and the detailed design of individual elements, hence it is more appropriate to revise dDCO Requirement 3.</p> <p>ii. A revised WSI is provided as Appendix HE.3.3 in document TR20002/D7a/TWQ/Appendices. Revisions to the WSI comprise:</p> <ul style="list-style-type: none"> • Section 1.3.3: insertion of cross-reference to dDCO Requirement 3; • Section 4, Table 4.1: revised proposals for archaeological work in respect of works at the site access, contractors' compound/car park and business aviation areas in line with KCC Response to <i>Applicants Responses to the Second Written Questions</i> [REP6-012]; • Sections 5.5.8 to 5.5.10: revisions to post-excavation reporting to allow for production of archaeological reporting to inform masterplanning proposals and design of further mitigation; • Sections 6.1.6 and 6.1.7: inserted to refer to control measures set out in the Construction Environmental Management Plan for works in contaminated land in line with HE.2.7 <i>Applicants Responses to the Second Written Questions</i> [PD-010b]; • Figure 2: amendments to figure to show revised areas of archaeological interest in line with KCC Response to <i>Applicants Responses to the Second Written Questions</i> DCO.2.42 [REP6-012]; and • Minor typographic revisions and corrections. <p>The revisions to Requirement 3 of the dDCO provide for the Applicant to consult with Historic England and KCC in respect of any archaeology finds and to take into account any comments prior to finalising the masterplan.</p>

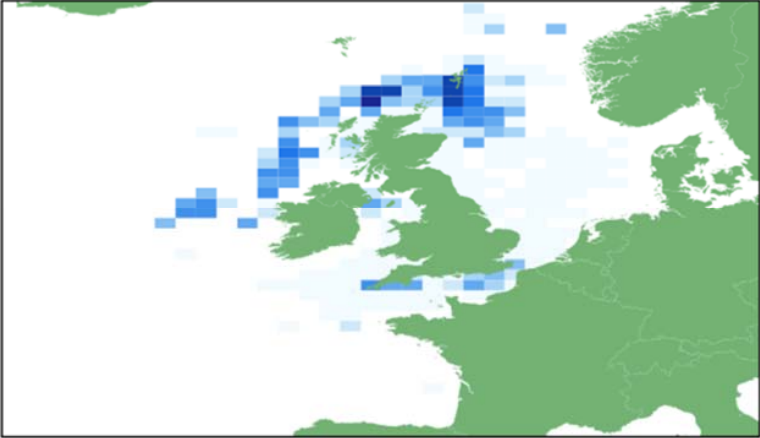
Ref No.	Respondent	Question
ND.3 Need		
ND.3.1	The Applicant	<p>Forecasts</p> <p>The answer to question ND.2.1 states that the Azimuth report [APP-085] did not consider viability as this was a matter for the Applicant, considering that this reinforced the independence of the report.</p> <p>However, costs of flying goods to or from a particular airport or using alternative transportation must be a consideration in the choice of those looking to use such services, and if costs are set too high then this would presumably impact the forecasts negatively. The Applicant's answer to ND.2.5 also states that handling facilities could be provided at other UK airports but that as the market is always seeking a choice in terms of price, geography, schedules and operational capacity then price factors into the market's decision.</p> <p>i. Without consideration of viability in the forecasts how can the Azimuth report be any more than an assessment of potential?</p> <p>ii. State whether you stand by your assertion that viability does not play a role in your forecasts, justifying your response.</p> <p>Applicant's Response:</p> <p>i. As explained in response to question ND.2.1, the Azimuth Report [APP-085] 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. The forecast assumed that costs of operating from the airport would be in line with other cargo airports – i.e.</p>

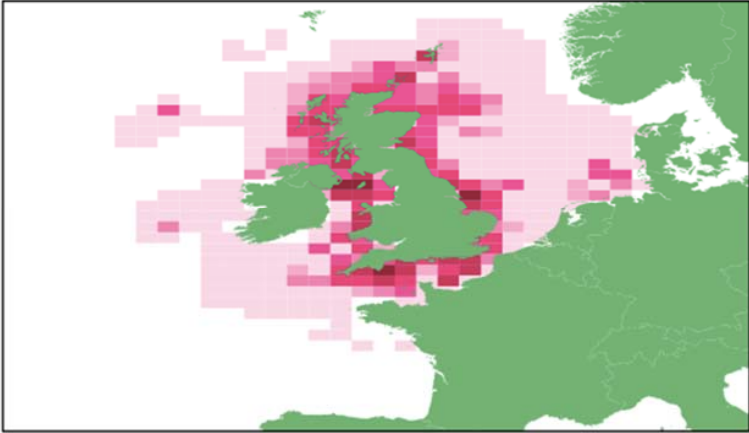
Ref No.	Respondent	Question
		<p>that cost factors would not unduly attract nor detract the potential market. Separately, the Applicant has commissioned a viability assessment which confirms that the Project can be viably delivered in such a way that would be competitive in the market and would not detract potential operators.</p> <p>ii. As explained above, the viability assessment was conducted separately from the forecast. That assessment confirmed that the number of ATMs identified in the Azimuth forecast could viably be delivered at Manston in such a way that operators would not be detracted by the pricing arrangements. While the Applicant is not in a position to disclose its confidential viability assessment (noting that Stone Hill Park declined to release theirs after initially offering to do so), it has provided the ExA with a copy of its business model at Appendix F.1.5 in [REP3-187].</p> <p>The Applicant has also provided a summary of the <i>Chesterfield</i> case at Appendix 9 of the summary of its case at the March compulsory acquisition hearing (page 266 of [REP5-010]). In that case compulsory acquisition powers were granted notwithstanding that the proposed development was only marginally viable such that there was a real risk that it would not be carried out. The court found that in order to authorise the compulsory acquisition of land, the Secretary of State did not necessarily have to be satisfied, even on the balance of probabilities, that the proposed development would go ahead if the land was acquired.</p>
ND.3.2	The Applicant	<p>Forecasts – Exports</p> <p>Question ND.2.3 concerned exports. The Applicant's answer to this question notes that fish and shellfish are a market targeted by the proposed Airport.</p> <p>An appendix [Appendix ND.2.3 Part A, ref not yet allocated] contains a Seafood Industry Factsheet. The ExA notes that this document states that Humberside and the Grampian region of Scotland dominate the fish processing industry, that the highest ranking UK ports in terms of fish volume and value are dominated by Scottish ports (particularly Peterhead and Lerwick) and that the dominant country for export to is France.</p> <p>Given the above do you maintain that fish and shellfish exports are likely to achieve the amount of business predicted?</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>Yes, the Applicant maintains its forecasts in respect of fish and shellfish exports.</p> <p>The South East and East of the UK have a number of fishing ports including the larger fleets at Lowestoft and Hastings (the largest land-based fleet in the UK), as well as Southend, Leigh-on-Sea, West Mersea, Harwich, Whitstable, Ramsgate, Hythe, Dungeness, Folkestone, Shoreham, and the Isle of Wight. The Applicant's forecast for fish exports is very small compared to the total export market being less than 0.5% of the UK total. It is therefore entirely feasible for Manston Airport to handle this volume of the export seafood market. Government statistics show that Scottish vessels land around 63% of the total UK catch, with England landing around 28%. In terms of sea area of catch, the English Channel is third by tonnes landed, behind Northern North Sea and West of Scotland. The English Channel derives around 60,000 tonnes of seafood. England has the largest number of vessels in the UK, at around 3,000 and half the total, although these tend to be smaller by capacity than their Scottish counterparts. The following diagram shows the concentration of demersal (deep sea) landings in tonnes of around the South East with particular concentrations in terms of tonnes landing in Kent's ports.</p>

Ref No.	Respondent	Question
		<div><p>Chart 3.7a: Quantity of landings by ICES rectangle</p><p>Landings (tonnes)</p><ul style="list-style-type: none">> 0 - 25> 25 - 50> 50 - 100> 100 - 200> 200 - 400> 400 - 800> 800 - 1,600> 1,600 - 3,200> 3,200 - 6,400</div> <p>There is also a smaller tonnage of pelagic (near-surface) landings as shown in the following diagram:</p>

Ref No.	Respondent	Question
		<div><p>Chart 3.11a: Quantity of landings by ICES rectangle</p><p>Landings (tonnes)</p><ul style="list-style-type: none">> 0 - 250> 250 - 500> 500 - 1,000> 1,000 - 2,000> 2,000 - 4,000> 4,000 - 8,000> 8,000 - 16,000> 16,000 - 32,000> 32,000 - 64,000</div> <p>Landings of shellfish in the Kent area are notable as shown in the following diagram:</p>

Ref No.	Respondent	Question
		<p>Chart 3.15a: Quantity of landings by ICES rectangle</p>  <p>Landings (tonnes)</p> <ul style="list-style-type: none"> > 0 - 100 > 100 - 200 > 200 - 400 > 400 - 800 > 800 - 1,600 > 1,600 - 3,200 > 3,200 - 6,400 > 6,400 - 12,800 <p>Figures are taken from MMO Report, UK Sea Fisheries Statistics 2017 provided at Appendix ND.3.3 (in document TR20002/D7a/TWQ/Appendices).</p>
ND.3.3	The Applicant	<p>Forecasts</p> <p>In the Applicant's answer to question ND.2.4, information is provided regarding pharmaceuticals, noting the issues with logistics and the breakdown of the 'cold chain' leading to damaged or unusable products.</p> <p>Is there a particular issue in this regard with the aviation leg of the cold chain?</p> <p>Applicant's Response:</p>

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Ref No.	Respondent	Question
		<p>In the annual Biopharma Cold Chain Sourcebook, Pharmaceutical Commerce estimates the global volume of 2017 cold chain products at \$283 billion, out of a total market of \$1.17 trillion, and growing at approximately twice the rate of the overall pharma market. The International Air Transport Association (IATA) estimates that immunisation prevents 2.5 million deaths every year and that air cargo as critical for flying short shelf-life vaccines to their destination in time to be effective. It is therefore vital that there is no breakdown in the supply chain including aviation to ensure each product arrives when scheduled and in perfect condition. The transportation of cold chain perishables by air is highly complex and prone to numerous situations where temperature breaches can occur. A study for IAG Cargo found that over half of all temperature deviations occurred during transportation with 57% during the aviation leg as shown in the following graphic. For Manston, the planned state-of-the-art facilities would resolve such issues at the airport stage of the transportation of pharma products and would provide a competitive advantage, adding value in the supply chain by minimising waste and ensuring products do not incur temperature deviations as they pass through the airport.</p>

Ref No.	Respondent	Question
		<div data-bbox="568 308 1666 1007"> <p>Most temperature deviations occur during transportation</p> <p>23% Manufacturers & Shippers</p> <p>57%</p> <p>20%</p> <p>Source: IATA</p> <p>IAG Cargo Different World</p> </div> <p>(Cold chain challenges and opportunities for air transportation, April 21 2018 provided at Appendix ND.3.3 in document TR20002/D7a/TWQ/Appendices)</p>
ND.3.4	The Applicant	<p>Forecasts</p> <p>The answer to ND.2.5 includes details surrounding digitalisation and automation in relation to estimates for direct employment.</p>

Ref No.	Respondent	Question
		<p>While noting that some types of freight are ideally suited to automation and some are not, would a new integrator be highly automated?</p> <p>Applicant's Response:</p> <p>The suitability of freight to automation depends on the nature and purpose of the operation set up by a new integrator. The scope for automation at a pure freight-handling facility transferring pallets or containers full of e-commerce parcels onto trucks for forward shipment to a fulfilment centre will be less than if the pallets or containers are broken down and sorted onto smaller vehicles for local or sub-regional distribution. This kind of logistics operation which relies on pre-labelling (i.e. fulfilment takes place at the consignment's origin rather than just prior to last mile delivery) is an area where logistics companies are looking to automate. It is anticipated that both operations would be implemented at Manston. The key factor being how the airport-based operation relates to fulfilment operations serving London and the South East.</p> <p>Automation is at its greatest in fully vertically integrated operations such as those developed by traditional integrators to offer the express door to door service which is their hallmark, and in e-commerce fulfilment centres where robotics and automated conveyers are critical to speed within huge warehouses, although "hand-picking" is still envisaged to be a key part of the process for some time to come.</p> <p>The combination of on and offsite cargo buildings that form a significant element of the Project provide the essential flexibility that will enable Manston to tailor its response to different operator's individual needs.</p>
ND.3.5	The Applicant	<p>Forecasts</p> <p>The Applicant's answer to question ND.2.2 notes that numerous conversations have taken place with industry members, including UK airports and airlines, and that such conversations are commercially sensitive and confidential. It is difficult for the ExA to take such unsubstantiated evidence into account.</p>

Ref No.	Respondent	Question
		<p>Can any further information be provided on this matter?</p> <p>Applicant's Response:</p> <p>As noted on several occasions prior to and during the Examination, it is not possible for the Applicant to provide further information regarding the commercially confidential discussions that have taken place with potential clients. It is not in any way unusual for potential clients or users of commercial facilities to require confidentiality prior to establishing operations as the release of such information would undoubtedly have a negative impact on their own competitive advantage. It is essential therefore that an Applicant for a development such as this to respect their potential customers' need for commercial confidentiality as not to do so would immediately harm the business case for a facility such as Manston.</p> <p>Discussions have been held with representatives from several other key airports in the UK air freight sector to get a better understanding of their business, their aspirations and where they saw problems and opportunities in the way in which the sector in the UK operates. Although the conversations were of necessity confidential, they did highlight several issues which the Applicant has subsequently presented other supporting evidence on including: catchments, nature of consignments (including the asymmetry of in and outbound volumes), slot and other capacity constraints for freighters and freight handling at South East Airports, the cross channel leakage of traffic, key changes underway or in prospect in the market (e.g. digitalisation, new integrators), future growth prospects and the relative value of freight vs passenger related investment and the implications of that in terms of making business cases for limited capital funding)</p> <p>The Applicant's representatives have spoken to industry organisations such as the Freight Transport Association and other funders of key studies, freight forwarders, the UK Regional and Business Airports Group and peer airports overseas. The Applicant has also reached out to new integrators to initiate discussions at the highest levels,</p> <p>The Applicant has also spoken to DfT officials on a number of occasions, to leading academics, to other consulting experts and businesses, all with the objective of confirming our core forecasting analysis, our broader assessment of market trends and future developments, our reading of Government policy.</p>

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Ref No.	Respondent	Question
		<p>And finally, the Applicant undertook a comprehensive top-down review to ensure that our forecasts were consistent with long run trend data (not just selected years designed to present a misleading picture), other key third party forecasts and analysis), anticipated slot and capacity constraints at south east airports. That evidence is already with the ExA.</p> <p>As such it is not possible to provide further information on this matter. The ExA is asked to consider the fact that numerous developments are consented without any information regarding the identity of likely customers. The applicant is not aware of any commercial development consented under the Planning Act that has been required to supply such information as part of either a planning or DCO application.</p> <p>The Applicant is still willing provide information on the basis that it is redacted before publication, however it understands that the ExA is not able to confirm that sensitive information will be redacted prior to publication on the website. .</p>
ND.3.6	The Applicant	<p>The Applicant's answer to question ND.2.8 states that stands at East Midlands Airport are fully utilised at night.</p> <p>Provide evidence for this assertion.</p> <p>Applicant's Response:</p> <p>The referenced statement should be read in the context of the response to ND2.8 as follows:</p> <p>"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."</p> <p>'General' cargo can refer to bellyhold or freighter borne cargo – the epithet 'general' is used to distinguish it from 'express freight' which is the primary business of the integrators which dominate cargo activity at EMA, or 'mail' in relation to which EMA also accommodates a material air-borne domestic operation.</p>

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Ref No.	Respondent	Question
		<p>From publicly available CAA data we know (a) EMA does not attract any bellyhold cargo, (b) that it handled 20,425 tonnes of mail in 2018 and (c) that the published airport statistics do not allow us to distinguish between express and other forms of cargo.</p> <p>Although it is widely recognised within the industry that EMA specialises in express freight and that integrators are its predominant customers, in the absence of commercial disaggregated data, the fact that the Applicant's analysis of building footprints at EMA points to over 95% of cargo facilities being occupied by integrator, express logistics companies and Royal Mail offers strong evidence that the industry view is well founded.</p> <p>To base an aircraft at a particular airport, a cargo carrier (like a passenger airline) will want a guaranteed stand space when they need it; the main integrator and mail operations at EMA take place at night (in-bound and outbound aircraft will be on stand at the same time to allow transshipments between aircraft – as opposed to pure aircraft to truck operations) when a general cargo freighter aircraft would probably also need to be parked up on a stand waiting for its pre-dominant daytime operations.</p> <p>Stands are expensive and space-consuming pieces of infrastructure to build and airports do not typically build new ones if they have spare capacity. Although three additional stands are being constructed outside UPS's new cargo handling facility at EMA this does not suggest that EMA has spare stand capacity, rather that it is in short supply even for its core operations. Hence while the Applicant does not have access to detailed stand planning at EMA, there is substantial circumstantial evidence that in the busy overnight period for cargo operations, when wide-bodied and narrow-bodied integrator and small mail aircraft (and of course based passenger aircraft) are on stand, there is likely to be little if any scope for general cargo operators to overnight at EMA. During the daytime there will be scope for some general cargo operations and anecdotal evidence suggests that this is when charters of this kind do occasionally use EMA.</p>
ND.3.7	The Applicant	<p>The answer to question ND.2.7 states that the Applicant maintains their position that the cost difference between pure freight and bellyhold is not as significant as claimed by other parties in the examination, particularly when taking into account other factors. Furthermore it is noted that bellyhold price was not a key determinant in your business plan.</p> <p>In this respect, the ExA also note the submission of an Interested Party of "The Sustainability of UK Aviation: Trends in the mitigation of noise and emissions" (Independent Transport Commission)[reference not yet assigned], which states in paragraph</p>

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		<p>4.23 that bellyhold freight is a highly efficient means of transporting freight, as it is on board flights that are already carrying revenue passengers and therefore the marginal cost of transporting the freight is extremely low.</p> <p>Given your aim of attracting freight from trucks, would an assessment of this price not be fundamental to your business plan and your forecasts, particularly given the large increase in bellyhold capacity that would potentially be provided by the Heathrow 3rd runway?</p> <p>Applicant's Response:</p> <p>It is important to note that no other party has presented evidence from a verifiable public source at the level of disaggregation required to conclude that in the actual market place:</p> <p>(a) there is a real discernible difference in the cost of moving air cargo by bellyhold or freighter – indeed, the Applicant has sound commercially confidential advice that airlines do not differentiate between belly and freighter prices except in relation to cargo requiring special handling (outsize, refrigeration, cool chain, equine etc) or access to destinations that do not match the passenger route network well; or</p> <p>(b) that it is price per kg alone that drives decision-making by those responsible for placing or managing consignments with particular carriers, rather than a myriad of other factors (speed, reliability, the need for specialist handling, presence at origin/destination, transshipment costs, efficiency of document processing, availability of tracking technology, security custom and bonding arrangements etc). The notion that something as simple as price per kg is the sole determinant of such complex logistics arrangements is simply not credible. The Applicant has repeatedly stated that its focus at Manston is on providing value for money and that involves a complex range of factors that are likely to be varied by airline and forwarding company</p> <p>In this regard, it is also important to recognise that the ITC report quoted in the question deals with a completely different subject matter – i.e. “The Sustainability of UK Aviation: Trends in the mitigation of noise and emissions” rather than the relative commercial merits of different forms of air freight. The focus of the report is on the forms of air freight that might result in the lowest carbon footprint. The quote set out in the question relates to ‘environmental efficiency’ (i.e. the marginal environmental</p>

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		<p>cost) not 'financial efficiency'. Since the Applicant has been receiving support from the company who drafted the report, it has been possible to confirm with the authors that this interpretation is right.</p> <p>Given that detailed commercial data is not available publicly, the Applicant has been pro-actively seeking third party opinions from industry experts who have confirmed two very important points that are directly relevant to this issue:</p> <ul style="list-style-type: none"> Freighter operators do not differentiate between bellyhold and cargo and hence the impact of belly vs freighter price on decision-making is marginal Airlines absorb the cost of trucking within their pricing and consequently, as explained in the answer to Question ND3.19 it is only a marginal factor in decision-making about resource/demand allocation. <p>The success of the Manston project is not solely based on 'trucking' – offering a better value for money option this side of the channel is helpful but not definitive. Some leakage will be attracted to Manston, some freight will continue to be trucked to and from Europe. However, it is important not to be taken in by the simplistic theory presented by SHP that all future scenarios will be determined by price alone and will ignore the myriad of other factors that will affect airport choice for freight moving forward..</p>
ND.3.8	The Applicant	<p>The answer to ND.2.13 states that new integrators would fly during the day with clusters in the evening before the proposed night curfew, as they would not be offering next day delivery. This implies that time constraints are less critical to new integrators, with delivery of 2-3 days as opposed to next day. Logically, does this mean that Manston airport's proximity in terms of travel time to the south east and London would be less important? Furthermore, that the location of more distant airports or the costs of slower forms of transportation (such as road and boat) may be more relevant and may influence the plans of new integrators.</p> <p>What are your views on this analysis?</p>
		Applicant's Response:

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		<p>The answer to ND 2.13 does not imply that time is not an important factor for new integrators and it is not where the suggested 2-3 day delivery time referred to in the question above has been derive from? What ND.2.13 was seeking to explain was that the new integrators are not focused on <i>overnight</i> shipment for early morning delivery the next day in the same way traditional integrators B2B markets are because they keep stocks topped up in fulfilment centres rather than delivering them directly to customers. Amazon Prime delivery even if next day is likely to be afternoon or evening and if the product has had to be originated overseas, it may take longer. Time between ordering and delivery is a key area of competition for e-commerce retailers, but it is not the only one. Price is important too (B2C deliveries will not sustain express integrator prices), as are factors such as the product vs order match, reliability, no damage.</p> <p>Hence while the Applicant feels it is important not to oversimplify the complexity of factors which differentiate between alternative air cargo business models, the Applicant agrees that time is an important component of the service offer e-commerce providers are making – it is just not the only thing which will drive their logistics choices. As such, whilst they are not reliant on overnight deliveries, speed to market for pre-labelled packages, or to fulfilments centres for 'predictive' re-stocking is a factor in their operations and consequently Manston's location in the South East is ideal for e-commerce integrators seeking access to London and other markets in the region.</p> <p>Transportation by road or ship would be less able to meet customers' demands for rapid receipt of their online ordered goods. Where they choose the lowest cost options in terms of delivery then road and possibly rail freight options could come into their own for intra-continental journeys, but realistically for inter-continental consignments, general cargo carriers offering lower rates and 5-7 day delivery times may be preferred. Ships are unlikely to be used, unless the suggestion is short-haul ferries form part of the transportation-mix (e.g. for cross Channel crossings)</p> <p>The Applicant's forecast does not include displacement of cross channel freight bound for or originating in the EU but focuses on trucked freight using channel crossings (ship and tunnel) that will use air on part of its journey. Given the length of time involved in intercontinental shipping, it is unlikely that high value, time sensitive and perishable items could switch to either road or boat.</p> <p>Overall, given the growth in e-commerce to date and the extent of growth predicted in the latest OECD ITF Transport Outlook 2019 published on 22 May – i.e. "... <i>air freight demand is predicted to grow very fast, reaching 4.7 times the 2017 level by 2050</i>",</p>

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		<p><i>resulting in critical problems as aviation infrastructure is not developing at the pace needed to respond to growing demand for air freight</i>" The OECD ITF press release relating to this report is appended at Appendix ND.3.8 in TR020002/D7a/TWQ/Appendices.</p> <p>This reinforces again, from yet another different source, the key message underlying the need case for Manston Airport, namely that without it, the UK may be unable to meet demand and increases in the use of European airports and trucking would risk the integrity of the UK's national infrastructure.</p>
ND.3.9	The Applicant	<p>Stone Hill Park state in their DL6 response [Answers to ExA's Second Written Questions, ND.2.12, reference not yet allocated] that there is a material error in the Azimuth report which contains tonnage on integrator flights as 100% outbound with return of 20%, contrary to that stated in the Issue Specific Hearing on Need and Operation (21/03/19) that the new integrators would fly in freight to stock fulfilment centres (and confirmed indirectly in answer to question ND.2.13).</p> <p>Comment on this view, providing further information specifically in relation to the effect on the forecasts and any effect on the assessment of effects in the ES.</p> <p>Applicant's Response:</p> <p>York Aviation is incorrect. The Azimuth forecast shows the primary leg as inbound. The 20% figure is applied to outbound tonnage. The Azimuth forecast has been used in the ES and as such there is no effect on the assessment of effects.</p>
ND.3.10	The Applicant	<p>Various references are made in the evidence to the Steer report (Assessment of the value of air freight services to the UK economy, October 2018) [Appendix 1.13, REP3-187]. This report, produced for Airlines UK, identifies four major sub-markets within air freight; General Cargo, Express, Specialist and niche products, and Mail. The report notes that one notable feature of the UK air freight market is the huge importance of Heathrow and its surrounding freight facilities. Furthermore, it states that</p>

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		<p>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 (Executive Summary).</p> <p>Paragraphs 2.24-2.25 of the Steer Report expands on this, and states that a significant amount of air freight is transported in customs-bonded trucks between the UK and continental Europe, with freight often flown to continental Europe, particularly from Asia, as there is often more available air freight capacity than to UK airports, partly due to the lack of available slots to Heathrow, representing an inefficiency from the perspective of the UK economy as a whole. In contrast, it is stated that goods for North America are often trucked to the UK, particularly Heathrow, from continental Europe to take advantage of cheaper rates from the UK on North American routes, with this route being chosen due to the significant level of bellyhold capacity available from Heathrow, it being the primary European hub for North American passenger connections.</p> <p>The Airports NPS states that expansion at Heathrow delivers the biggest boost in long haul flights and the greatest benefit therefore to air freight, facilitated by the existing and proposed development of freight facilities as part of the Northwest runway scheme (para 3.24).</p> <p>In relation to European airports, the Steer report notes (para 3.21) that many of the largest freight airports in the EU are concentrated in North-West Europe, which is relatively well off, densely populated and the home to a lot of European industry (thereby generating demand for imports and a large amount of goods for export). The report states this close proximity of many large airports may to some extent explain why so much air freight is flown to continental Europe and trucked to the UK, as there is greater capacity available to continental North West Europe than to the UK.</p> <p>York Aviation [Appendix 4 to REP3-025] state that these structural factors (concentration of markets) which mean that freight loads are consolidated at the main freight hubs in continental Europe and then trucked to and from the UK would still result in such freight being trucked and by-passing Manston if the Airport was re-opened. They further note that trucking is an inherent part of the system due to cost, as it is cheaper to truck to an alternative airport offering bellyhold for general air cargo than it is to seek out dedicated freighter capacity, and that where a dedicated freighter was the most cost effective option to seek to operate that aircraft then it would be routed to the main centres of economic activity in Central Europe or the UK's main distribution focus around East Midlands Airport.</p>

Ref No.	Respondent	Question
		<p>i. Would the proposed Northwest runway at Heathrow be likely to offer more routes to Asia than are currently available, thereby adding to the bellyhold capacity available from this airport?</p> <p>ii. How would Manston airport compete with the structural and geographical advantages of the large freight airports in north west Europe?</p> <p>iii. How would Manston airport compete in cost terms with the large freight airports in North West Europe, trucking from such airports, or bellyhold capacity available from Heathrow?</p>
		<p>Applicant's Response:</p> <p>Before answering the subsidiary elements of this question, the Applicant provides the following by way of context.</p> <p>Trucking and the Concentration of Facilities Around Heathrow</p> <p>First, it is important to differentiate between freight facilities inside LHR's operational boundary or immediately adjacent to it, which are predominantly used for handling air freight and logistics operations spread more widely across the broader sub region west and south west of London and around the M25, where the truck to truck component of activities may be more significant. They may well send some shipments by truck to Heathrow for bellyhold onward transport internationally, but equally they may send shipments to other airports in Europe, the South East of England (and to a lesser extent other parts of the UK). Manston would add an option to the choice of airports where suitable bellyhold capacity is not flying at the right time, to the right place at an acceptable rate from Heathrow. There is nothing about the existing system that structurally excludes Manston if the right commercial relationships can be built with airlines and freight forwarders, whether based at Heathrow or not.</p> <p>Steer Report</p> <p>Paras 2.24-2.25 paint a generic picture of what are understood anecdotally to represent current practices; of course in reality the logistics chains and relationships between actors at each step of that chain is much more complex, which means that the solutions described should not be assumed to be what occurs in all cases – and it is important to emphasise that the scale of</p>

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		<p>the cross-channel movements described are such that MSE only needs to capture a relatively small component of this market to establish its foothold in the sector – it does not need to disrupt the whole industry in the South East to be successful. Equally, the Applicant would also challenge the notion that in an industry experiencing radical changes that are likely to continue for the next 5-10 years, there is no scope for any changes to existing patterns of behaviour. In this context, it is important to note that Steer were asked to analyse the industry now, its economic impact and the challenges it might face, not what it will become over the next 20-30 years. It cannot, therefore, be taken as a blueprint for the future and we maintain that there are trends and changes that will create opportunities for Manston in the short medium and long term.</p> <p>The Implications of the NPS</p> <p>Furthermore, we would challenge the notion that paragraph 3.24 of the NPS is saying that all the additional air freight capacity that the South East needs will be provided by the Northwest Runway scheme and nothing further is required. If that is what it meant, it would presumably have said so. But the Government knew it had no evidence to reach this view and so simply stated what is true, the additional passenger flights allowed by a new runway at Heathrow would indeed “deliver the biggest boost in long haul flights and the greatest benefit therefore to air freight”; but its support for creating the associated freight facilities for achieving that does not mean that is (a) practicable – ie land use and operational - and commercial terms they are actually developable or (b) can be achieved with acceptable environmental impacts – that is for the LHR DCO process to determine. And finally (c), it offers support for up to 3MT not beyond.</p> <p>North West Europe Capacity</p> <p>There is indeed a concentration of airports with substantive air cargo capability in the golden triangle in NW Europe. AMS, CDG and FKT and BRU are hub airports offering bellyhold capacity; Liege Hahn and Luxembourg offer dedicated freighter facilities. However, the reason that there is such a cluster of freight infrastructure is because there is a very large concentration of people and economic activity within 3-4 hours trucking time of them. Hence it does not follow that concentrated capacity means spare capacity. Indeed, arguable AMS is already full (especially for freighters) and Frankfurt and Paris will become so in the next 5-10 years. Hence with the possible exception of Brussels, which has a much smaller long haul network, there will not be limitless capacity to continue taking UK cross channel air freight in the future; while Heathrow and other South East airports have been hitting capacity constraints. We also would question why there is any logic in using freighters flying from Liege, Luxembourg and</p>

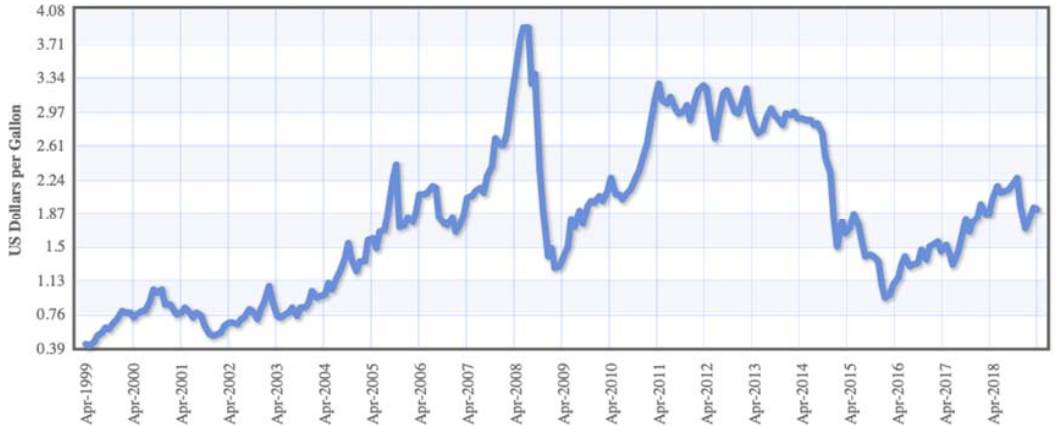
Ref No.	Respondent	Question
		<p>Hahn, when facilities for these same freighters can be provide conveniently on VFM terms to handle UK freight within the UK at Manston or UK regional airports. There is no strategic economic or policy case for doing so.</p> <p>York Aviation</p> <p>We fundamentally disagree with the whole "Heathrow or trucking to Europe are our only options" thesis it is trying to present, even though this contradicts reports they themselves had developed recently for other clients. Essentially what we have in the case of York's submissions are a series of unsubstantiated views and assertions, based on a set of assumptions and theories that when examined in detail have no reliable empirical evidence or industry focused insight opinion to support them. They are presenting a dialectic based on partial facts, policy stasis which supports long term decline of the industry in the UK and the primacy of vested interests and a complete failure to recognise the major disruption and change the industry is facing over the next 10 years. It is also the antithesis of RSP's plans which are based on a strategy of addressing current and future capacity constraints, creating facilities that complement existing airports' market positioning but introduces competition especially to EU airports with substantive economic and environmental benefits for the UK and delivering modern infrastructure that will allow the UK to remain competitive internationally and facilitate expanded global trade.</p> <p>With that background are responses to the subsidiary elements of the question are as follows:</p> <ul style="list-style-type: none"> i. It is entirely possible that a third runway at Heathrow would provide routes to some key passenger destinations in Asia and this would increase bellyhold capacity to those areas, but this is already anticipated in our forecasts. However, as with the response to ND.3.7, bellyhold capacity does not provide a complete solution for a number of reasons including: 1) passenger aircraft serve the areas that passengers want to fly to that may not necessarily be the areas that require goods, and 2) bellyhold space is not able to carry outsized items or those that require specialist services. Additionally, there may be increasing issues with some goods being carried on passenger aircraft for safety reasons. For example, on the 27th February 2019, the US Department of Transportation and Federal Aviation Administration banned lithium ion batteries as cargo on passenger aircraft. ii. The strategic location of Manston airport, close to London and other towns and cities in the south-east of the UK is one of the primary drivers of its expected competitive advantage over freight airports in Europe. The planned

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		<p>facilities at Manston will also be a significant factor in attracting business that would otherwise have been trucked from North West Europe.</p> <p>iii. Price is not the only factor determining where freight is trucked to and flies from; time and a myriad of other considerations (see response to Qs ND3.7 and ND 3.19) are equally important factors in attracting business that is currently being forced to use freight airports in North West Europe, because of the lack of capacity at UK airports. And the Applicant is confident that the time and costs associated with double and triple handling of goods required to use those airports will be greater and far less reliable than the cost of coming to Manston Airport.</p>
ND.3.11	The Applicant	<p>The Applicant's answer to question ND.2.32 states that the ES forecast correct in relation to mail flights, rather than the Azimuth forecast.</p> <p>i. What other errors/discrepancies are there between the two forecasts?</p> <p>ii. If the B737-300 flights are not carrying mail, what goods would they be flying?</p> <p>Applicant's Response:</p> <p>i. As noted in previous responses, the carriers identified within the ES forecasts are simply a proxy for the types and numbers of aircraft likely to be used to fly goods from Manston Airport. The Applicant expects Manston Airport to handle a small amount of mail but this is likely to be carried on aircraft that are not mail-specific. The Applicant believes there are no other discrepancies.</p> <p>ii. The 737-300 would be likely to carry a wide range of goods and carry up to 8 containers of 2.2 x 3.2 metres or palletised items. Palletised items vary enormously however examples of palletised goods that would be airfreighted include e-commerce goods. This aircraft has a range of 1,000 kms (1,000 nmi) so would be largely serving the European markets or acting as feeder aircraft for the new integrators and others.</p>

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ND.3.12	The Applicant	<p>Evidence supplied in answer to question ND.2.15 details access to various geographical locations from Heathrow, noting specific areas/regions which are less well served.</p> <p>i. Would such areas/regions be more likely to be reached if a third runway at Heathrow was operational?</p> <p>ii. What goods and markets do you consider Manston airport could serve in such locations?</p> <p>Applicant's Response:</p> <p>i. The make-up of Heathrow's routes post opening of the third runway is largely unknown at this stage. It is likely that Low Cost Carriers will take up some of the slots and these are unlikely to provide routes that 'fill the gaps' noted in ND.2.15. It is more likely that the 'thick' routes would be served by more frequent flights rather than simply allowing for new routes to be opened up. The Applicant's response to ND.2.15 showed a wide range of geographical locations that are not currently served from the UK and, since these areas do not currently have sufficient demand for passenger services, these may remain unserved even with the third runway at Heathrow, but would be able to be served by Manston.</p> <p>ii. The Applicant's analysis of current routes from Heathrow noted that specific areas/regions of South America, China and East Asia, South Asia, India and Pakistan were less well served. Post Brexit, these countries may form key trading areas for the UK for a wide range of products which could be served from Manston.</p>
ND.3.13	The Applicant	<p>The answer to question ND.2.18 provides evidence of the price of jet fuel since 2012; showing that the price has dropped and considering that as this has not led to a decrease in trucking freight then this provides evidence that trucking is prevalent due to capacity issues. However, question ND.2.18 referred to the price of jet fuel since 2000.</p> <p>i. Do you have any evidence on this time frame (from 2000)?</p>

Ref No.	Respondent	Question
		<p>ii. How flexible is freight in terms of being able to switch from one mode of transport to another (e.g truck to air)?</p> <p>iii. Considering the above, could it be concluded that despite a reduction in jet fuel price since 2012 that trucking remains cheaper overall than air in particular situations?</p> <p>Applicant's Response:</p> <p>i. The following graph shows the jet fuel price from 1999 (Index Mundi (2019), Jet Fuel Daily Price updated 20 May 2019. Available at https://www.indexmundi.com/commodities/?commodity=jet-fuel&months=240 (Accessed: 23 May 2019). The graph shows considerable fluctuations, which do not seem to correspond to either increases or decreases in trucking or air freight, indicating that fuel price is not the primary reason for the propensity to truck freight to and from non-UK airports.</p>  <p>ii. Freight is flexible in terms of switching from one mode to another. Air freight has little advance booking and freight handlers are accustomed to transferring goods from one mode of transport (road, rail, sea, air) to another. The constraint is in terms of</p>

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		<p>speed of delivery and therefore trucking/shipping is unlikely to be used in cases where goods need to be delivered rapidly due either to perishability or time sensitivity. Indeed, trucking is becoming increasingly challenging as issues such as rising congestion, clean air directives, stricter compliance, and driver shortages hit haulage companies. However, consumer expectations continue to rise and demand for more goods delivered more quickly increase.</p> <p>iii. Trucking is undoubtedly cheaper than air in some situations particularly when end-to-end journeys can be completed by road. However, the Applicant is not suggesting that it will compete in this situation. When trucking is used as part of a journey that also includes airfreight, trucking may be considered an additional expense, only cost effective if the sector by air freight is cheaper than the next best option by at least the margin of the surface transport cost including handling expenses to load and off-load trucks. Trucking is an order of magnitude slower than air transport and it is not simply a case of using the cheapest option.</p>
ND.3.14	The Applicant	<p>The answer to question ND2.20 notes the night flight restrictions at Stansted airport in relation to the spare capacity available at these times.</p> <p>Is the proposed night flight ban at Manston airport more onerous than that in place at Stansted? Provide details and evidence to support the answer.</p> <p>Applicant's Response:</p> <p>Although the process of reviewing the current Night Flights regime at Stansted has begun, which prospectively could bring about change to the current arrangements, the constraints on night time movements that are currently in place are set out in the answer to ND 2.20 and RSP's proposals for MSE are set out at Requirement 21 in Schedule 2 to the draft DCO (TR020002/D7a/2.1). Both restrict the number of ATMs that are possible between 23.00 – 7.00am taking into account a QC-based night-time noise allowance. However, whereas the regime at Manston is designed to allow flexibility for late inbound arrivals and no aircraft will be scheduled to arrive or depart outside those core hours, the ATM and QC limits at requirement</p>

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		<p>21(1) and noise mitigation plan [REP6-021] paragraph 1.7 respectively are much smaller than those at Stansted detailed in N2.20.</p> <p>That much is factual, but what is less clear is what is meant by the word 'onerous' in the question. It pre-supposes that the night noise regime at Manston will cause "a heavier burden" or "greater difficulty" than that at Stansted, but ignores the fact the burden or difficulty is in large part a function of what is trying to be achieved. At Stansted there is strong demand for night flights, both scheduled outside core hours and as a result of off-schedule performance, and that demand is coming not only from express operators (especially Fedex) but also passenger airlines. While there have been no breaches of the limits, utilisation has been over 90%, and since the airport needs to ensure there is adequate ATM and QC count for off-schedule flying there will already be a need to discourage some demand for slots that could affect the airports ability to manage the overall night noise budget across a season, and risk having to turn aircraft away if limits are reached. That pressure will be informal and not readily measurable, but as Stansted reaches 75% of its 264,000 slot capacity in 2020, those pressures will become more visible in terms of slot request not met, increased delays and ultimately diversions to avoid limit breaches. The Applicant anticipates these signs that the night noise limits are imposing a 'onerous burden' on Stansted will increase materially as slot utilisation rises above 75% and will become exponential between 80-85%.</p> <p>By comparison, at Manston, with a lower total of anticipated ATMs (significantly below the runway's theoretical capacity), and a focus on freighter and new integrators that do not require night time movements, the Applicant considers that there will be no pressure for scheduling night-time movements and hence far less likelihood of quantum of late arrivals being unmanageable in the context of proposed QC limits.</p> <p>On these grounds the Applicant thinks the burden imposed by night noise limits is likely to become more onerous on Stansted in the future than at Manston, and this will improve the latter's attractiveness to marginalised airlines over time.</p>
ND.3.15	The Applicant	<p>The ExA note the comments concerning the road network around Bournemouth Airport.</p> <p>i. How does the road access from Bournemouth Airport to the M25 compare with that from Manston Airport?</p>

Ref No.	Respondent	Question
		<p>ii. Compare likely truck driving times from Bournemouth and Manston Airports to Heathrow Airport at representative times of the day and year, noting limiting factors.</p> <p>Applicant's Response:</p> <p>i. Bournemouth Airport is accessed from the strategic road network (i.e. the M3 and A31) via the A338 - a prime radial route into Christchurch and Bournemouth. The local access from the A338 to the airport (the Avon Causeway and B3078) is not ideal for HGV's and is often heavily congested during peak hours; potential improvements have been under consideration for some time but have been difficult to finalise because of the SPA which runs along the eastern side of the airfield. The improvements are understood to be finally underway, but their suitability to cater for a large increase in truck numbers is unknown.</p> <p>The latest masterplan for the airport, which was published in 2007 said the following about cargo:</p> <p><i>Cargo operations are located in the southern sector and handled 11,600 tonnes of cargo in 2005, principally mail, newspapers and magazines. Jet2.Com operate from the cargo hangar located to the south-west of the main terminal; see figure 2.3. Cargo aircraft make use of the remote stands.</i></p> <p><i>This Master Plan does not contain any specific proposals for the growth of cargo traffic. It is anticipated that the current throughput will be at least maintained.</i></p> <p>Since that time Jet2 no longer operates from the airport and Bournemouth has not handled air freight or cargo since 2015.</p> <p>As such, the notion that Bournemouth would become a significant freight airport is unlikely to have formed part of the business or planning case for the improvements and were such a proposal to come forward, this would undoubtedly be an important issue to be assessed during the planning or DCO process.</p> <p>ii. Typical driving times from Bournemouth Airport to Heathrow, both at peak and off-peak are shown in the table below alongside comparative figures for Stansted and Manston to Heathrow; they were sourced from Google Maps for May 23rd 2019. The figures generated by Google Maps are for cars which on dual carriageway roads and motorways may in free flow conditions have higher</p>

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		<p>average speeds than trucks (i.e. 70mph vs 55mph); our estimates of what this means in terms of journey times are therefore set alongside. The Applicant does not believe there are any factors that would result in material variance at different times of the year (unless adverse winter weather intervenes, rather by specific peak days or hours).</p> <table><tr><th>Airport</th><th>Distance</th><th>Peak Drivetime*</th><th>Peak Truck Time**</th><th>Off-Peak Drivetime *</th><th>Off Peak Truck Times**</th></tr><tr><td>Manston</td><td>160km</td><td>1hr 50m - 2hrs 30m</td><td>2hr 20m - 3hr 10m</td><td>1hr 40m</td><td>2hrs</td></tr><tr><td>Bournemouth</td><td>150km</td><td>1hr 30m - 2hrs 15m</td><td>1hr 55m - 2hrs 50m</td><td>1hr 30m</td><td>1hr 55m</td></tr><tr><td>Stansted</td><td>105km</td><td>1hr 15m - 2hrs</td><td>1hr 35m - 2hrs 30m</td><td>1hr 20m</td><td>1hr 40m</td></tr></table> <p>Source: Google Maps*; Northpoint adjustments for trucks**</p> <p>NB: Because of speed limiters, some truck times may be longer than those shown.</p> <p>It is important to note that from Manston (and to a lesser extend from Stansted) a truck will be able to choose whether to go north or south round the M25 in an attempt to avoid traffic congestion which would increase journey times. Trucks to and from Bournemouth will be reliant on a single corridor (the M3, A31) both of which are subject to significant bottlenecks in peak periods (and at busy weekends). Journeys times may therefore be less reliable because of the single corridor routing.</p> <p>In addition to this, the runway at Bournemouth Airport is too short to give freight operators the kind of flexibility in terms of aircraft types, sector lengths and payloads they need, and it is primarily for this reason that the Applicant does not see Bournemouth Airport as a viable alternative to Manston for freight.</p> <p>Unfortunately drive time data is not available for different times of year; the above are based on Google Maps' figures.</p>	Airport	Distance	Peak Drivetime*	Peak Truck Time**	Off-Peak Drivetime *	Off Peak Truck Times**	Manston	160km	1hr 50m - 2hrs 30m	2hr 20m - 3hr 10m	1hr 40m	2hrs	Bournemouth	150km	1hr 30m - 2hrs 15m	1hr 55m - 2hrs 50m	1hr 30m	1hr 55m	Stansted	105km	1hr 15m - 2hrs	1hr 35m - 2hrs 30m	1hr 20m	1hr 40m
Airport	Distance	Peak Drivetime*	Peak Truck Time**	Off-Peak Drivetime *	Off Peak Truck Times**																					
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ND.3.16	The Applicant	<p>Question ND.2.28 referred to permitted development rights (PDRs) for airports. The Applicant's answer refers to 15% increments. However, PDRs could potentially allow for operational buildings to be provided with little planning delay or risk and would not be subject to the 15% exceedance limit, which solely relates to passenger terminals. Such buildings could be required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of livestock or goods.</p> <p>Given this, do you wish to add to or amend your response on this matter?</p>
		<p>Applicant's Response:</p> <p>It is true that the 15% exceedance limit allowed as permitted development under Schedule 2, Part 8 Class F of the (GDPO) relates solely to 'the extension of an existing passenger terminal'. There is also a broader power which allows other forms of permitted development as follows:</p> <p><i>"The carrying out on operational land by a relevant airport operator or its agent of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at a relevant airport."</i></p> <p>However, permitted development at airports is limited in a number of other important ways. The following do not benefit from permitted development rights and would require an express grant of planning permission;</p> <ul style="list-style-type: none"> • new runways and runway extensions and any new passenger terminal with floorspace exceeding 500 m2; • the erection, reconstruction or material alteration of non-operational buildings; • proposals for operational buildings greater than four metres in height or 200 cubic metres in capacity.

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		<p>The PDR do not override the requirement for listed building consent, scheduled monument consent or the requirement for consent for any tree protected by a Tree Preservation Order. Furthermore, if a project constitutes EIA development, the PDR does not apply.</p> <p>The crux of the original question (ND.2.28) related to the ability of other UK airports to take advantage of PDR to accommodate pure freight flights. In fact, those other airports could not create new capacity that would allow them to cater for the same throughput as is proposed at Manston.</p> <p>Cargo handling facilities require an eaves height of at least 4m, which means that its footprint would be limited to 50msq (because of the total restriction on capacity to 200mcu). This would be extremely small and unlikely to be able to handle more than 500T of freight (ratio of 10T/msq); even if replicated 10x that is still only 5,000T of new capacity. Hence PDR's would allow only very small incremental capacity enhancements, which even cumulatively would not even make a small dent in the unmet demand for freight capacity and is not on a scale comparable with that proposed at Manston. Additionally, delivering additional capacity in a series of small units is not an efficient way of operating.</p> <p>The Applicant has already explained why Stansted, Gatwick and Heathrow are already, or soon will become, unable to accept additional freighter services. Alternative airports also operate within a number of site specific constraints that limit the potential for freight development even if PDRs were full exploited.</p> <p>Bournemouth has a runway which at 2271m is too short to handle aircraft and payloads in an unrestricted way. Manston's runway is 2749m and so is not subject to any such constraint. A runway extension is not covered under PDR's and moreover the scope for it to be lengthened at Bournemouth is probably also limited by the proximity of heathland SPA at one end and a road at the other. The SPA designation, which surrounds the airport to the North and East, also limits the scope for major transformational improvements to the immediate site access (of the kind that might be needed to accommodate over 350,000T of freight a year – including outsized loads) and also for the construction of major new cargo buildings within the existing airport perimeter.</p> <p>East Midlands, which already has a much longer runway (2893m) and capacity to handle up to 750,000T is already in train. Incremental growth to 1MT by 2040 and beyond is identified in the airport's sustainable development plan and the Applicant's</p>

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		<p>forecasts for Manston already take this into account. In other words, growth amounting to a tripling of EMAs current throughput is already anticipated as necessary and as a complementary accompaniment to the proposals for Manston.</p> <p>Doncaster Sheffield, also benefits from a longer runway (2893m). It also has plans to grow to 100,000 tonnes of freight. The airport's masterplan indicates that this capacity cannot be achieved without planning permission. This growth has also been factored into the Applicant's forecasts.</p> <p>In summary, it will be easier, more efficient and more cost effective to develop Manston for large-scale additional cargo capacity rather than to do this incrementally (over and above what is already planned) at other operational airports and Manston will be better located, less congested, and as a result of being modern and built for purpose, will be more flexible, efficient, adaptable and cost less to maintain than the other airports discussed above and in ND2.28.</p>
ND.3.17	The Applicant	<p>The answer to question ND.2.28 refers to the cost of building at existing airports as more expensive than at Manston airport due to airfield safety and security requirements.</p> <p>Would all of the Proposed Development's freight handling facilities be built in advance of the operation of the airport? Is this secured in the dDCO?</p> <p>Applicant's Response:</p> <p>Not necessarily. It is true that the costs of working on a live airfield will be higher than working on one which is non-operational; depending on the scale, configuration and phasing of the works relative to core operational areas potentially substantially so. As a consequence, the intention is to ensure that substantially enhanced freight handling capability is in place prior to the re-opening of the airport so that significant cargo activity can be accommodated in the first five years. The Applicant will also examine carefully where it would be prudent to build out facilities ahead of need especially where this makes sense in terms of incremental construction costs relative those associated with later construction on an operational airfield. Elsewhere, the Applicant will seek to balance these potential cost savings against the need to adopt a prudent approach to capital expenditure</p>

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		profiling and the desirability of remaining flexible to the specific needs of potential tenants and airline customers whilst always being in a position to respond quickly to interest in using Manston. The modular design of the cargo buildings and the scope for adding apron without interfering with operations on other parts of the taxiway/apron will facilitate this.
ND.3.18	The Applicant	<p>Question ND.2.27 concerned a 'window of opportunity' for Manston airport.</p> <p>How, if at all, will the window of opportunity cited be affected by any potential delays caused by land acquisition and operational factors, such as the need for airspace and aerodrome certification approval?</p> <p>Applicant's Response:</p> <p>The 'window of opportunity' referred to in the question is the point from which Manston is open for operations until significant new capacity comes on stream at Heathrow. The Applicant's aim is for Manston to be operational by 2022. Heathrow is currently working towards an operational date for its runway of 2026, but with the expectation that this is likely slip to 2027 and also recognising there are all sorts of political, legal and regulatory risks that could jeopardise even that date.</p> <p>Hence the core window of opportunity is likely to be between 5 and 7-8 years or even longer, especially if the Applicant's marketing of the opportunity begins as soon as a decision is made on the DCO application.</p> <p>In relation to the regulatory approvals for airspace and aerodrome certification, the Applicant has engaged with the CAA and is satisfied that its target date for the commencement of operations can be achieved. The preparation of the relevant aerodrome certification and airspace requirement evidence began in Q1 2019. In the event that the DCO is granted, the Applicant will have compulsory acquisition powers from 2020. The CAA have stated that their consideration of an Aerodrome Certificate application would take 6 months to complete from the point of submission.</p> <p>As to land acquisition, the Applicant must exercise its compulsory acquisition powers by January 2021 at the latest. It does not envisage that the acquisition of land will prevent it from its aim of commencing operations by 2022.</p>

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ND.3.19	The Applicant	<p>The Applicant's answer to question ND.2.34 notes that air freight is focussed on speed and time certainty and that Manston airport could capture traffic currently routed via the channel tunnel. The written summary of case [Appendix 6, REP5-024] stated that Manston Airport would be, within reason, a price setter rather than a taker.</p> <p>However, for such a proposal to be attractive, presumably the price would need to be cheaper, or at least comparable, to the trucking price to a market that is used to trucking to the continent.</p> <p>Comment further on this, providing evidence.</p>
		<p>Applicant's Response:</p> <p>As explained above and recognised both in the Steer report and the York Aviation report of 2015, price is by no means the only factor that influences decisions about the transport of freight. For a number of sectors the pivotal factor is speed rather than pricing. Other factors also influence decisions about the movement of freight, such as the availability of appropriate handling facilities and the certainty of avoiding delays. There are a myriad of factors the make up a value for money proposition to a complex matric of participants in the value chain (e.g, consignees, forwarders, handlers, trucking companies, airlines, airports, local development agencies) and most decisions are made based on behavioural rather than neo-classical economic principles (the latter being reliant upon the existence of perfect market conditions and the absence of market failures that would impact the functioning of the price mechanism – and that is certainly not the case in the UK air freight sector).</p> <p>The offer at Manston will be built around a broader value for money proposition including time, convenience, efficiency, reliability etc to a range of interests, rather than solely the price per kg. For example, an airline will be substantially interested in slot/stand availability and flexibility if it arrives outside scheduled times, environmental and runway constraints, as well as airport charges, speed of turn-round, fuel costs etc. Freight forwarders are looking to find capacity on airlines, consistent with timescales and other requirements (e.g. specialist handling facilities and collection and delivery options) that meet consignee expectations for the best price. The price charged is <u>unlikely</u> to vary between bellyhold or freighter unless the cargo is outsized/needs refrigeration etc or there is a large surplus of suitable bellyhold capacity which an airline is offering at very low cost. Given the capacity</p>

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		<p>constraints on core trading routes and in peak seasons the Applicant does not believe that is common at Heathrow and hence value for money and capability will be the primary driver of demand.</p> <p>It is the value for money proposition at Manston in terms of convenience, flexibility, time savings, efficiency and that will make it competitive in an otherwise heavily constrained South East market.</p>
ND.3.20	The Applicant	<p>Question ND.2.14 concerns Chicago Rockford Airport. The answer to this question and the relevant appendix to that response appears to have no reference to any night flight controls. In addition, Stone Hill Park (SHP) [Comments on the Applicant's submissions put at the Need and Operations Issue Specific Hearing held on 21 March 2019, reference not yet assigned], provides details on the finances of Rockford airport, noting that the airport is publicly owned, employed 41 members of staff and lost \$13,727m in 2017-2018, despite a throughput of some 238,710 tonnes of freight. SHP present a table comparing the finance and throughput of Rockford airport compared to Manston Airport's forecasts.</p> <p>i. Are there any night flight controls at Chicago Rockford International Airport?</p> <p>ii. Comment on the financial information for Chicago-Rockford International Airport and its relevance for Manston airport.</p> <p>Applicant's Response:</p> <p>i. As the graphic below illustrates Rockford Airport operates 24/7. We believe without any material restrictions.</p> <p>Its accessibility at night is primarily for UPS (a traditional integrator) which is currently the larger of the two freight operators using the airport. Amazon Air, which has a smaller but growing presence uses daytime capacity far more extensively alongside passenger services offered by Allegiant. The one exception is early morning inbound flights from Amazon operating bases on the West Coast of the US which are a function of sector length and time zone changes associated with their origin airports rather than a Rockford driven scheduling requirement.</p>

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		<p>RFD Weekly Tonnage Capacity by the Hour</p> <p>Source: flightstats.com, flightradar24.com, AE calculation</p> <p>ii. SHP's commentary with respect to Rockford is, as elsewhere, partial and without any attempt to understand or explain the broader context. We have sought to do this and therefore understand where it is of value as a benchmark comparator and where it is not. We originally identified as being of interest because it had (a) traffic characteristics similar to what we envisaged for MSE as it develops – i.e. freighter traffic, with a substantive new integrator component, a low cost passenger operation and sundry other activities (GA etc) relevant and (b) because of its similar geographic proximity to a World City (i.e. Chicago) that like London has a big hub airport (Chicago O'Hare) supported by a number of other airports (including Chicago Midway and Chicago Executive) within a 60-80 mile radius that have developed specialist and complementary functions, but are like London's</p>

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		<p>airports are busy and becoming slot constrained. We also noted it had significant airport related and commercial development alongside it, a function of the airport being developed on one of the USA's largest a former military camps (6,000 acres) that was transferred to the public authorities locally in 1954 and then gradually developed for an airport on a sixth of the site and a new zone for the long term growth of the City of Rockford on the remainder. Development has taken place slowly and always with the importance of the airport as a key economic driver in mind. Not dissimilar to Liege or Leipzig, the airport experienced relatively low levels of commercial activity until the 2000's but has grown rapidly over the last 10 years since a new facility for UPS was opened in 2008.</p> <p>Rather than SHP's one off snapshot of public accounts without any reference to a long term business plan or business plan, is that RFD demonstrates this kind of freight led development in an airport system context similar to London can be successful in attracting traffic and develop into a substantial facility that will over time attract major operators. Our examination of airport charges demonstrates that RFD is charging its customers at well below comparable rates in the UK, Europe and Canada. We do not take that to illustrate that the airport is unviable, rather that the charging benchmark shows substantial differences. It is for example:</p> <ul style="list-style-type: none"> - competing for traffic with half a dozen airports in its broader region (includes Milwaukee, South Bends as well as the Chicago Airports) a number of which (unlike in the South East also have capacity) and in the short to medium term wants to ensure it is attractive priced; and - that because it is publicly owned, they are willing to take a long-term view financially in order to capture economic benefits locally - we also do not know if the competitive rates being offered are being used by UPS and Amazon as a form of subsidy equivalent to the tax breaks they negotiate elsewhere. <p>Hence although the airport concept and strategy is similar to RSPs proposals for MSE, its business model is adapted to a different economic and governance environment. As a result, we do not believe RFDs most recent accounts tell us anything about the likely commercial success or otherwise of RSPs proposals for Manston, and should not be presented as such.</p>

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ND.3.21	The Applicant	<p>Question ND.2.17 concerns reports produced previously by York Aviation.</p> <p>The Applicant's answer selects sections of these reports, which note that in the event of no airport expansion, volumes of high value cargo could have to be trucked elsewhere, with such volumes up to 2.1 million tonnes of freight or around half of total freight demand in 2050.</p> <p>Appendix ND.1.17 contains a letter dated 13 October 2016 from York Aviation to RiverOak Investment Corp which states that York Aviation confirm that they continue to stand by the content of their report to the Freight Transport Association and Transport for London and believe it to be a robust and sensible analysis of the potential future development of the air cargo market in London. However, this is caveated by the phrase "This includes our analysis of the growth in the demand for air freight moving forward and the potential constraints facing the market if additional runway capacity is not provided within the London system".</p> <p>Since this date, the Airports National Policy Statement (ANPS) has confirmed that the Government's preferred scheme for addressing the need for new airport capacity in the South East of England is a new Northwest Runway at Heathrow Airport.</p> <ul style="list-style-type: none"> i. Do you agree that the Aviation NPS confirms that a new Northwest runway at Heathrow is the Government's preferred scheme for addressing the need for new airport capacity in the South East of England? ii. Do you agree that the Heathrow 3rd runway would constitute airport expansion and additional runway capacity within the London system?
		<p>Applicant's Response:</p> <p>i. Yes, but for 'passenger' capacity only. Nowhere in the NPS does it suggest that the new Northwest runway scheme is the Government's preferred scheme for addressing the need for new 'freight' capacity; all commentary relating to freight is in the context that additional long haul passenger services permitted by the new runway will facilitate additional bellyhold capacity as an indirect consequence of the new runway, not that it is the purpose for which the scheme was designed. This is demonstrated by the fact that:</p>

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		<p>(a) neither DfT or the Airports Commission made any systematic attempt to 'forecast' the UK or South East's future freight capacity requirements and then determine whether a new Heathrow runway alone would be able to meet them; and</p> <p>(b) in Heathrow's Jan 2018 Scheme Development report that <i>post-dated</i> the Airport's Commission, but <i>pre-dated</i> the NPS (and hence represented the most up to date version of the North West runway scheme when the runway was published, Heathrow's commentary and optioneering makes clear it has not yet found a preferred solution to accommodate 3MT of cargo – rather it is still exploring options to meet this target, and is not yet certain it can do so without removal or re-configuration of Terminal 4. The NPS, therefore, recognises that there is potential for some uplift in freight throughput at Heathrow associated with the new runway up towards a potential target of 3MT, but not that this is definitively achievable. Nor can it be said to have explicitly address the wider generic issue of future freight capacity needs in the South East or UK – that is why the Government is consulting on air freight in its Green Paper, but not where the next runway in the South East should be built; that issue is settled, the need for future air freight capacity development has not been.</p> <p>ii. Plainly the Heathrow 3rd runway would constitute airport expansion and additional runway capacity within the London system, but the York 2015 report considered the position for freight even with a new third runway at Heathrow.</p> <p>On page 19, it said “<i>Even with a third runway at Heathrow, 1.2mt of freight would have to be diverted elsewhere because of lack of capacity</i>”. The York report tied the lack of capacity at existing airports to an increase in trucking – a correlation which it now seems reluctant to acknowledge. At page 22 the York report explained “<i>If demand cannot be met, this is likely to mean trucking freight from London to other airports in the UK or on the continent. This will come at a cost in terms of additional trucking costs and loss of utility to users as these avenues will need more time to ship freight which, in an industry where speed is essential, is potentially damaging</i>”. York reported that even with a third runway at Heathrow, additional trucking costs arising from unmet need would equate to c.£23.5million per annum by 2050.</p> <p>Even with a 3rd runway at Heathrow, additional trucking costs arising from unmet need would equate to c.£23.5m per annum by 2050 (see p.25) and that “<i>The increase in costs associated with additional trucking and the loss of utility to users will affect the level of air freight demand in and around London which, in turn will impact on economic activity as productivity is reduced through impairment to trade and/or companies relocating to places with better connectivity.</i>” (page 27).</p>

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		<p>The Applicant agrees with the analysis reported in the York 2015 report. Even with increased capacity at Heathrow, there will still be unmet freight demand in the UK. If that demand cannot be met, it is likely to mean goods produced in or destined for the UK being trucked to Europe and flown from European airports. This represents an inefficiency in the system and is likely to adversely affect the UK's economic performance.</p> <p>RSPs own top-down analysis produced by Northpoint presented at Deadline 4 in advance of the Need hearing also demonstrated that even with expansion of Heathrow to 3MT capacity, East Midlands at 1MT and incremental increases at many other regional airports, there is still likely to be a major capacity gap for freight in the medium to long term in the South East of England – and that excludes any attempt to clawback any freight being trucked cross-channel for economic and environmental benefit reasons.</p>
ND.3.22	The Applicant	<p>Qantas/Australia</p> <p>As part of the submission of the 'Applicant's Written Summary of Case put Orally – Need and Operation Hearing and associated appendices' [REP5-024] an academic study into the Qantas freight has been submitted. Stone Hill Park (SHP) [Stone Hill Park Ltd's Comments on the Applicant's Written Summary of Oral Submissions put at the Need and Operations Issue Specific Hearing held on 21 March 2019, reference not yet assigned] note that this report states that Qantas only operated 3 dedicated freighters on international routes and that there were only 20 Qantas international cargo ATMs per week at Australian airports. SHP provide an Air Freight paper from the Australian Government which states that further northern air freight capacity [in Australia] appears unlikely due to various factors including competitive trucking rates from North to South Australia and use of airports in the south of the country to Southeast Asia. SHP note that there is 'plenty of runway capacity in Northern Australia' that could facilitate direct air freighter routes to markets.</p> <p>i. What do you consider that the submitted Qantas study demonstrates?</p> <p>ii. Comment on the Australian Air freight paper and any relevance it may have to your case.</p>

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		<p>Applicant's Response:</p> <p>i. The Qantas study was submitted following oral evidence given to the ExA. Its purpose was to show that, contrary to York Aviation's assertions, freighters operate different routings to passenger aircraft.</p> <p>ii. The paper demonstrates that bellyhold capacity is not a complete solution to air freight and that dedicated freighters are required in a number of situations including for outsized and specialist goods, and for routes not well served by passenger aircraft.</p>

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Ns.3 Noise and Vibration		
Ns.3.1	The Applicant	<p>Response to Ns.2.7</p> <p>The Applicant in its response to Ns.2.7 states:</p> <p><i>“There are no circumstances when an aircraft could take off between 2300-0600 other than humanitarian flights. 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.”</i></p> <p>i. What does the Applicant mean by “scheduled, programmed or otherwise notified”?</p> <p>ii. In response to DCO.2.47 the Applicant uses “timetabled”. Can you provide a definition of “timetabled”?</p> <p>iii. Provide an estimate of the possible number of late running passenger and freight flights that could land between 2300-0600 in a year?</p> <p>Applicant's Response:</p> <p>i. The Applicant means that no aircraft will be planned to arrive at the airport between those times. Late-running aircraft that were scheduled to arrive prior to 23.00 but were unavoidably delayed may be allowed to land. The Applicant is trying to encompass all definitions of flights that are in any way intended to arrive between 2300-0600.</p> <p>ii. The word “timetabled” is an ordinary English word in common usage, it does not require further definition. The Applicant means to convey that no flights will be scheduled or otherwise planned to arrive between 2300 and 0600.</p>

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		<p>iii. It is not possible to accurately estimate the number of late running flights that could occur in any given year. As noted above such an occurrence would not be planned and would only occur in circumstances that are not foreseeable and as such to provide such a figure may give a false impression. The noise assessment made provision for a certain number of flights and whilst this number includes take-offs and landings occurring between 06.00 and 07.00, it remains a worst case scenario for the whole of the night time period including any late running arrivals.</p>
Ns.3.2	The Applicant	<p>Noise contours for schools</p> <p>Building Bulletin BB93 Acoustic design for Schools recommends that at least one area suitable for outdoor teaching activities is below 50 dB LAeq,30mins.</p> <p>Can the Applicant provide single mode (westerly and easterly) LAeq,30mins and LA01,30mins contours in order to allow the potential impact on schools and outdoor teaching to be assessed?</p> <p>Applicant's Response:</p> <p>Appendix NS.3.2 in document TR20002/D7a/TWQ/Appendices includes 50dB LAeq,16Hr single mode contours with the location of schools identified. The Applicant's response to Ns.2.16 of the <i>Applicants Responses to the Second Written Questions</i> [REP6-012] demonstrated that during the normal school day the LAeq,16Hr is expected to be the same as the LAeq,30mins.</p> <p>Regarding the LA01,30mins, this would be a straight forward metric to measure during a noise survey used to inform the design of new/extended schools, or to investigate conditions in existing schools, exposed to existing aircraft noise. It is not possible to predict the LA01,30mins using proprietary aviation noise modelling software.</p> <p>The background preceding Ns 3.2 is erroneous in attributing the reference to outdoor noise levels to BB93. BB93 (2015) does not include requirements or recommendations regarding suitable noise levels for outdoor teaching activities. The reference stated in the background to the question refers to a recommendation within guidance in <i>Acoustics of Schools – a Design Guide</i> (published</p>

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		<p>jointly by the Institute of Acoustics (IOA) and the Association of Noise Consultants (ANC)). The Design Guide's purpose is 'to provide supporting guidance and recommendations on the acoustic design of new and refurbished schools. It replaces the guidance previously published in the 2003 edition of Building Bulletin 93: Acoustic Design of Schools'. The same guideline also notes that it may not be practicable to provide such an environment within the section preceding the above recommendation noting:</p> <p><i>"For new schools, 60 dB LA_{eq,30min} should be regarded as an upper limit for external noise at the boundary of external areas used for formal and informal outdoor teaching and recreation."</i></p> <p>The above guidance is not a statutory document and it is only intended to apply to new and refurbished schools, nonetheless the Applicant's assessment of noise pursuant to schools would achieve and go beyond the aims contained within it.</p>
Ns.3.3	The Applicant	<p>Cumulative Effects Assessment (CEA) of aircraft and road traffic noise</p> <p>TDC in their D6 submission [REP6-number to be allocated] state:</p> <p><i>"ProPG (Professional Practice Guidance on Planning & Noise) provides guidance on the assessment of cumulative noise from transport sources on new residential development. ProPG uses the combined free-field noise level from all transport sources and also commercial noise where the character of the commercial noise is not dominant to provide an initial risk of noise at proposed development sites. The area within the 50 dB LA_{eq,8hr} contour, which can be found in the Ecology Chapter of the ES (shown in Figure 2.1 included below) and above would be classified as "Medium Risk" and an Acoustic Design Statement would be required to demonstrate how the adverse impacts of noise would be mitigated and minimised and also be required to clearly demonstrate that a significant adverse noise impact is avoided. The IEMA Guidelines for Environmental Noise Impact Assessment recommend that the change in noise levels as well as the absolute noise levels are considered. At present the noise assessments do not consider the total noise level or the total change in noise levels and so the 'with development' and the 'without development' scenarios are difficult to fully consider. It is noted that without the consideration of the cumulative sources noise of air noise, ground</i></p>

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		<p><i>noise, traffic noise and plant noise the predicted significance of the effect may be understated. It is understood the noise assessments of the for the Heathrow expansion DCO are using combined noise impact contours"</i></p> <p>Provide a cumulative effects assessment of combined development absolute noise levels and the change in noise levels at noise sensitive receptors through combined predictions?</p>
		<p>Applicant's Response:</p> <p>The full title of <i>ProPG (Professional Practice Guidance on Planning & Noise)</i> is "<i>ProPG: Planning & Noise – Professional Practice Guidance on Planning & Noise – New Residential Development</i>" and the document is intended to assess site suitability and encourage '<i>better acoustic design for new residential development</i>'. The scope of ProPG is limited to new residential developments as clearly stated in Section 1.3 where it says, "<i>the scope of this ProPG is restricted to the consideration of new residential development that will be exposed predominantly to airborne noise from transport sources</i>" (emphasis added).</p> <p>The Heathrow expansion project is not proposing to use combined noise impact contours. Paragraphs 16.10.84 to 16.10.87 of the Heathrow Scoping report set out the proposed methodology for assessing combined effects of noise from different sources. Importantly paragraph 16.10.86 states that Heathrow are proposing to assess combined effects <i>qualitatively</i>:</p> <p><i>"Where non-significant effects from more than one source are identified at the same receptor or in the same area (i.e. levels of exposure for each source exceed the relevant LOAEL but are less than the relevant SOAEL) a qualitative assessment will be undertaken to identify any combined likely significant effects."</i></p> <p>The concept of assessing the total noise from all sources associated with a development may be superficially attractive however, no accepted criteria exist to enable a combined road and aircraft noise assessment. The assessment of the separate noise sources follows a methodology which is linked to human responses to the particular noise source. This is evidenced by Directive 2002/49/EC of the European Parliament¹ and the World Health Organisation² guidance which separate noise sources by type for decision making / assessment. Therefore, the provision of combined assessments of absolute noise levels from road</p>

¹ Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise - Declaration by the Commission in the Conciliation Committee on the Directive relating to the assessment and management of environmental noise (2002)

² World Health Organisation, Environmental Noise Guidelines for the European Region (2018)

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		<p>traffic and aircraft noise is not standard practice and would not be appropriate to use as means of evaluating the impact of the project.</p> <p>The Applicant has submitted Appendix Ns.3.3 parts a. b and c in document TR20002/D7a/TWQ/Appendices which provides an assessment of combined road traffic and aircraft air and ground noise.</p>
Ns.3.5	The Applicant	<p>Onset of annoyance in communities not habituated to aircraft noise. Applicants response to Ns.2.13</p> <p>The Applicant has provided a note on the annoyance indicator summarising current research and policy [REP5-010]. It is noted that the Civil Aviation Authority's (CAA's) 2014 Survey of Noise Attitudes (SoNA) is based on populations living near airports. These studies are made on populations habituated to aircraft noise and, with Manston Airport not having operated in the past five years, the ExA is considering whether the population around Manston should not be considered as habituated to aircraft noise. If this is the case, then the annoyance for the population around Manston airport is likely to be greater than indicated by the SoNA study.</p> <p>i. Produce a note on the onset of annoyance in populations not habituated to aircraft noise?</p> <p>ii. Provide an estimate how many awakenings there would be across the population overflown at night, rather than the potential for awakenings in an individual?</p> <p>Applicant's Response:</p> <p>i. In its response to Ns.2.17 contained within the <i>Applicants Responses to the Second Written Questions</i> [REP6-012], the Applicant explained that there is no firm evidence suggesting habituation is a relevant factor in the context of noise-related sleep disturbance.</p> <p>As to annoyance in populations not habituated to aircraft noise, paragraph 3.5 of the guidance to the CAA issued by the Department for Transport on 2017 states that:</p>

Ref No.	Respondent	Question
		<p><i>"For the purposes of assessing and comparing the noise impacts of airspace changes, the government has set a LOAEL of 51dB LAeq16hr for daytime noise and 45dB LAeq8hr for night time noise and the CAA should ensure that these metrics are considered."</i></p> <p>A LOAEL at 51 dB LAeq 16hr for daytime is therefore considered suitable for describing the onset of annoyance in populations not habituated to aircraft noise and is consistent with the LOAEL used in the assessment of Manston Airport.</p> <p>ii. The data used to predict additional awakenings in individuals has been used to project total awakenings across the population overflowed at night and likely to be exposed to noise levels >40dB. In summary with windows open, the addition of aircraft noise from the airport would result in 12,734 aircraft noise induced awakenings. This equates to an additional 1.49% of the total awakenings within the population against a baseline of 856,008 awakenings. With windows closed this figure reduces to 7492 aviation noise induced awakenings, equivalent to 0.88% of the total awakenings within the population against the baseline of 856,008. For clarity, the baseline figure relates to awakenings that would occur under normal sleep conditions where an individual is on average likely to experience up to 24 awakenings per night. Awakening is defined in Note 1 below.</p> <p>The above summary was derived on the following basis:</p> <p>For the population exposed to aircraft noise above the night time LOAEL of 40dB LAeq,8hr in the year of maximum forecast capacity (13,046 households in Chapter 12 of the ES [APP-034]), the table below sets out estimates of:</p> <ul style="list-style-type: none"> • The total number of aircraft noise induced awakenings across the population in one night; • The total number of spontaneous awakenings across the population that would be expected without aircraft noise (the baseline); and • The total number of aircraft noise awakenings as a percentage of the baseline. <p>Results are presented for the windows open, windows closed and annual average sound insulation scenarios (see <i>Applicant's Response to First Written Questions</i>, specifically Ns.1.7 [REP3-195]).</p>

Ref No.	Respondent	Question																				
		<p>The results demonstrate that additional aircraft noise induced awakenings could occur, however these represent a low percentage of the overall awakenings in the baseline.</p> <table><tr><th>Year of maximum forecast capacity</th><th>Windows open</th><th>Annual average insulation²</th><th>Windows closed</th></tr><tr><td>Total population exposed to night noise level >40 dB L_{Aeq,8hr}</td><td colspan="3">35,667</td></tr><tr><td>Estimated total number of aircraft noise induced awakenings across the population</td><td>12,734</td><td>10,917</td><td>7,492</td></tr><tr><td>Estimated total number of spontaneous awakenings without the proposed development (baseline)</td><td colspan="3">856,008</td></tr><tr><td>Aircraft noise induced awakenings as a percentage of the baseline</td><td>1.49</td><td>1.28</td><td>0.88</td></tr></table> <p><u>Notes</u></p> <p>1. “Wake is differentiated from sleep. Sleep itself is classified in REM sleep, with its typical rapid eye movements, and non REM sleep. Non REM sleep can be further divided in the four sleep stages S1, S2, S3, and S4. Because of high arousal thresholds, stages S3 and S4 are also called “deep sleep.” Deep sleep as well as REM sleep are known to be very important for the restorative power of sleep. Wake and stage S1, on the other hand, do not seem to contribute to recuperation, or only very little.” Basner 2006. ‘Awakening’ is therefore defined as a change in sleep state to, S1 or awake, because sleep state S1 does not contribute to recuperative sleep. Spontaneous sleep state changes to S1 or awake occur on average about 24 times per night.</p>	Year of maximum forecast capacity	Windows open	Annual average insulation ²	Windows closed	Total population exposed to night noise level >40 dB L _{Aeq,8hr}	35,667			Estimated total number of aircraft noise induced awakenings across the population	12,734	10,917	7,492	Estimated total number of spontaneous awakenings without the proposed development (baseline)	856,008			Aircraft noise induced awakenings as a percentage of the baseline	1.49	1.28	0.88
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		2. WHO Night Noise Guidelines for Europe defines an insulation value of 30 dB with windows closed and 15 dB with windows open. In addition, an annual average insulation value of 21 dB is defined based on the assumption that <i>'even in well-insulated houses windows may be open a large part of the year'</i> .
Ns.3.6	The Applicant	<p>Noise insulation and ventilation in caravan parks</p> <p>i. Can the Applicant comment on how effective noise insulation and ventilation will be on caravan park homes?</p> <p>ii. If noise mitigation and ventilation cannot be suitably applied, will consideration for relocation be made?</p> <p>Applicant's Response:</p> <p>i. It is not possible to comment on how effective noise insulation and ventilation will be on caravan park homes without undertaking a detailed survey and inspection. The effectiveness will depend on the existing sound insulation performance provided by the caravan walls, roof and glazing. These parameters are likely to depend on the specific type, design, construction and condition of the caravan. Such surveys and inspections would be undertaken by the Airport Operator's approved contractor appointed to undertake the noise insulation works (see paragraph 2 of the revised Noise Mitigation Plan (NMP) for which a revised version has been submitted at Deadline 7a (TR020002/D7a/2.4).</p> <p>ii. Yes, this will be considered. Nonetheless, as it is not considered likely to occur it has not been included as a cost associated with the NMP.</p>
Ns.3.7	The Applicant	<p>Noise insulation and ventilation grants</p> <p>The list of residential properties eligible for noise insulation and ventilation is presented in both list and plot form to allow identification of the properties [REP5-010]. The list of properties eligible appears to include commercial and industrial properties</p>

Ref No.	Respondent	Question						
		<p>that would not be eligible for the scheme. The list also includes the Smugglers Leap Park Home estate. These caravan park homes may not be suitable for the application of noise insulation given their construction (see Ns. 3.6 above).</p> <p>It is further noted that the eligibility shown is for contours averaged for both easterly and westerly operations, rather than an actual day of westerly or easterly operation. Using the average mode could have the effect of reducing the contours as the noise is spread across the routes in a way that would not necessarily happen in a day of operation at the airport.</p> <p>Provide the eligibility contours separately for both easterly and westerly operations to derive noise insulation and ventilation eligibility?</p>						
		<p>Applicant's Response:</p> <p>Appendix NS3.7 of document TR20002/D7a/TWQ/Appendices shows single mode noise contours for Manston Airport in Year 20. Table 1 below sets out the number of properties which would qualify for noise insulation and ventilation if single mode contours were adopted as the eligibility criteria.</p> <p><i>Table 1 Number of properties eligible for noise insulation and ventilation – based on single mode noise contours</i></p> <table><tr><th></th><th>Number of eligible properties</th></tr><tr><td>Westerly operations</td><td>296</td></tr><tr><td>Easterly operations</td><td>76</td></tr></table> <p>The Applicant does not consider it appropriate to adopt single mode contours as eligibility criteria for noise insulation and ventilation. This is supported by precedent as the use of single mode contours for noise insulation eligibility as opposed to average contours was examined in the Town and Country Planning Act 1990 – Section 78 Application And Appeal Made By London City Airport Land At London City Airport. The inspectors report stated that average noise contours (as opposed to single mode contours) to determine noise insulation eligibility were appropriate because (Paragraph 78) single mode contours:</p>		Number of eligible properties	Westerly operations	296	Easterly operations	76
	Number of eligible properties							
Westerly operations	296							
Easterly operations	76							

Ref No.	Respondent	Question
		<ul style="list-style-type: none"> • Are contrary to government policy in the APF, which defines annoyance by reference to average mode exposure and requires insulation based on average mode contours; • Are not supported by dose response evidence to correlate them with community noise; • Take no account of the benefit of periods of relief from being overflowed, the beneficial impact of such substantial periods of not being overflowed is not removed by these periods not being regular; • Are not used at any UK airport; and • Do not satisfy the test of necessity that applies to conditions and obligations.
Ns.3.8	The Applicant	<p>No night time construction</p> <p>The Applicant agreed there would be no night time construction working [REP5-010].</p> <p>i. Provide a definition of 'night time' including a statement as to whether this includes start up and close down times and construction traffic movements?</p> <p>ii. Where is this commitment secured in the DCO?</p> <p>Applicant's Response:</p> <p>i. The Applicant has stated that there would be no night time construction during Phase 1 of the Proposed Development. Night time is defined in the context of BS5228 as 23:00 to 07:00. This does not include start up and close down times or construction traffic movements. Night time construction is likely to be required during later phases and this was assessed in Chapter 12 of the ES [APP-034].</p> <p>ii. This commitment is secured in the Register of Environmental Actions and Commitments (REAC) which has been updated for Deadline 7a (TR020002/D7a/2.5). Requirement 7 of the DCO requires the Applicant to deliver the measures identified in the REAC.</p>

Ref No.	Respondent	Question
Ns.3.9	The Applicant Thanet DC	<p>Penalty charges</p> <p>Penalty charges will be sought and enforced by the airport operator to comply with requirement 9 of the draft DCO.</p> <p>TDC have raised concerns about the penalty amounts and noise limits in paragraphs 16.2 and 16.3 and suggest that these are increased to reflect penalty charges at other airports to achieve the aims of the NMP. For example, London Luton Airport set the fine amount at £1000 above 82 dB(A) for the day time period, with £2000 above 80 dB(A) in the night-time period.</p> <p>i. Does the Applicant propose to amend the NMP in line with London Luton Airport penalty charges, and if not why not?</p> <p>ii. Will the Applicant make provision in the NMP to increase these fines in line with inflation or a similar index?</p> <p>Applicant's Response:</p> <p>i. The level of fine has been increased to £2,000 in line with the ExA's suggestion, however, this does not imply that the London Luton Airport Noise Mitigation Plan should be used on all measures as a model as the circumstances and volume of air traffic at that airport are not comparable with Manston Airport.</p> <p>ii. The applicant undertakes to increase fines in line with inflation and this has been captured in the updated NMP submitted at Deadline 7a.</p>
Ns.3.10	The Applicant Kent CC	<p>Airport Community Consultative Committee</p> <p>The "Guidelines for Airport Consultative Committees" (GACC) document from April 2014 guides the operation of ACCCs. In line with these guidelines:</p>

Ref No.	Respondent	Question
		<p>i. Does the Applicant propose to have representatives from users of the Airport?</p> <p>ii. Does the Applicant propose to make provision of information on the role of the Committee on a dedicated website (or a dedicated section of the Airport's website), including scheduling and minutes of meetings?</p> <p>iii. Will the Applicant make provision for consideration of how selected and/or all meetings can be open to the public?</p> <p>iv. Will the Applicant include the initial broad terms of reference for the Committee within the NMP, with provision for annual review by the independent chair?</p> <p>v. Provide a definition of "duties" within paragraph 8.2 of the NMP?</p>
		<p>Applicant's Response:</p> <p>i. Yes, the Applicant proposes that the ACCC will have representatives from users of the airport.</p> <p>ii. Yes, the Applicant intends to provide information on the role of the Committee either on a dedicated website or a dedicated section of the airport's website. The decision as to which of those alternatives will be used will ultimately be for the Committee to decide.</p> <p>iii. Yes, the Applicant will make provision for consideration of how meetings can be open to the public. Its view is that as many meetings as possible should be open to the public.</p> <p>iv. The broad terms of reference for the Community Consultative Committee are included in Section 8 of the NMP (TR020002/D7a/2.4). The Applicant has provided an updated version of the NMP at Deadline 7 which includes the measures above and makes provision for establishment and annual review by the independent chair.</p>

Ref No.	Respondent	Question
		v. Duties are the tasks and responsibilities that the CCC are expected to perform. These duties will be defined in detail by the Independent Chair of the Committee as described in Section 8.4 of the NMP.
Ns.3.11	The Applicant	<p>Quota counts</p> <p>Paragraph 1.7 of the NMP [REP6-number to be allocated] states:</p> <p><i>“The airport will be subject to an annual quota between the hours of 2300 and 0700 of 3028. Each landing and take-off at the airport during 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. The annual quota of 3028 should only apply between the hours of 0600 and 0700. Is that correct?</p> <p>ii. Why is the ‘ban’ on night flights only for a 7 hour period as opposed to Airports NPS recommendation for LHR of a ban on scheduled night flights for a period of six and a half hours, between the hours of 11pm and 7am, to be implemented (para 5.62)?</p> <p>Applicant's Response:</p> <p>i. No. The annual QC will operate for the whole of the night time period albeit that in practice, other provisions of the NMP (TR020002/D7a/2.4) will limit flights taking off or being scheduled to land outside the 06.00-07.00 period. This allows for late running arrivals to be counted within the QC.</p> <p>ii. The Airports NPS recommendation for London Heathrow is for a six and a half hour ban between 23.00 and 07.00, meaning that the promoter of that project can choose any six-and-a-half-hour period within that eight-hour period. The Applicant for the Proposed Development has gone further than that (even though the NPS paragraph only applies to Heathrow) and committed to a seven-hour ban, and has also sought to widen the definition of flights covered beyond ‘scheduled’ flights.</p>

Ref No.	Respondent	Question
Ns.3.12	The Applicant	Significant Observed Adverse Effect Level (SOAEL) daytime
	TDC	The ExA is considering whether it should be a requirement in the draft DCO that the authorised development should have an SOAEL5 daytime of 60 dB LAeq,16hr (free field). The Noise Mitigation Plan would be amended appropriately throughout to reflect this revised SOAEL daytime.
	Dover District Council (DDC)	What are the views of all IPs on this revised SOAEL daytime?
	Canterbury City Council (CCC)	Applicant's Response: There appears to be some confusion in the question between the SOAEL and the noise insulation eligibility threshold.
	KCC	The SOAEL is an evidence-based threshold above which significant adverse effects are expected to occur to the average person. This SOAEL should not be altered in the absence of evidence supporting a conclusion that the average person would be significantly affected by noise at a different level. For Manston Airport this has been defined as 63dB LAeq,16hr (based upon the APF as noted in paragraph 12.6.64 of Chapter 12 of the ES [APP-034]. Government policy states that above this threshold, significant observed adverse effects on health and quality of life can begin to be observed in an average person.
	Independent Commission on Civil Aviation Noise (ICCAN)	For Manston, the SOAEL level has also been set as the threshold for eligibility for noise insulation and ventilation. That is the appropriate level at which to set the threshold, because the noise insulation in the NMP (TR020002/D7a/2.4) is intended to avoid significant adverse effects of noise, as required by the first bullet point of paragraph 5.68 of the ANPS and in accordance with the first aim of government noise policy.
	Public Health England	It is maintained that setting the noise insulation threshold as the SOAEL is balanced and proportionate in the context of the Proposed Development.

Ref No.	Respondent	Question
Ns.3.13	The Applicant	<p>Addendum to the Environmental Statement [APP-033] Chapter 6 Air Quality</p> <p>The ES road traffic noise assessment used LA10,18hr to define likely significant effects in line with the Design Manual for Roads and Bridges (DMRB) and cited changes of 1dB short term and 3dB long term as threshold criteria for significance. The ES addendum has used LAeq,16hour and LAeq,8 hour metrics instead and only makes reference to the 1dB criteria. The basis for using a different noise metric is not explained within the text.</p> <p>Please explain why the LAeq has been used rather than the LA10,18hour and how many additional receptors would experience significant effects if the LA10,18hour metric was applied?</p> <p>Applicant's Response:</p> <p>As set out in Table 12.6 of Chapter 12 of the ES [APP-034], effect levels for road traffic noise have been set in terms of the LAeq,16hr and LAeq,8hr. Hence these are the metrics against which significance should be assessed. As indicated in paragraph 12.6.10 of Chapter 12 of the ES [APP-034], the LAeq,16hr and LAeq,8hr noise levels have been calculated from the LA10,18hr metric using the Transport and Road Research Laboratory '<i>Converting the UK traffic noise index LA10,18hr to EU noise indices for noise mapping</i>'¹ methodology.</p> <p>Both the LA10,18hr metric and LAeq metrics will change in the same proportion to changes in road traffic flow and changes in the percentage of HGVs operating on the road i.e. a doubling of vehicles would result in a 3 dB increase in the LA10,18hr metric and the LAeq metrics. Therefore, no additional significant effects would be identified if the LA10,18hr metric was applied.</p> <p>¹ Abbot. P.G. Nelson. P.M. (2002) Converting the UK traffic noise index LA10,18h to EU noise indices for noise mapping. TRL Report PR/SE/451/02</p>

Ref No.	Respondent	Question
OP.3 Operational issues		
OP.3.1	The Applicant	<p>Aerodrome Certificate and Airspace Change Process</p> <p>The answer to question OP.2.1 states that preparations for both the Aerodrome Certificate and the Airspace Change Process will begin during the consideration of the DCO examination.</p> <p>Have such preparations commenced?</p> <p>Applicant's Response:</p> <p>Yes. The airspace change Civil Aviation Authority (CAA) process commenced on 14 January 2019, as can be seen on the CAA airspace change portal. An assessment meeting was conducted on 9th May 2019. The Applicant provided a broad description of its proposed approach to meeting the CAA's airspace change guidance CAP1616 requirements and its intended programme enabling the CAA to consider whether the proposal concerned falls within the scope of the formal airspace change process (CAP 1616) and to enable the CAA to consider the appropriate provisional Level to assign to the change proposal. Additionally, the Applicant provided information on how it intends to proceed to fulfil the requirements of the airspace change process and to provide information on timescales; meeting the engagement and consultation requirements of the various stage of the airspace change process.</p> <p>Included in the timescale discussion was the interaction and dynamic between airspace approval and airport licensing/certification approvals. Work to gather and collate the extensive documentation and body of evidence required to support the aerodrome certification process has already begun. Submission of the aerodrome certificate application will only be made once this body of evidence is complete.</p>

Ref No.	Respondent	Question
OP.3.2	The Applicant	<p>Aerodrome Certificate and Airspace Change Process</p> <p>Stone Hill Park (SHP) [Responses to the ExA's Second Questions, reference yet to be assigned, Appendix OP.2.1] include evidence from the CAA which states that the aerodrome certificate could only be applied for once the land in question was owned by the Undertaker. They (SHP) consider that this would not be possible before mid-2021 and hence the airport, in their view, could not be operational before Q3 of 2023.</p> <p>Comment on this viewpoint.</p> <p>Applicant's Response:</p> <p>The Applicant does not agree that the land would not be owned by them until mid-2021 – see the answer to OP.3.6 below. However, it does agree that an aerodrome certificate could only be applied for once the land had been acquired. On the other hand, in relation to the airspace change process, the Applicant obtained a dispensation from the CAA in September 2017 that it could be commenced before the land was acquired – see the letter at Appendix OP.3.2 in TR020002/D7a/TWQ/Appendices.</p> <p>The CAA have stated that their consideration of an Aerodrome Certificate application would take 6 months to complete from the point of submission. The time-consuming element is the collation of the relevant evidence and documentation required by the Aerodrome Certification process; the estimation is that this could take 18 months to 2 years to complete and has already begun.</p> <p>The preparation of the relevant evidence began in Q1 2019. In the event that the DCO is granted, the Applicant will have compulsory acquisition powers from 2020, which it can exercise by April 2020. This will therefore not slow down the 18 month to two year process mentioned above, which will be able to be completed by the end of 2020.</p>
OP.3.4	The Applicant	<p>Airspace Change Process</p>

Ref No.	Respondent	Question
		<p>The Applicant's answer to question OP.2.2 states that the application for the airspace change process will be made in Spring 2021 allowing for implementation by end March 2022.</p> <p>However, the answer to question OP.2.1 states that airspace change will normally take some 108 weeks to complete.</p> <p>i. How do these two statements provide a consistent answer?</p> <p>ii. Provide an updated timetable detailing the likely airspace change timescales.</p> <p>Applicant's Response:</p> <p>i. The 108 weeks is an estimate from the date of the first meeting (Assessment Meeting) with the CAA Account Manager for the airspace change and various Subject Matter Experts to the point of implementation, which took place on 9 May 2019. Submission for a regulatory decision in Spring 2021 occurs around two-thirds of the time into the CAA process allowing for CAA decision time and implementation in the last third. However, there are many additional factors which could, and in Manston's case almost certainly will, extend this timeframe; not least the need to align with the DCO process itself. Refer to overall timetable in answer to OP.3.4ii. Additional factors include the fact that implementation needs to align with the Aeronautical Information Regulation and Control (AIRAC) cycle which defines a series of common dates and the associated standard aeronautical information publication procedures and requires some flexibility at the end of the process to align suitable dates.</p> <p>ii. This is attached at Appendix OP.3.4 (in document TR20002/D7a/Appendices)</p>
OP.3.5	The Applicant	<p>Programme</p> <p>Appendix OP.2.6 of the Applicant's answers to the ExA's Second Written Questions contains a construction programme assuming that access to site for surveys would commence 7 January 2020. This feeds into other activities, such as detailed design and airspace change and licence applications.</p>

Ref No.	Respondent	Question
		<p>i. Do you consider such a date and construction programme to be realistic?</p> <p>ii. Does the programme take into account timing to acquire ownership/access to the land required, including potential judicial reviews if necessary?</p> <p>iii. Does the ES still assess the correct construction period?</p>
		<p>Applicant's Response:</p> <p>i. The Applicant considers it realistic that it will be able to access the site for surveys in January 2020 as it can secure temporary possession within 14 days of a decision. The construction programme set out in Appendix OP.2.6 continues to be realistic.</p> <p>ii. On the grant of the DCO the Applicant will exercise its powers of temporary possession and compulsory acquisition, in so far as is necessary, without delay. Surveys will be carried out from the time that temporary possession is taken at the Applicant's risk, notwithstanding any potential risk of an application for judicial review.</p> <p>iii. Yes the construction period and related assumptions in the ES remain valid. Even if there was some unforeseen slippage to the programme, the ES does not rely on a specific start date for construction although, as is the case for many DCO and planning applications a start date had to be assumed at the point at which the assessment was carried out. These assumptions are necessary primarily in the context of traffic base data. Previous answers to written questions (e.g. OP.2.6, Tr.2.10) have confirmed (in the context of specific topics) that the assessments contained within the ES are not likely to be affected by changes to the programme. For topics which rely on site survey information, in all cases the information contained within the ES will be updated prior to commencement of construction. These actions are secured via the Register of Environmental Actions and Commitments and as such form a DCO commitment.</p>
OP.3.6	The Applicant	Programme

Ref No.	Respondent	Question
		<p>Your answer to question OP.2.6 confirms that construction of Manston airport would commence in 2021, with operations beginning from Q1 of 2022. Stone Hill Park (SHP) [REP5-029, Appendix NOPS1.11] provide a timetable considering that the best case for the Airport would be for it to open in late 2024.</p> <p>Provide any comments on the SHP timetable, outlining differences where appropriate.</p>
		<p>Applicant's Response:</p> <p>The Applicant sees no reason to depart from its timetable. It provides a commentary on SHP's timetable at Appendix OP.3.6 in TR020002/D7a/TWQ/Appendices.</p>
OP.3.7	The Applicant	<p>Scale and capacity</p> <p>The answer to question OP.2.3 concerns stand usage and states that each based aircraft will require exclusive use of a stand to allow specific ground handling equipment to be located there and for access for maintenance</p> <p>i. Would ground handling and maintenance equipment be mobile?</p> <p>ii. Would maintenance of planes take place on stands?</p> <p>iii. Is such an arrangement common at similar airports?</p> <p>iv. Why would stands not be used by other aircraft when the 'based' aircraft were elsewhere?</p>
		<p>Applicant's Response:</p>

Ref No.	Respondent	Question
		<p>i. Some ground handling and maintenance equipment will be mobile but intended primarily to advance and retreat to/from the aircraft on stand rather than moving around the airport from stand to stand.</p> <p>ii. Light maintenance would take place on stand being defined as an activity that will take a few hours and not involve craneage etc. This maintenance would sometimes be to cure a fault rather than scheduled maintenance.</p> <p>iii. Yes. For example Glasgow, Prestwick, Stansted, Dublin or any airport that has based aircraft.</p> <p>iv. There could be occasions when the stand might be used by other aircraft but that is envisaged as the exception rather than the norm as it would not generally be acceptable to a base operator to be precluded from having their own aircraft on stand or ability to use that stand whenever they choose to.</p>
OP.3.8	The Applicant	<p>Scale and capacity</p> <p>The Applicant's answer to question OP.2.4 refers to East Midlands Airport and states that the CAA refer to EMA handling 334,536 tonnes of freight in 2018. The answer also notes the assertion of York Aviation that the cargo foot print at EMA is some 80,000m2.</p> <p>i. Does the stated 334,536 tonnes handled at EMA in 2018 include mail?</p> <p>ii. Does the 80,000m2 total footprint include mail facilities?</p> <p>Applicant's Response:</p> <p>i. The figure of 334,536 tonnes refers to air freight excluding mail; in addition East Midlands also handled 20,425 tonnes of mail in both directions in 2018. That equals 354,961 tonnes of cargo (i.e. freight and mail combined) and it is worth noting that domestic mail tonnages are counted at both ends of the route, which is essentially double-counting. There is an argument that</p>

Ref No.	Respondent	Question
		<p>EMA mail tonnages should therefore be halved taking the overall cargo figure below 350,000 tonnes (344,749 tonnes to be exact).</p> <p>ii. The Applicant's response to OP2.4 noted York Aviation's assertion that the cargo footprint at EMA is some 80,000m² however did not agree with it. The Applicant only used it as the basis for calculating comparative freight density ratios and does not know whether it included mail facilities. The Applicant's own analysis (submitted at Appendix OP.2.5 in REP6-014) suggests a building footprint of closer to 96,000msq at EMA (being the total of buildings in 'logistics' use, including 4,420msq of mail facilities) pointing to a tonnes/msq of footprint of 3.59, which is even lower than that calculated in response to question OP2.4 and 45% less than that proposed for Manston.</p>
OP.3.9	The Applicant	<p>Scale and capacity</p> <p>The answer to question OP.2.5 and supporting evidence provides a list of potential airport associated uses for the northern grass area.</p> <p>i. Would an integrator centre be more likely to be sited in an airside location?</p> <p>ii. Given the scale of the passenger operations proposed, how large are catering operations likely to be, and would they be more likely to be located airside?</p> <p>iii. Would airside equipment maintenance/repair, freight forwarder and the aviation academy be more likely to be located in an airside location?</p> <p>iv. Why would the airport require a public transport vehicle depot?</p> <p>v. Why would the airport require a travel and information centre? If necessary, would such a purpose not be small scale and sited in the passenger terminal?</p>

Ref No.	Respondent	Question
		<p>vi. Would airline offices usually be housed within the passenger terminal?</p> <p>vii. Two MRO operator office suites and parts reception are listed. Is this intentional?</p> <p>viii. Would a computer service supplier and servers be required to be located on site?</p> <p>ix. How do the list of uses set out in your response to OP.2.5 relate to the different list of potential uses set out in the definition of “airport-related” in the draft DCO submitted by you at Deadline 6?</p> <p>x. Show where the illustrative uses listed in your response to OP.2.5, including the Renewable Energy (wood chip) Plant, have been assessed in the ES.</p> <p>xi. Justify your classification of uses such as the Renewable Energy (wood chip) Plant, the Airport Public Transport Vehicle Depot and the Car Hire depot as being class B1/B8 uses.</p> <p>xii. Justify these responses.</p>
		<p>Applicant's Response:</p> <p>Before addressing the subsidiary questions individually, it is important to emphasise three points because they provide crucial context for the answers which then follow. This can be taken as an answer to part xii:</p> <p>To date, the Applicant has not actively marketed the site and hence do not have a list of end users to assign to different plots or buildings on the Northern Grass. Therefore the Applicant has focussed on the kind of ‘associated uses’ that the airport will need to accommodate within or adjacent to the operational boundary. This was based on the direct ‘hands-on’ senior management experience of developing and running airports similar to Manston that exists within the Applicant’s professional team, in addition to a comparative analysis of activities based on or next to similar cargo dominated airports in Europe and North America.</p>

Ref No.	Respondent	Question
		<p>Second, the list of associated uses provided was explicitly caveated as being examples of anticipated activity, because it was based around the property layout shown in the overall site masterplan to anchor the schedule of uses in something the ExA has already seen, rather than an entirely different layout under the 105,000 sqm cap. It follows therefore that the location, number and footprint of each building may change and this in turn may alter the balance and scale of uses present. There may also be other uses that come forward that will influence the final outcome. The common factor is they will all be associated and the density of development on the Northern Grass site will be respected.</p> <p>Finally, it is worth highlighting that uses that are 'inside the fence' (i.e. airside) at some airports, will be located 'outside the fence' at others. In some cases, the same user may have facilities either side of the fence, or even straddling it when they need facilities that can combine air and landside access. The balance of distribution will be affected by a number of factors including: the size of the operational area; its geometrical disposition, (long thin sites may cause more difficulties accommodating some building requirements, than shorter wider sites), the proximity of sensitive receptors and the scale and nature of uses that need to be airside. The extra costs and procedural constraints associated with airside security and safety procedures make it a more expensive working environment than outside the operational fence. Typically, property/land inside the fence will also be more expensive than outside and hence only those companies and functions that need to be inside the fence will remain so. In a case like Manston, where the core operational area is relatively small, this may require a rather larger amount of land for associated uses to be outside the fence rather than inside it.</p> <p>i. Would an integrator centre be more likely to be sited in an airside location?</p> <p>It depends on the type of integrator and the nature of its operation. Express freight operators are likely to prefer handling facilities operations that straddle the operational boundary especially if a material component of the inbound freight is for transshipment without leaving the airport (and hence needs to stay airside) while a significant volume also require transfer from plane to truck for onward same day delivery without substantive delays for bonding clearance. If, however, the great majority of the traffic departs the airport by truck, and requires breaking down and bonding clearance, then it may be easier and cheaper to transfer it from plane to an offsite facility that can take up more space and require less secure facilities and procedures.</p> <p>In the case of new-style e-integrators the critical factor will be whether the airport acts as a fulfilment centre as well as a handling centre, or is just acting as a transshipment point from aircraft to a processing facility. We envisage part of the cargo inbound</p>

Ref No.	Respondent	Question
		<p>would already have printed labels and hence already be en-route from the originating business to the final consumer and consequently could be easily transferred to a logistics facility for breaking down of pallets for 'last mile' delivery journeys by van or small truck. This does not need to be undertaken airside, and hence could be centred at a nearby logistics building, such as some of the larger ones on the Northern grass or possibly even larger than those shown. Other new integrator consignments may be to re-stocking product lines in fulfilment centres that systems suggest may run short in the near future; in these cases, it is most likely that handling from plane to truck would take place airside or via a cargo shed on airport. At this stage we are not sure what model will be required, but it is critical we are able to be flexible to an integrator's requirements. The Northern Grass site is crucial to maintain that flexibility.</p> <p>ii. How large are catering operations likely to be, and would they be more likely to be located airside?</p> <p>They are rarely located airside – they do need convenient access to a security gate giving airside access, but they are normally based on site but landside. The scale depends on a variety of factors including the extent of based aircraft as well as airline operations, the offer different airlines make and whether the same facilities also serve other markets. On site, there will be FBO as well as commercial airlines seeking catering, as well as prospectively other businesses on site or close-by; at this stage we cannot be certain about the scale of operation, just that one will be needed and the assignment of a building on the Northern Grass illustrated one potential option – it could equally be a smaller building depending on the scale of operation required.</p> <p>iii. Would airside equipment maintenance/repair, freight forwarder and the aviation academy be more likely to be located in an airside location?</p> <p>No, not necessarily. Hard-to-move equipment that is of modest value and robust to weather conditions may well be left airside and low key maintenance undertaken in situ, while mobile and expensive equipment may require secure storage. Equipment that is weather sensitive and is used infrequently, may be stored off-site but with immediate access. It is also expected that workshops undertaking long term maintenance or major repairs could be located off-site.</p> <p>In the case of freight forwarders/handlers some may have operations onsite (or at least able to cross airside/landside securely within their building), others may not and others again may require both. We see all three alternatives at EMA and Liege (see the analysis of land uses submitted at Deadline 6) but also at Heathrow, where Serviceair and IAG are located airside, Virgin</p>

Ref No.	Respondent	Question
		<p>and many other forwarders landside and major independents like Dnata and Keuhne and Nagel have facilities both inside and outside the operational fence. It is clear that the Applicant needs to be able to offer forwarders, handling agents and indeed combination airlines a choice of landside as well as airside options.</p> <p>The aviation academy again can be located airside or not, or equally may need to be both. Classroom facilities, workshops, simulators and even planes and engines for hands-on dismantling and re-assembly do not need to be airside; frequently they are contained inside the academy building(s) or on adjacent apron; and in the case of Manston it would certainly be possible to tow one or more old aircraft to facilitate such hands-on learning onto a pre-prepared site on the Northern Grass. If the academy includes pilot training, however, this will require airside access. As space is at a premium at Manston, we consider it unlikely that what may need to be a sizeable facility would be located airside.</p> <p>iv. Why would the airport require a public transport vehicle depot?</p> <p>We are envisaging that the airport will provide a shuttle bus operation connecting passengers and staff to a nearby rail station for access to Javelin services. The airport may provide passenger access to Dover Port for cruises, off-site hotel and car hire facilities, a link for staff between the Northern Grass enclave and security access points onto the airfield and to be in a position to move staff and visitors around airside or during events at or near the airport.</p> <p>v. Why would the airport require a travel and information centre? If necessary, would such a purpose not be small scale and sited in the passenger terminal?</p> <p>The facility envisaged was not intended to be the equivalent of an information desk at the airport; it was intended to be something much more substantial where passengers meeting coaches, collecting hire cars etc could assemble, local travel companies could be based (there was a travel agent in the terminal when the airport was previously open) and could provide offices for the local tourist DMO, cruise companies and booking agencies. It is the style of facility common at key gateways at most towns and cities in the USA and Canada, and increasingly in Europe.</p> <p>vi. Would airline offices usually be housed within the passenger terminal?</p>

Ref No.	Respondent	Question				
		<p>At a large airport where the terminal has plenty of space this does occur, but it is by no means ubiquitous and it is certainly not essential beyond facilities for check-in and immediate passenger support staff. Crew briefing, flight planning, rostering administration and training can be located off-site within easy reach of the airport and if appropriate with associated dedicated car parking. At Manston the terminal is neither configured nor big enough to facilitate airline offices.</p> <p>vii. Two MRO operator office suites and parts reception are listed. Is this intentional?</p> <p>Yes, although, it is likely to be just one and the approach will be for the MRO operator/s to move off site what does not need to be on site. It is certainly possible the MRO facility could house two separate operators or that one undertakes MRO work while the other focuses on a dismantling operation – there are three MRO hangars on the main site.</p> <p>viii. Would a computer service supplier and servers be required to be located on site?</p> <p>Not necessarily; it needs to be secure and accessible and close to the site, not immediately on it. It is envisaged as serving not just the terminal and control tower, but all the facilities on the site and the Northern Grass. This means wherever the facility was put would not be close to many parts of the site. Hence a bespoke building offsite seems a pragmatic solution.</p> <p>ix. How do the list of uses set out in your response to OP.2.5 relate to the different list of potential uses set out in the definition of “airport-related” in the draft DCO submitted by you at Deadline 6?</p> <p>A comparison between the two is in the table below. All the latter come under the former except (a) the public transport vehicle depot and the taxi company and (b) the renewable energy plant, but these are supportive of operations at Manston Airport so come within the general part of the definition.</p> <table><tr><td>Offices for various support functions and freight forwarders</td><td>Freight fowarder single occupancy Regus Offices for companies working on airport projects Offsite office for outsourcing contractors working at MSE Multi-occupancy Offices for airport based companies</td></tr><tr><td>Freight distribution centres</td><td>Logistics/Distribution Centre - New Integrator</td></tr></table>	Offices for various support functions and freight forwarders	Freight fowarder single occupancy Regus Offices for companies working on airport projects Offsite office for outsourcing contractors working at MSE Multi-occupancy Offices for airport based companies	Freight distribution centres	Logistics/Distribution Centre - New Integrator
Offices for various support functions and freight forwarders	Freight fowarder single occupancy Regus Offices for companies working on airport projects Offsite office for outsourcing contractors working at MSE Multi-occupancy Offices for airport based companies					
Freight distribution centres	Logistics/Distribution Centre - New Integrator					

Ref No.	Respondent	Question	
		Flight catering	Catering operation
		Car hire activities	Hire Car - Garage, Pick-up, Office, Secure pound Travel and information centre (opposite hire cars)
		Maintenance and valeting operations	Airside equipment maintenance/repair
		Support functions for aircraft maintenance	MRO operator - Office Suite and Parts Reception Aircraft Recycling Co - Office/Parts Centre
		Airline training centres	Aviation Academy
		Airline computer centres	Airline Offices Airport computer service supplier and server centre
		Security facilities	
		Business aviation facilities	
		Storage facilities for airlines	Parts storage
		<p>x. Show where the illustrative uses listed in your response to OP.2.5, including the Renewable Energy (wood chip) Plant, have been assessed in the ES</p> <p>Paragraph 3.3.3 of the ES includes 'Development of the Northern Grass area for airport related businesses' as part of the description of the development. Specific uses have not been assessed. The uses listed are presented as occupants of the buildings in the 'illustrative' layout for the Northern Grass; they were assessed as part of the ES</p> <p>xi. Justify your classification of uses such as the Renewable Energy (wood chip) Plant, the Airport Public Transport Vehicle Depot and the Car Hire depot as being class B1/B8 uses.</p> <p>The fundamental issue in connection with the Northern Grass is that it is required for airport associated uses; these examples meet that core criterion and are compatible with B1/B8 style buildings/development in that they involve a mix of office and secure vehicle storage/preparation/processing activities, consistent with such use classes. In terms of the renewable energy centre, wood chip was used to illustrate that this kind of activity could be undertaken cleanly, with internal storage of raw material and</p>	

Ref No.	Respondent	Question
		<p>plant, rather than anything that would adversely affect neighbouring commercial users. The scale of the building is such that an alternative use (such as an additional small freight forwarding/logistics operation) could easily be found for it.</p> <p>xii. Justify these responses.</p> <p>See the introductory text above the answer to i.</p>
OP.3.10		<p>Public Safety Zones (PSZs)</p> <p>Stone Hill Park [Answers to ExA's Second Written Questions, reference not yet assigned, and REP4-067] state that PSZs would be expected by year 4 of the forecasts, when 1,500 ATMs are expected per month and when 2,500 ATMs are expected within 15 years. Appendix OP.2.7 is an Environmental Statement addendum concerning PSZs and states that PSZs would be required 15 years after opening at the earliest.</p> <p>i. Respond to the view that PSZs would need to be produced by year 4 of operation.</p> <p>ii. If PSZs are calculated based on airport specific forecasts 15 years ahead, would detailed work on such areas be required in advance of 15 years after opening?</p> <p>Applicant's Response:</p> <p>i. The Applicant does not consider that PSZs would need to be produced by year 4 of operation. 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 guidance does not state how far ahead the 2,500 per month expectation should be. The Applicant's forecast is for 26,469 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. By year 20, then, at full operation there are estimated to be 32,309 movements, only slightly above the trigger for a PSZ. It is therefore</p>

Ref No.	Respondent	Question
		<p>unlikely that a PSZ may need to be introduced before year 15; but it is possible by year 20. The decision on whether to declare a PSZ does not lie with the Applicant. It will ultimately be a decision for the DfT outside of this DCO process.</p> <p>ii. The Applicant does not believe that there is any requirement for PSZs to be based on forecasts 15 years ahead. It has provided PSZ drawings which provide an impression of what a PSZ at Manston could look like. 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 thresholds for introducing PSZs, regulations on PSZs could have changed, detailed 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). It is not possible at this stage to identify the final detail of any PSZ. The final decision as to whether a PSZ should be declared does not lie with the Applicant but with the DfT.</p>
OP.3.11	TDC	<p>Public Safety Zones</p> <p>Appendix OP.2.7 is an Environmental Statement addendum concerning PSZs and states that PSZs would be required 15 years after opening at the earliest. This document provides a worst case scenario 1 in 100,000 PSZ for Manston Airport which covers a significant area of Ramsgate to the east of the Airport. The addendum notes that the principal feature of the 1 in 100,000 individual risk contour is that there will be no increase in the number of people living, working or congregating in the area</p> <p>Provide any viewpoints on the implications of this document and its contents to planning policy in Thanet.</p> <p>Applicant's Response:</p> <p>N/A</p>
OP.3.12	The Applicant	High Resolution Direction Finder (HRDF)

Ref No.	Respondent	Question
	MoD (Defence Infrastructure Organisation)	<p>The Ministry of Defence, through the Defence Infrastructure Organisation (DIO) have previously stated that it is prepared to consider the relocation of the HRDF but that it is yet to be completely satisfied that there would be no degradation of the capability of the equipment. The Applicant's answer to OP.2.12 confirms that Aquila are carrying out work to ascertain this, and that such work will be carried out in two phases comprising three stages. The answer states that Aquila are seeking to carry out Phase 1a, to confirm the suitability of an alternative location, by 9 July. The DIO have stated [letter dated 3 May 2019, reference not yet assigned] that the technical capability of the proposed new site has yet to be provided to Aquila and that the MoD will need be satisfied over both this matter and that the proposed site is adequately safeguarded, which will need a new Technical Site Direction. They consider that agreement on the re-location of the HRDF will not be achieved on or before 9 July.</p> <p>i. Will phase 1b (and 2) be carried out after 9 July?</p> <p>ii. Will phase 1a of the works include all permissions and agreements necessary by the end of the examination, and be in place by 9 July?</p> <p>The Applicant is reminded that the ExA cannot accept new evidence following the closure of the examination.</p> <p>Applicant's Response:</p> <p>The DIO statement [letter dated 3 May 2019; REP6-030] is not correct. Only Aquila, who is the MODs Engineering Authority for the HRDF, can assess the technical capability of the proposed new site. Aquila identified the appropriate Technical Lead for this study on 8 Apr 19. RSP, through their consultants Osprey, provided details of the proposed new location and their assessment of its compliance with the MODs safeguarding criteria to the Technical Lead at Aquila on 12 Apr 19.</p> <p>i. Phase 1b (which will include a fully costed proposal for the relocation of the HRDF) and Phase 2 (which will be the physical move of the HRDF) will be carried out after 9 July 2019.</p> <p>ii. It was agreed with Aquila that Phase 1a will be complete before 9 July 2019; the Applicant has asked Aquila to confirm the date when this will be complete. The Applicant has informed the Project MARSHALL Delivery Team, who are responsible for</p>

Manston Airport DCO - Responses to ExA's Third Written Questions

Ref No.	Respondent	Question
		the HRDF capability, that they would wish to enter into discussion regarding the HRDF as soon as the Phase1a study is complete. Until the Phase 1a study is complete it is not possible to say whether all permissions and agreements necessary will be in place by 9 Jul 19 as this is highly dependent on the solution proposed by Aquila. However, this remains RSPs aim and, providing other parties are willing to engage, every effort will be made to address this issue before 9 Jul 19. The Applicant will seek a letter of no impediment from Aquila before the end of the examination.

Ref No.	Respondent	Question
SE.3 Socio-economic Effects		
SE.3.1	The Applicant	<p>Construction</p> <p>The Applicant's answer to question SE.2.1 states, in response to point (ii), that the percentage of construction jobs to be filled by people from the local area can be determined, but the answer does not do this.</p> <p>Do you intend to provide such a figure? If so, do so for Deadline 7a, or if not, justify.</p>
		<p>Applicant's Response:</p> <p>The Applicant has not undertaken a quantitative assessment.</p> <p>The Applicant would aspire to a target of 30% of construction jobs employed on the Project to be filled using local labour. This is based on local labour figures from other projects involving large scale construction. 30% would be the average over the whole construction period. The figure would be expected to fluctuate due to the varying availability of local skills and the phases of construction. The Applicant would seek to recruit local people at early stages and provide training with the aim of developing skills and retaining local labour through the construction period.</p>
SE.3.2	The Applicant	<p>Employment – Comparators</p> <p>The answer to question SE.2.2 states that the jobs at East Midlands Airport's (EMA) Pegasus Business Park were included in the jobs total, and notes that EMA state that the total included a range of professions and occupations in companies that are based at Pegasus Business Park, with the largest on-site employer being DHL with 1,575 staff in 2013.</p> <p>The answer notes that the East Midlands comparator (of 887 jobs per 100,000 tonnes of freight) is lower than the other</p>

Ref No.	Respondent	Question
		<p>estimates cited. However, the ExA also note that the EMA comparator would also include jobs in the passenger sector; percentages in the answer provided include those associated with reasonably substantial passenger operations.</p> <p>Given the passenger operations at EMA and the number of jobs associated with such operations, do you still consider the airport to be a suitable comparator for job numbers at Manston airport, a freight focused airport?</p> <p>Applicant's Response:</p> <p>As the Azimuth Report makes clear, it is difficult to identify an ideal comparator for Manston by which to gauge the airport's potential as a job creator and the report identifies the caveats around the use of East Midlands as a comparator (Azimuth, Volume IV, para 4.3.2 [APP-085]). The Applicant's proposition for Manston Airport is unique; it is located relatively close to London's overcrowded airport system while being outside it, it would have multimillion-pound investment in state-of-the-art cargo facilities, and would provide Kent, a traditionally underperforming County when compared with the rest of the South East, with international connectivity, promote inward investment, and stimulate growth in many sectors.</p> <p>The Applicant remains of the view that East Midlands is the most suitable comparator available given its focus on freight over passenger movements. While East Midlands does handle a substantial number of passengers, passenger numbers are much lower than Stansted (around 4.9 million compared to 28 million) and as such it was selected as the most reasonable comparator for Manston. Heathrow is by far the largest handler of freight but is largely focused on belly freight and would therefore not provide a suitable comparator for Manston. Stansted is located in the South East and handles substantial volumes of freight carried on dedicated freighters. However, Stansted is largely and increasingly focused on the passenger market and therefore, again, does not provided a suitable comparator for Manston. For these reasons the Applicant considers that East Midlands provides a reasonable basis on which to predict direct job creation at Manston.</p>
SE.3.3	The Applicant	<p>Employment – Comparators</p> <p>The Applicant's answer to question SE.2.3 reports that Manchester Airport Group (MAG) website states that the group</p>

Manston Airport DCO - Responses to ExA's Second Written Questions

Ref No.	Respondent	Question					
		<p>employs some 5,000 people across its three airports, and gives a rough estimate of 1,650 for each airport.</p> <p>An interested party have submitted a copy of the MAG Annual Report and Accounts (2018) [submitted for Deadline 6, reference not yet assigned]. This states that MAG employed 629 staff at East Midlands Airport, which is significantly below the 1,650 figure that the Applicant has estimated. The IP notes that this equates crudely to 90.5 ATMs per employee. This compares to the figure provided in your answer to SE.2.3 of 26 ATMs per employee, a substantial difference.</p> <p>Comment on this disparity, providing reasons for this.</p>					
		<p>Applicant's Response:</p> <p>The Applicant stands by its answer to question SE2.3, which gave a rough estimate of 1,650 airport operator jobs at each of the MAG airports. It should be noted that these are not the totality of the direct jobs category, which would also include airlines, ground handling, Air Traffic Control, retail, catering, airport security, customs, immigration and government jobs, MRO, etc.</p> <p>The MAG accounts for the year ended March 2018 cover operations at four airports; Manchester, East Midlands, Stansted and Bournemouth. Corporate jobs and jobs where there is crossover between airports are likely to have been counted under Manchester Airport rather than being apportioned to each of the airports within the Group. This is clear when 2018 figures for Work Load Units (1,000 passengers or 100 kg cargo) are examined as shown in the table below. Since the formula for calculating the number of direct jobs is derived from the number of passengers plus the tonnes of freight handled (as with WLUs), a direct comparison can be made.</p> <table><tr><td></td><td>Passengers (‘000s)</td><td>Freight (tonnes)</td><td>WLUs</td><td>Declared jobs MAG</td></tr></table>		Passengers (‘000s)	Freight (tonnes)	WLUs	Declared jobs MAG
	Passengers (‘000s)	Freight (tonnes)	WLUs	Declared jobs MAG			

Ref No.	Respondent	Question				
		Manchester	28,255	114,131	1,169,565	3,486
		East Midlands	4,874	334,536	3,350,234	629
		Stansted	27,995	226,128	2,289,275	1,765
		<p>East Midlands clearly handles many more WLUs than either Manchester or Stansted although declared job numbers are much lower. One explanation is that passenger handling requires more airport-related jobs but if this were the case, the Manchester and Stansted employment figures would be similar (as they handle similar numbers of passengers) and they are not. There are clearly economies of scale with MAG, who currently operate three airports, which would not be gained by the operator of Manston Airport.</p> <p>However, even if it is correct to say that MAG at East Midlands has 629 employees, the Applicant's forecast for airport operator employees in Year 10 is 761 and 1,024 in Year 20 (table 6, Volume IV, Azimuth Report). These figures are comparable when account is taken of the additional handling staff required for the freight operations proposed at Manston Airport. Integrator dominated airports will inevitably employ fewer people directly because handling staff will be employed by the integrator (DHL, etc.) and not by the airport operator.</p> <p>The integrator model is based on the company employing all staff directly (from pilots to van drivers). At Manston, in contrast, a considerable number of handling staff will be employed directly by the airport operator. For example, in Year 10, 331 staff are forecast to be employed in freight handling at Manston, with 507 in Year 20.</p>				
SE.3.5	The	Employment - Detailed figures				

Ref No.	Respondent	Question
	Applicant	<p>The Applicant's answer to question SE.2.7 provides justification for the forecast of 600 MRO staff, and refers to a supplied commentary on Global Fleet and MRO Market Forecast 2019-2029 [Appendix SE.2.7 of Appendices to Answers to Second Written Questions, reference not yet assigned].</p> <p>While the ExA notes that this report predicts a substantial increase in aircraft in service, we also note that the report states that by the end of the decade China will become the biggest global market for air travel and Asia will be the new centre of global aviation activity. MRO growth rates are predicted at far higher levels in China (9.7%) and India (7.1%) than in Western Europe (2.5%).</p> <p>Given this do you still consider your forecast figure to be robust?</p>
		<p>Applicant's Response:</p> <p>The figures given are considered robust and have taken account of the likely pattern of growth across the globe.</p>
SE.3.6	The Applicant	<p>Employment – Detailed Figures</p> <p>Point (iv) of your answer to question SE.2.7 states that the Applicant intends to run a shuttle service to and from the airport and Ramsgate station using electric vehicles, and a bus service for local employees to avoid unnecessary use of private vehicles.</p> <p>i. Would such services be run for a profit? If so, do you consider such services would be viable?</p> <p>ii. Show where the provision of such services are secured in the draft DCO</p>

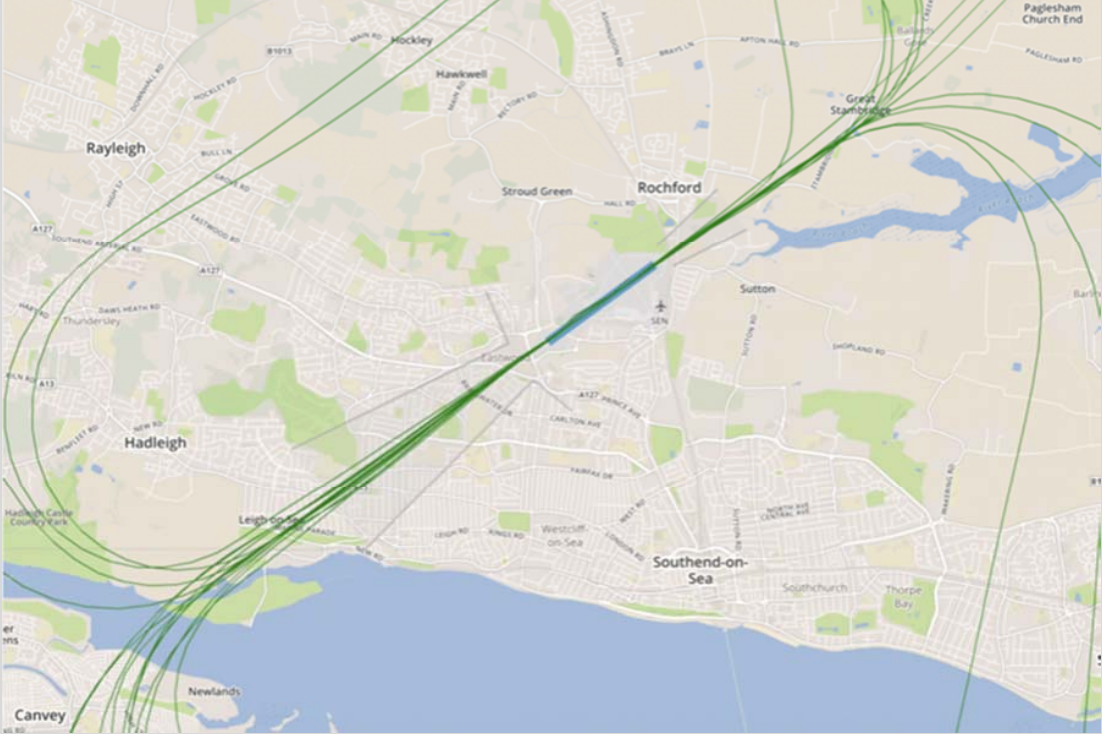
Ref No.	Respondent	Question
		<p>iii. Are such services assessed in the ES?</p> <p>Applicant's Response:</p> <p>i. The Applicant has committed to providing bus services. That commitment is secured through Requirement of 7 the dDCO. The Applicant proposes to run the bus service itself rather than engaging a third party bus operator. It is not yet possible to assess the costs associated with the provision of the bus service until there is greater certainty as to the passenger schedule. However, the Applicant does not assume that the service would run at a profit. The aim is to run the service on the basis of breaking even.</p> <p>ii. The provision of bus services is identified as a commitment in the REAC. Requirement 7 of the dDCO requires the Applicant to deliver the measures identified in the REAC.</p> <p>iii. The Transport Assessment (TA) submitted with the ES contains a Travel Plan. This refers to types of services that would be provided. A mode split of 10% (Year 20) public transport has been assumed for passengers arriving and departing from the airport in addition the mode split of 4% (Year 20) has been assumed for staff. These figures are taken into account in the TA and as such are considered within the ES [APP-033, 034, 035].</p>
SE.3.7	The Applicant	<p>Tourism</p> <p>The Applicant's answer to question SE.2.12 provides justification for overnight stay figures related to the airport, and states that 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, and that this market segment may travel to the airport from greater distances to take advantage of the benefits of them to flying to and from Manston airport. The answer also states that such passengers may tend to stay overnight.</p> <p>i. Provide evidence that smaller airports with short walking distances attract older or less mobile passengers.</p>

Ref No.	Respondent	Question
		<p>ii. Provide evidence that older or less mobile passengers may travel greater distances than the average specifically to use smaller airports.</p> <p>Applicant's Response:</p> <p>i. Studies have shown that elderly passengers encounter difficulties during all stages of flight, and particularly with long walking distances, waiting, way-finding signs in terminals, and boarding or disembarking using stairs or shuttle buses to remotely parked aircraft that have insufficient seating for all passengers (Appendix SE.3.7 part a and Appendix SE.3.7 part b).</p> <p>Research by Cranfield University for Heathrow Airport (https://www.cranfield.ac.uk/case-studies/research-case-studies/ageing-passenger-population-at-heathrow)) found that:</p> <ul style="list-style-type: none"> ○ Beyond the age of 60, there is accelerated deterioration in capabilities, which can restrict mobility, confuse the senses and impair cognitive function. This can make airport terminals particularly challenging for many elderly citizens. ○ Increased disposable income means that elderly citizens will have a high appetite for travel, providing significant commercial opportunities for the air travel industry. ○ For many elderly citizens, the air travel experience can be very confusing and stressful. Airports and other air transport service providers have not fully considered the implications of population ageing in terms of what products need to be offered and how processes, systems and architectures needs to be adapted. <p>Research in the US by the Transportation Research Board (Appendix SE.3.7 part d) identified the following as the most prevalent issues the elderly face:</p> <p>Wayfinding:</p> <ul style="list-style-type: none"> • Unfamiliarity with a complex airport environment • Unclear or confusing informational and directional signage

Ref No.	Respondent	Question
		<ul style="list-style-type: none"> • Difficulty understanding the meaning and terminology of directional signs. <p>Fatigue:</p> <ul style="list-style-type: none"> • Standing or waiting in line, at check-in, passenger security screening, bag claim, or curbside • Long walking distances in the terminal, parking garage, and surface lots • Handling heavy bags at curbside, check-in, and bag claim. <p>Technology and equipment:</p> <ul style="list-style-type: none"> • Understanding and using self-service devices • Negotiating the security check point process • Using escalators and moving walkways. <p>Amenities:</p> <ul style="list-style-type: none"> • Difficulty in using toilet facilities • Using congested retail and food service concessions. <p>Other research has found that waiting in queues, using shuttle buses, and lifting and carrying bags are problematic for this group of travellers. The Applicant considers it to be a reasonable assumption that older or less mobile people would favour a smaller airport for the reasons given above.</p> <p>When traditional holiday charter flights were operated by Newmarket Travel they chose Manston as one of their departure points in part due to the reduced walking distances and ease of access which were particularly attractive to the clientele they sought to attract.</p> <p>ii. The Applicant is not aware of any evidence that older or less mobile passengers may travel greater distances than the average specifically to use smaller airports. However, it follows from the reasons set out in response to part (i) above that older or less mobile air travellers (who are particularly concerned about the 3Ws – walking, waiting and way-finding (Appendix SE.3.7 part a) would value shorter walking distances, reduced waiting times and clearer routes around the airport site and</p>


Ref No.	Respondent	Question
		terminal ..
SE.3.8	The Applicant	<p>Tourism</p> <p>The answer to SE.2.12 acknowledges that clearly not all passengers using Manston Airport can be expected to stay overnight in Thanet, and that it would be fair to assume the both inbound and outbound passengers will derive from a 'local' catchment area.</p> <p>Given this do you still consider the figures contained within the ES [APP-034] to be robust?</p>
		<p>Applicant's Response:</p> <p>The ES assumes that of all users of the airport, some 25% will be overnight stays. That is consistent with the established overall figures for Thanet. The Applicant considers that assessment to be robust. It does not and has never assumed that all passengers using Manston Airport can be expected to stay overnight in Thanet. Plainly many inbound and outbound passengers will derive from a local catchment area.</p> <p>The ES reports a minor beneficial effect on local tourism which is considered to be reasonable in the circumstances (paragraph 13.8.81, Chapter 13 of the ES).</p>
SE.3.9	The Applicant	<p>Tourism</p> <p>The Applicant's answer to SE.2.13 states that the Azimuth report conducted a comparison with other coastal towns with an operational airport, including Southend, Bournemouth and Southampton, noting that the presence of an airport did not appear to have a negative impact on tourism, but assisted growth of the sector in each case.</p> <p>How does the proximity of Southend, Bournemouth and Southampton airports to their settlements and the</p>


Ref No.	Respondent	Question
		<p>orientation of their runways and location of flightpaths to the coastal tourism areas of the respective settlements compare to Manston Airport and Ramsgate?</p> <p>Applicant's Response:</p> <p>Southend Airport is located 1.8 miles (Google Maps figure) from the centre of Southend-on-Sea and is in a residential area with housing at the perimeter fence that will be exposed to noise effects from the airport. The single 1,856-metre runway is orientated 05/23, which means that it is aligned 050/230 degrees as shown in the noise contour map below.</p> <p>All aircraft weighing over 5700kg follow a straight departure heading for 2.5 miles when departing towards the south west (over Leigh-on-Sea) passing over extensive urban domestic development (housing estates) until above 1500 feet (ft) mean sea level (amsl) (approximately 1400 ft above Leigh-on-Sea) and 1 mile (above scattered industrial development) when departing towards the north east (over Rochford). This applies during the night-time and day-time periods. The airport operates a Preferred Runway Usage Scheme.</p> <p>Clearly the applicant cannot carry out a noise assessment for other airports however, the characteristics at Southend are not dissimilar to those at Manston and as such parallels can be drawn in terms of the likely effects of noise on the tourism industry, which on balance do not seem to have had a negative effect.</p>

Ref No.	Respondent	Question
		 <p>Bournemouth Airport is located around five miles from the centre of Bournemouth and four miles from Christchurch. The airport is close to a number of villages, tourist attractions and a Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) in recognition of its international value as habitat for supporting rare birdlife.</p> <p>The single 2,271-metre runway is orientated east-north-east to west-south-west designated 08/26. Departing aircraft are required to climb as steeply as is compatible with safety, in an effort to maximise altitude and reduce noise. The procedures in place at the airport seek to minimise noise effects over the various effected residential and tourism areas. However with and</p>

Ref No.	Respondent	Question
		<p>airport so close to such features it is inevitable that there is a trade-off between the noise effects and the economic benefits to tourism and other industries that the existence of an airport will bring. As is the case with Southend, it is not reasonable to expect the applicant to conduct a study of the impacts of noise from Bournemouth airport on the tourism industry, however it is clear that tourism coexists with the airport and whilst there may be localised negative effects, the overall benefits brought by such an operation must be positive</p>

Manston Airport DCO - Responses to ExA's Second Written Questions

Ref No.	Respondent	Question
		<p>aircraft using the airport adhere to the preferred routes. As with the other airports referred to above, it is reasonable to assume that the tourism industries close to Southampton thrive, despite and perhaps even because of the existence of an airport in close proximity to them.</p>  <p>By comparison, Manston Airport is located around 3 miles from the centre of Ramsgate, 12 miles from Herne Bay and 13 miles from Canterbury. The single 2,748-metre runway has headings 10/28. Aircraft arriving to runway 28 and departing runway 10 do so above urban domestic and heritage development between 0.8 mile and 2.6 miles southeast of the airport.</p> <p>The applicant has acknowledged that there may be localised adverse impacts resulting from the noise effects of overflying aircraft however, the parallels are drawn with the above examples to demonstrate that airport can coexist with areas that are</p>

Ref No.	Respondent	Question
		<p>reliant on thriving tourism industries. Indeed in the case of Manston, the overall effect of increased visitor numbers is expected to outweigh any adverse impacts as a result of localised noise effects.</p> 
SE.3.10	The Applicant	<p>Tourism</p> <p>The answer to question SE.2.15 contains details of inbound tourists, and states, using CAA passenger survey data, that passengers at small airports suggest approximately 90% leisure passengers, with 70% UK residents and 20% non-UK.</p> <p>i. Is it reasonable to assume therefore that 20% of proposed passengers arriving at the Airport will be tourists? Or would this figure also likely contain Non-UK residents who work in the UK?</p> <p>ii. Figures for inbound tourism levels would depend to a certain extent on passenger flight destinations. Provide</p>

Ref No.	Respondent	Question
		<p>further details of likely destinations, evidence for this, and an assessment of likely levels of inbound tourists from such destinations.</p> <p>Applicant's Response:</p> <p>i. The application of statistics from CAA passenger survey data would imply that 20% of passengers would be non-UK leisure passengers. A further 10% of passengers would be non-leisure passengers, including non-UK residents who work in the UK. It is reasonable to assume that an operation such as Manston may attract a similar profile</p> <p>ii. In line with other small airports such as Southend, likely passenger destinations from Manston are countries such as Ireland, Spain, France, Germany, Italy, Malta, Denmark and Eastern European countries including Poland. UK destinations such as Scotland, Cornwall and the Channel Islands may be included, as might a European hub such as Amsterdam. The Applicant is also expecting to receive flights from the USA to tie in with cruise ship departures from the Port of Dover as this was a previous market for Manston Airport.</p> <p>The following chart shows the 2017 (latest) figures from Visit Britain. The UK's top 10 markets by volume and by value are shown. In 2017 there were more than 39 million visitors to the UK from across the globe, spending £24.5 billion. Nearly two-in-five inbound visits to the UK were for a holiday (39%), whilst a quarter (22%) were for business.</p>

Manston Airport DCO - Responses to ExA's Third Written Questions

Ref No.	Respondent	Question																																																																																				
		<p>Arabia have returned, with Switzerland and Canada falling from the top ten league table in 2011.</p> <table><thead><tr><th colspan="4">Top ten markets by volume</th><th colspan="3">Top ten markets by value</th></tr><tr><th>From</th><th></th><th>Visits (000)</th><th>% of all visits</th><th>From</th><th>Spend (£m)</th><th>% of all spend</th></tr></thead><tbody><tr><td>1</td><td>France</td><td>3,956</td><td>10%</td><td>USA</td><td>£3,643</td><td>15%</td></tr><tr><td>2</td><td>USA</td><td>3,910</td><td>10%</td><td>Germany</td><td>£1,581</td><td>6%</td></tr><tr><td>3</td><td>Germany</td><td>3,380</td><td>9%</td><td>France</td><td>£1,425</td><td>6%</td></tr><tr><td>4</td><td>Irish Republic</td><td>3,029</td><td>8%</td><td>Australia</td><td>£1,194</td><td>5%</td></tr><tr><td>5</td><td>Spain</td><td>2,413</td><td>6%</td><td>Spain</td><td>£1,061</td><td>4%</td></tr><tr><td>6</td><td>Netherlands</td><td>2,136</td><td>5%</td><td>Irish Republic</td><td>£941</td><td>4%</td></tr><tr><td>7</td><td>Poland</td><td>1,807</td><td>5%</td><td>Saudi Arabia</td><td>£862</td><td>4%</td></tr><tr><td>8</td><td>Italy</td><td>1,779</td><td>5%</td><td>Italy</td><td>£841</td><td>3%</td></tr><tr><td>9</td><td>Belgium</td><td>1,148</td><td>3%</td><td>Netherlands</td><td>£747</td><td>3%</td></tr><tr><td>10</td><td>Australia</td><td>1,092</td><td>3%</td><td>China</td><td>£694</td><td>3%</td></tr></tbody></table> <p>Key to attracting tourism to East Kent and Kent generally is in a concerted effort from Visit Kent and the local councils including Thanet District Council, Canterbury City Council and Dover District Council. Attendance at Travel and Tourism Trade Fairs and Exhibitions would generate more business for the area, increasing knowledge and perception of Kent.</p> <p>In terms of an assessment of likely levels of inbound tourism, domestic flights are likely to be dominated by UK residents although research for Visit Britain found that 2% of inbound tourists use UK domestic flights.</p> <p>The Government, in their statistical information on air passenger numbers and characteristics collected for the House of Lords Science and Technology Committee inquiry into the Air Cabin Environment by the Parliamentary Office of Science and</p>	Top ten markets by volume				Top ten markets by value			From		Visits (000)	% of all visits	From	Spend (£m)	% of all spend	1	France	3,956	10%	USA	£3,643	15%	2	USA	3,910	10%	Germany	£1,581	6%	3	Germany	3,380	9%	France	£1,425	6%	4	Irish Republic	3,029	8%	Australia	£1,194	5%	5	Spain	2,413	6%	Spain	£1,061	4%	6	Netherlands	2,136	5%	Irish Republic	£941	4%	7	Poland	1,807	5%	Saudi Arabia	£862	4%	8	Italy	1,779	5%	Italy	£841	3%	9	Belgium	1,148	3%	Netherlands	£747	3%	10	Australia	1,092	3%	China	£694	3%
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Ref No.	Respondent	Question															
		<p>Technology (POST) (https://www.parliament.uk/documents/post/e3.pdf) say:</p> <p><i>“Direct data on flight durations tend not to be collected systematically. Information on passenger movements between ‘country’ or ‘region’ pairs provide a reasonable surrogate and are normally used to derive aggregates of ‘short haul’ and ‘long haul’ flight passengers. Many data sources do not distinguish between passengers originating at one or the other end of pairs, which makes it difficult to provide figures based on passengers’ country of residence. In some cases, traffic between a pair may be reasonably in balance but in other cases, particularly leisure traffic, (e.g. to Palma de Mallorca or the Seychelles, from the UK) the overwhelming majority of passengers will originate from one (e.g. the UK) end of the pair.”</i></p> <p>The CAA provides passenger surveys for Birmingham, East Midlands, Gatwick, Heathrow, Luton, Manchester, Stansted, London City, Liverpool, Leeds Bradford and Newcastle airports, none of which, due to their size, provide a reasonable comparison for Manston Airport. Perhaps the nearest comparator is Luton Airport, which, in 2017, had the following proportions of visitors:</p> <table> <tr> <th></th><th>UK</th><th>Foreign</th></tr> <tr> <td>International business</td><td>5.9%</td><td>3.9%</td></tr> <tr> <td>International leisure</td><td>58.4%</td><td>24.5%</td></tr> <tr> <td>Domestic business</td><td>2.2%</td><td>0.1%</td></tr> <tr> <td>Domestic leisure</td><td>4.5%</td><td>0.5%</td></tr> </table>		UK	Foreign	International business	5.9%	3.9%	International leisure	58.4%	24.5%	Domestic business	2.2%	0.1%	Domestic leisure	4.5%	0.5%
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Ref No.	Respondent	Question			
			71%	29%	<p>Source: CAA passenger survey data from 2017 table 2.1: Country of Residence and Journey Purpose of terminal passengers at the 2017 survey airports</p> <p>Should Manston Airport display similar percentages in terms of passenger profile, inbound tourism would account for 25% of passenger numbers with a further 4% inbound overseas nationals doing business in the UK.</p> <p>Data provided by Visit Britain provides some data, which has been used to provide the following information:</p> <p>Republic of Ireland: The UK is the most visited destination from the Republic of Ireland with 2.33 million visits using air transport in 2017 with an average length of stay of 3.25 nights.</p> <p>Spain: Spanish people make almost 3 million visits to the UK each year by air, preferring to visit a pub, explore parks and gardens, and shop. Cultural attractions are amongst the most important reasons for choosing Britain as a holiday destination.</p> <p>Poland: Inbound tourism from Poland has increased greatly since 2002 when there were less than 200,000 visits of which 58,000 were by air. The UK is the most visited destination for Poles, who made around 1.81 million visits in 2017, of which 1.06 million were by air with an average length of stay of 8.31 nights. The top three activities are sightseeing famous buildings/monuments, visiting a pub, and shopping.</p> <p>Hub feeder flights are likely to connect both inbound and outbound passengers who either live in the Manston Airport catchment area, travel to use the airport for convenience (short walking distances, rapid check-in with short waiting times, and easy way-finding) or inbound passengers visiting or doing business in the Manston Airport catchment area.</p> <p>Cruise ship flights are expected to be 100% inbound tourists originating in the USA, although these people will be outbound from the Port of Dover. However, it may be possible, with work from tourism and local authorities, to attract these people to spend additional time in East Kent.</p>

Ref No.	Respondent	Question
Tr.3 Transportation and Traffic		
TR.3.1	The Applicant	<p>Alternative Manston-Haine Link Road</p> <p>The Applicant's response to second written question Tr.2.1 [REP6-index number to be allocated] sets out that:</p> <p><i>"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."</i></p> <ol style="list-style-type: none"> The modelling in the RTA [REP5-021] incorporates the implementation of the link road as proposed by the Applicant. Do you agree that it therefore follows that it should be secured in the draft DCO and fully assessed in the ES? Fully, justify your response. If the Applicant agrees, how would this be achieved at this stage of the Examination? If it is not secured in the draft DCO, how can it be relied upon and how can the modelling and subsequent mitigation measures be considered robust? If the link road is not secured in the draft DCO, is it therefore necessary to provide a robust transport assessment (along with subsequent changes to the ES, including noise and air quality assessments) that does not rely on the implementation of the link road? Show where the impacts of implementing the alternative link road have been considered in the ES, for example, but not limited to, the historic environment, ecology and landscape and visual effects? Has consultation on the Manston-Haine Link Road been carried out? The Applicant has suggested off-site mitigation will be delivered through Section 278 highways agreements. Would this be an appropriate way of delivering the alternative link road?

Ref No.	Respondent	Question
		<p>viii. Is there any certainty that the alternative link road as modelled in the RTA [REP5-021] can be delivered as proposed by the Applicant?</p> <p>ix. Where have the costs associated with the link road been considered in the application documents and what are the implications for the stated costs of the project contained in the revised Funding Statement [REP6-index number to be allocated]?</p> <p>x. Is a revised masterplan required to show the alternative link road?</p> <p>xi. If land requirements for the delivery of the Manston-Haine Link Road will be negotiated between KCC and the Applicant separate to the DCO, why does the request for the Compulsory Acquisition of land and/or rights over land contained in, for example, the Book of Reference and the Land Plan reference plots that are potentially impacted by the Link Road?</p> <p>xii. If land requirements for the delivery of the Manston-Haine Link Road will be negotiated between KCC and the Applicant separate to the DCO, how do you justify the request for Compulsory Acquisition relating to plots that are potentially impacted by the Link Road?</p> <p>xiii. State whether or not you consider that a revised Book of Reference and Land Plans are required to accommodate this change, justifying this conclusion.</p>
		<p>Applicant's Response:</p> <p>i) The DCO does not include the Manston-Haine Link road, nor is it reliant on it, therefore it does not need to be secured or assessed as part of this DCO application.</p> <p>The Applicant's original Transport Assessment, submitted with the application, was modelled on the basis of traffic excluding the link road and demonstrates that the DCO does not rely upon the delivery of the Thanet Transport Strategy (TTS). That assessment remains valid and robust. It adopts a standard spreadsheet methodology for the assessment of traffic impacts which is widely used in development control decisions across the country. It takes account of the residential and employment growth proposed in the emerging Local Plan and shows the consequences of the Project on the existing road network identifying the mitigation necessary to address those impacts.</p>

Ref No.	Respondent	Question
		<p>Quite separately from the Applicant's assessment, Kent County Council (KCC) and TDC jointly commissioned the development of the Thanet Strategic Transport Model (TSTM) to assess the consequences of draft Thanet Local Plan and the wider transport aspirations to accommodate the growth as set out in the draft Thanet Transport Strategy (TTS).</p> <p>KCC asked the Applicant to assess the impact of the Project using the TSTM, which includes KCC's wider transport aspirations, including a Manston-Haine Link road. The Applicant carried out that assessment and presented a revised Transport Assessment at Deadline 5 [REP05-21]. The revised TA [REP05-21] shows that the Applicant's Project will not prejudice delivery of the link road or the wider transport aspirations set out in the draft TTS. The revised TA [REP05-21] assessed the impacts of an alternative route alignment to that indicated in the TTS and demonstrated that this is deliverable in circumstances where the TTS and Manston Haine Link come forward.</p> <p>As the Manston Haine Link is not part of the DCO application, it will be a matter for KCC to justify it having regard to its environmental effects, including its transport effects, if and when it chooses to apply for planning permission and, if necessary, compulsory purchase powers.</p> <p>ii) As noted above, the Applicant's TA assesses the impact of the Proposed Development on the existing road network without the Manston Haine Link. Given that the link road does not form part of the DCO application and is not required to deliver the Proposed Development, it is not necessary to secure the link road during the examination. The Applicant acknowledges KCC's desire to bring forward the TTS and has worked closely with KCC to ensure that such a scheme could be accommodated within DCO land. The Applicant has agreed to safeguard the necessary land in accordance with the plans shown at Appendix TR3.1 - part a (in document TR020002/D7a/TWQ/Appendices). The safeguarding of this land will be secured via the draft Section 106 Agreement shown at Appendix TR3.1 - part b (in document TR020002/D7a/TWQ/Appendices).</p> <p>iii) The Applicant does not rely on the delivery of the link road in its transport modelling. The original TA does not include the link road and demonstrates that the Proposed Development can be accommodated on the existing road network subject to certain mitigation measures. Those mitigation measures are relatively minor in nature and have been demonstrated to mitigate fully the impacts of the Project. The applicant has agreed to fund the required mitigation measures via a contribution to KCC whose</p>

Ref No.	Respondent	Question
		<p>responsibility it will be to bring forward those schemes such that they are implemented in sufficient time to address the impacts of the project whilst at the same time being fully integrated with the TTS. The timeframe for delivery of the Local Plan and the TTS (i.e. by 2031) is consistent with the requirements to mitigate the transport impact of the Proposed Development. The draft Section 106 agreement submitted at deadline 7a (Appendix TR3.1 - part b) reflects the trigger points at which mitigation will be required.</p> <p>iv) The Applicant has provided a robust transport assessment that does not rely on the implementation of the link road, in its original TA. That TA used a spreadsheet model to assess the impact of the Project, together with the scale of residential and employment growth identified in the emerging Local Plan on the road network. The ES [APP-033] includes noise and air quality assessment on the basis of the Proposed Development's impacts on the existing road network. The TA uses a standard traffic modelling methodology used in numerous planning applications and appeals without controversy.</p> <p>The Applicant was asked by KCC to provide a further assessment to demonstrate that the delivery of the Proposed Development was compatible with the delivery of the link road. The Addendum TA [REP05-21] has shown that they are compatible in that the Proposed Development will not prejudice the delivery of a link road. The TSTM shows a different distribution of traffic on the road network as a result of KCC's aspirations for the future network, but that alternative traffic distribution would be a consequence of KCC's proposals and not of the Applicant's Project. As to the robustness of the Applicant's TA, it identifies a greater number of junctions that would require mitigation than shown in the TA Addendum. This shows that the Applicant's original TA is a worst-case assessment. The Applicant proposes to provide funding to mitigate the larger number of junctions identified for mitigation in the original TA. In the event that the link road comes forward, that money would still be provided by the Applicant even though fewer junctions would require mitigation.</p> <p>v) The impacts of implementing the link road have not been assessed in the Applicant's ES [APP-033] however the Addendum to the ES provided at Deadline 6 [REP6-016] considers a baseline environment where the TTS exists and as such the impacts of the project on that baseline environment have been thoroughly considered. As noted previously, this approach is entirely appropriate because the link road is not part of the Applicant's proposed development. It is a scheme that may be promoted by</p>

Ref No.	Respondent	Question
		<p>KCC at some point in the future, depending on it obtaining the necessary public and other funding. In the event that it is brought forward in the future, its effects will have to be assessed by KCC at that time in order to secure planning permission.</p> <p>vi) The Applicant has not carried out consultation on the Manston-Haine link road. The link road is not part of its Project. It will not be delivered by the Applicant and nor is it necessary to facilitate the Applicant's Project. The emerging Local Plan shows an indicative alignment for the link road albeit there is no safeguarded route in the emerging Plan. In the event that KCC wish to bring forward the link road, they will no doubt carry out consultation on their proposals.</p> <p>vii) Following further discussion with KCC, the Applicant proposes to make contributions through a s.106 obligation to fund the works required to the existing road network to mitigate the impacts of the Proposed Development. A draft mechanism to secure those funds is attached at Appendix TR3.1 - part b. That mechanism ensures that the Proposed Development can be delivered with nil detriment to the road network. In the event that KCC bring forward a Manston-Haine Link road, the mechanism provides sufficient flexibility to allow the Applicant's contributions to be used on alternative road improvements necessary to mitigate the effects of the Project on the revised road network. As to the route of the Manston-Haine Link road, the Applicant is willing to safeguard land alongside Manston Road to 2031 (the period covered by the emerging Local Plan) to ensure that the alternative alignment can be delivered in the event that funding is secured for it. The Applicant is willing to transfer that land to KCC at nil cost to facilitate the construction of the link road. This is a generous contribution to the costs and deliverability of KCC's proposed link road.</p> <p>viii) The Applicant does not propose to deliver the link road. The deliverability of the link road is a matter for KCC and not for the Applicant. Only KCC can provide evidence as to its certainty however the applicant has no reason to believe that KCC's plans are not deliverable. The Applicant's revised TA [REP05-021] demonstrates that the alternative alignment link road can be accommodated and the Applicant is willing to safeguard that land to enable its delivery and to transfer it at nil costs to KCC in the event that it decides to proceed with the link road. To that end, the Applicant's Project actually improves the prospects of the link road's delivery.</p>

Ref No.	Respondent	Question
		<p>ix) The costs associated with the link road will be a matter for KCC. The Applicant does not propose to deliver the link road as part of its Project and does not rely on the delivery of the link road to facilitate its Project. As such, the costs of its delivery have not been assessed or included in the Applicant's Funding Statement.</p> <p>x) A revised masterplan is not required to show the alternative link road as it does not form part of the Applicant's proposed development. The masterplan layout in the Northern Grass is indicative and the alternative alignment link road could be accommodated within it without changes to the zoning shown on the existing Masterplan. However, the Applicant has provided a plan showing the area that it is prepared to safeguard up until 2031 to allow for the delivery of the link road in the future (provided at Appendix TR3.1 - part a).</p> <p>xi) The Applicant's inclusion of land within the red line boundary is based on the Project's land needs, not the land needs of the link road. The Application documents therefore refer to land and/or rights over land that may be required by the Link Road. KCC are the promoters of the Link Road scheme will be required to negotiate their land requirements with the Applicant. As the Applicant has already made clear in its previous answers, such arrangement falls outside of the DCO albeit the Applicant is willing to safeguard an area of land to facilitate the delivery of the link road in the future.</p> <p>xii) The Applicant has justified the inclusion of each plot in the DCO at Appendix 1 to the Statement of Reasons [APP-012]. The justification for the inclusion of those plots has not changed. However, the Applicant recognises that KCC has aspirations to deliver a link road, and it is able to accommodate the delivery of that road without impacting the footprint of development proposed on the Northern Grass. In the event that the link road is not delivered by 2031, or an earlier notification by KCC that it has abandoned its proposals for the Manston-Haine Link road, the Applicant will be free to develop that land in association with the Project.</p> <p>xiii) No revision to the Book of Reference or Land Plans is required. All of the land interests identified in the Book of Reference remain the same. The indicative Masterplan for the Northern Grass enables the Applicant to safeguard the area of land required</p>

Ref No.	Respondent	Question
		for the delivery of the link road for a certain period to accommodate KCC's aspirations for the delivery of a link road. In the event that the link road is not delivered, that land will be available for the Project.
TR.3.2	The Applicant	<p>Alternative Manston-Haine Link</p> <p>KCC's response to second written question Tr.2.2 [REP6-index number to be allocated] states:</p> <p><i>"It is essential that the proposed DCO does not prejudice the delivery of the Manston to Haine highway link. The indicative layout of the alternative link encroaches on an area of land earmarked for built development, as outlined within the indicative masterplan and the indicated radar protection zone. It is essential that the provision of necessary land parcels to facilitate an appropriate form of link road (within the limits of the red line boundary) are secured as part of this development as part of the DCO process to avoid the need for KCC to either seek to compulsorily acquire the land or acquire rights over the land from the Applicants after the DCO has been granted."</i></p> <p>What is the Applicant's response?</p> <p>Applicant's Response:</p> <p>The revised TA [REP05-021] has shown that the Proposed Development will not prejudice the delivery of a link road between Manston and Haine. The Masterplan for the Northern Grass is indicative and is sufficiently flexible to accommodate a link road. The Applicant has confirmed that it is willing to safeguard that land to facilitate delivery of the link road. The alignment suggested by the Applicant would not be affected by the radar protection zone. As such, the ExA can be satisfied that the Proposed Development will not prejudice the delivery of a Manston-Haine link road.</p> <p>Furthermore, it is important to note that the Manston-Haine link road is not a committed scheme. Even without the DCO Project, KCC would have to acquire land on the Northern Grass by agreement or through compulsory acquisition in order to deliver the link</p>

Ref No.	Respondent	Question
		road as it does not currently own that land. In fact, if the DCO is granted, KCC will be in a better position in respect of land acquisition as the Applicant has confirmed that it is willing to safeguard an area of land to enable its delivery and to transfer that land at nil cost to KCC.
TR.3.3	The Applicant	<p>Alternative Manston-Haine Link</p> <p>KCC's response to second written question Tr.2.8 [REP6-index number to be allocated] sets out that:</p> <p><i>"It is anticipated that the proposed alternative route (if considered in a scenario where aviation uses were recommenced on the Manston Airport site) could deliver very similar traffic routing benefits when compared to the extant proposals (subject to an appropriate form of junction being delivered at Manston Road/Spitfire Way). However, at this stage, it is not known if the alternative route will have a material impact on overall scheme cost.</i></p> <p><i>KCC's initial review of the proposed alternative alignment is that it will lead to a far greater land take requirement in relation to existing farmland to the north of the application site (which appears to be previously undeveloped agricultural land). This may have bearing on the promptness and/or economical delivery (i.e. in relation to CPO, scheme cost and delivery timescales) of this important infrastructure scheme and the potential unnecessary loss of agricultural land.</i></p> <p><i>It is important to point out that the alternative route would be lengthier, contain departures from design standard and require the further acquisition of third party land, potentially by way of a Compulsory Purchase Order. Whilst the highway capacity benefits of the route may therefore at first glance appear to be of a similar order of magnitude as that proposed by the TTS, the costs could be consequently be significantly greater."</i></p> <p>Respond to all matters raised.</p>

Ref No.	Respondent	Question															
		<p>Applicant's Response:</p> <p>Taking each of KCC's points in turn:</p> <ul style="list-style-type: none"> • Land take- the proposed alternative link road alignment follows an existing highway for a large proportion of its length. Furthermore, KCC's assertion fails to acknowledge that the Northern Grass is currently third-party land that may require compulsory acquisition or acquisition by agreement. In the event that the DCO is granted, the Applicant has made it clear that it will safeguard land to accommodate the link road and will agree to transfer that land at nil cost to KCC in the event that the link road comes forward. This means that KCC will be in a better position than at present because there will be no doubt as to its ability to acquire land on the Northern Grass and it will not have to acquire that land by compulsion or even at market value. • Farmland- The Inner Circuit of which the Manston-Haine link forms a part appears to require agricultural land take at a number of locations. As such, if agricultural land take is considered to be a significant constraint one would have to question the deliverability of the Inner Circuit in its entirety. Although it would be for KCC to assess in detail, the alignment suggested by the Applicant avoids the majority of the cropped area to the north. It should also be noted that indeed KCC's own proposal crosses the same parcel of land identified above albeit for a shorter length. • Route Length and design standards - The alternative alignment is shorter than the KCC route. The KCC route will also require widening along the B2050 Manston Road from its junction with the B2050 to the Spitfire Way junction. The following provides a comparison of the RSP alternative alignment and the KCC indicative scheme broken down into sections: <table border="1"> <thead> <tr> <th>Section</th><th>RSP alternative alignment</th><th>KCC indicative route</th></tr> </thead> <tbody> <tr> <td>1. Farmland to the north</td><td>425m</td><td>275m</td></tr> <tr> <td>2. Northern Grass Area</td><td>386m</td><td>836m</td></tr> <tr> <td>3. Road widening</td><td>829m</td><td>629m</td></tr> <tr> <td>Total</td><td>1640m</td><td>1740m</td></tr> </tbody> </table>	Section	RSP alternative alignment	KCC indicative route	1. Farmland to the north	425m	275m	2. Northern Grass Area	386m	836m	3. Road widening	829m	629m	Total	1640m	1740m
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Ref No.	Respondent	Question
		<p>The Applicant's alternative alignment has been designed to the standards identified by KCC for an all- purpose Band A road, and to national standards set out in the Design Manual for Roads and Bridges (DMRB), with permitted 2 step relaxations (permitted variation from design standards). The design is therefore acceptable. The statement by KCC is incorrect to suggest that the design has departures from standards.</p> <p>Costs- As noted previously, the Applicant proposes a generous transport contribution provided in such a way that it will assist with the delivery of the TTS as well as mitigating the impacts of the DCO project. The route alignment shown by KCC in the TTS is acknowledged to be indicative and has not been properly tested in its own right. Furthermore, KCC appear to assume that they should be gifted an alignment of their choosing without consideration of the implications of that position on the operation of the airport. This DCO application is for a Nationally Significant Infrastructure Project. It is more important to consider whether the link road would prejudice the delivery of that Project and not simply whether the Project would prejudice the delivery of the link road. The Applicant's revised TA [REP05-021] shows that the link road can be delivered in a way that does not prejudice the delivery of the nationally significant Project. The Applicant has gone even further and agreed to safeguard land to facilitate the delivery of the link road and to transfer that land to KCC in the event that it proceeds with the link road. Its suggested alignment provides a solution where both schemes can be compatibly delivered, and indeed makes delivery of the link road more likely by removing any uncertainty about the acquisition of land on the Northern Grass to accommodate the road.</p> <p>It is further noted that the Applicant will be implementing an improvement scheme at the Spitfire Way/Manston Road junction as part of the Project. The improvement scheme is part of the Manston-Haine Link and will be delivered at zero cost to KCC.</p> <p>KCC's indicative alignment for the Manston-Haine Link does not extend to the A299 strategic highway network but ends at the B2050 Manston Road, at which point the road network is 6m in width and not compliant with KCC's design standard of 7.3m for the link road network. KCC has therefore underestimated the cost of its indicative route.</p>

Ref No.	Respondent	Question
		<p>The Project will deliver widening of Spitfire Way from 6m to 7.3m from the Spitfire Way/Manston Road junction to the dual carriageway section at Columbus Way, which then routes to the A299 and the strategic network. This improvement will support the attractiveness of the Manston-Haine Link.</p>
TR.3.4	The Applicant	<p>Alternative Manston-Haine Link</p> <p>KCC's response to second written question Tr.2.8 [REP6-index number to be allocated] also states:</p> <p><i>"KCC considers that the most appropriate/economical way of delivering this link infrastructure (taking into account the results of archaeological evaluation) is to route it through the Northern Grass and integrate its delivery as part internal access road infrastructure. This would avoid the unnecessary use of additional previously undeveloped agricultural land to the north and reduce the amount of off-site highway works required (which is an aim of the Transport Strategy as and when site constraints allow). It would also reduce potential environmental/amenity impacts on residential properties located on Manston Road. In addition, the cost of delivering the link could be reduced. More clear and compelling justification should be provided in relation to why the link cannot be provided along its original alignment. If acceptable justification is provided and, subject to some more detailed changes (including agreeing the form/geometry of the junction at Spitfire Way/ Manston Road) and clarification over scheme delivery costs and funding/delivery mechanisms, the alternative route may be acceptable in principle.</i></p> <p><i>It is also essential that the land required to deliver this link within the red line of the application site is secured as part of the DCO process. The indicative masterplan for the site currently suggests that built development and a radar protection zone is likely to be located within the required land parcels, which could compromise the deliverability of the alternative link. The Applicant should outline how they intend to address this issue"</i></p> <p>Respond to all matters raised.</p>

Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>As set out in response to question TR3.3 above, the Applicant proposes a solution that facilitates both the delivery of the nationally significant infrastructure project and KCC's aspirations for local road improvements. It should be noted that KCC does not currently own any of the land in the Northern Grass that would be required to deliver the link road and nor is that land safeguarded for road development in any adopted or even emerging development plan. The Applicant's proposal improves KCC's position and increases the likelihood of the link road's delivery. It proposes to safeguard land required for the delivery of the link road and a mechanism that obliges it to transfer that land to KCC in the event that the link road comes forward. The Applicant's suggested alignment therefore offers a positive solution that enables both the NSIP and the local road improvements to be delivered.</p>
TR.3.5	<p>The Applicant</p> <p>MoD/ Defence Infrastructure Organisation</p> <p>NATS</p>	<p>Radar Safeguarding Area</p> <p>The Applicant's response to second written question Tr.2.5 [REP6-index number to be allocated] sets out that:</p> <p><i>"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."</i></p> <p>i. Provide further technical evidence to support this statement.</p> <p>ii. What is the purpose of the safeguarding area if it is not considered necessary?</p> <p>iii. What is the view of the MoD and NATS on this matter?</p>
		<p>i. The general requirements are taken from CAP 670 <i>ATS Safety Requirements</i> (Part B, Section 4 of GEN 02).CAP 670.</p>

Ref No.	Respondent	Question
		<ul style="list-style-type: none"> A radar system is safeguarded with criteria which are derived to ensure that the beam is unaffected or blocked by obstacles. <p>The criteria for safeguarding radar systems provides a 3-dimensional disc / surface (or a 'curved' saucer) which has its centre at the position and height of the radar antenna. This then forms a slightly upward-sloping surface (disc) away from the radar. The base of this disc, in this case, sits at approx. 27 meters (m) above the ground. Penetration of this surface is not permitted so permitting clean, un-interrupted beam formation;</p> <ul style="list-style-type: none"> A safeguarded slope should be defined around the system, the radius of the disc, which shall assure the system's performance such that it continues to support the operational requirement: This has been estimated, in the case of the Northern Grass radar, in the absence of specific manufacturer requirements, for a number of commercial radar on the market and taken the most constraining case / example. <p>ii. The intention of the safeguarding area is to prevent tall building construction which would result in degradation of the radar performance. The safeguarding area is necessary as it ensures that any proposed developments are considered and assessed for their potential impact. However, it does not preclude development below the 3-dimensional surface (disc) if there is no impact or if any impact can be managed or mitigated. With regard to the Manston radar, with the base of the disc is set at the height of the radar dish (approx. 27m in this case) and rising away from the centre point. Therefore, the road, its furniture, and traffic would be <u>below</u> the disc and would not prejudice the radar's performance. Therefore, although inside the radius of the disk, the road would have no impact on radar performance.</p> <p>iii. The MoD and NATS have not been approached on this matter as safeguarding of the airport's Air Traffic Services (ATS) equipment and procedures is a matter purely for the owner / operator / licence holder. Guidance on the technical specifications and safeguarding requirements are detailed in CAP 670 <i>ATS Safety Requirements</i> (Part B, Section 4 of GEN 02); it contains no requirement to consult with NATS or MoD where their equipment is not subject or affected; the safeguarding criteria being set by the CAA, not NATS or the MoD.</p>

Ref No.	Respondent	Question
TR.3.6	The Applicant	<p>Off-Site Junction Mitigation</p> <p>The Applicant's response to second written question Tr.2.1 [REP6-index number to be allocated] sets out that:</p> <p><i>"The off-site junction improvements are not part of the DCO application and will be dealt with through Section 278 Highways agreements."</i></p> <p>i. Given that the off-site junction improvements are required to mitigate the impacts of the proposed development are they 'associated development' that must be secured in the draft DCO and fully assessed in the ES?</p> <p>ii. If so, how would this be achieved at this stage of the examination?</p> <p>iii. If it would be appropriate to deliver the necessary junction improvements through Section 278 highways agreements, where does the DCO secure these mitigation measures?</p> <p>iv. Where have the impacts of implementing the proposed junction improvements been considered in the ES, for example, but not limited to, the historic environment, ecology and landscape and visual effects?</p> <p>v. What certainty is there at this time that the necessary junction improvements can be delivered as proposed by the Applicant?</p> <p>vi. Where have the costs associated with securing and implementing the off-site junction mitigation schemes been considered in the application documents and what are the implications for the stated costs of the project contained in the revised Funding Statement [REP6-index number to be allocated]?</p> <p>Applicant's Response:</p>

Ref No.	Respondent	Question
		<p>i. The improvements proposed to mitigate the effects of the Project on the highway network are set out in the original TA and a lesser set of improvements are required under the revised TA. Of the junctions identified as requiring capacity improvement works, all but one (Manston Court Road/Manston Road) are within the highway boundary. The improvement works proposed on those junctions are relatively minor in nature, ranging from minor road widening and new lining to signalisation and can be carried out by the highway authority under permitted development rights. Pursuant to the General Permitted Development Order, they already have planning permission. The Applicant proposes to fund those works through a s.106 obligation in order to facilitate their integration with KCC's wider aspirations relating to the TTS. There are two junctions where mitigation works outside the highway boundary are identified in the TA. In both cases the junctions <u>currently</u> underperform in safety terms. One junction (Manston Court Road/Manston Road) requires widening and signalisation for capacity purposes without the Manston-Haine Link. It has also been identified to have substandard visibility splays in its current configuration. The other (Alland Grange Road/Spitfire Way) is not significantly effected by development traffic but has been identified to have substandard visibility splays in its current configuration. It is not for the Applicant to resolve pre-existing problems on the highway network. The Applicant's Project will increase traffic levels in the vicinity of those junctions and as such improvement works have been identified and the Applicant will fund those works with appropriately timed contributions as described in the draft Section 106 Agreement (at Appendix Tr.3.1 - part b). However, it should be noted that KCC as highway authority has chosen not to carry out works to address the existing problems with those junctions. That may be because it hopes to deliver the inner circuit which will help alleviate the existing problems at those junctions. As noted previously, the Applicant proposes to provide funding to carry out improvements to the junctions but the mechanism securing that funding will be sufficiently flexible to allow KCC to spend the sums on alternative improvement works in line with wider aspirations. The Applicant does not therefore consider it necessary or appropriate to adopt specific requirements or secure permission for improvements to those two junctions as part of this DCO as it may be that KCC uses the Applicant's contributions on alternative improvement works associated with its aspirations for the link road.</p> <p>ii. The precise nature of the junction improvement works will be a matter for KCC. The Applicant is committed to providing funding to mitigate the impacts of the Project, but the funding mechanism allows KCC to bring forward the improvement schemes that it considers most appropriate for the road network at the time that they become necessary. All of the</p>

Ref No.	Respondent	Question
		<p>improvement works are within the highway boundary or on junctions that require improvement even without the Project. The Applicant will provide funding that will facilitate those works but it is not necessary for the precise nature of the improvement works to be identified or included in the DCO.</p> <p>iii. The mechanism for securing funding for improvements to the road network is a s.106 obligation, a draft of which is included at Appendix Tr.3.1 - part b.</p> <p>Despite the existence of a robust and fit for purpose transport model prepared by the Applicant, KCC were unwilling to enter into detailed discussions regarding the details of the TA or their expectations regarding contributions until such time that the scheme had been tested using the TSTM. The TSTM was not available to the applicant for use until 2019 and as such this position has limited the Applicant's ability to conclude negotiations. The scheme has now been tested with the TSTM with broadly the same conclusions and in fact less mitigation required than had previously been assumed.</p> <p>The Applicant has agreed to be flexible with KCC in terms of financial contributions towards mitigation works. Discussions with KCC in recent weeks have led the applicant to understand that KCC and TDC wish to bring forward a wider programme of improvements and on this basis, the Applicant is prepared to offer a generous land and financial package. This is offered as a contribution rather than a Section 278 agreement such that it does not limit KCC's ability to implement schemes beneficial to its wider aspirations rather than addressing only those junctions directly impacted by the Proposed Development.</p> <p>iv. With two exceptions (described above), the junction improvement works identified in the ES [APP-033] are within the highway boundary and already benefit from planning permission through Class A, Part 9 of the General Permitted Development Order. The works are relatively minor in nature, ranging from minor road widening and new lining to signalisation and the precise works carried out will be for KCC to determine. As such, they are not included in the DCO and the environmental effects of these minor highway improvements have not been assessed.</p>

Ref No.	Respondent	Question
		<p>v. Where the improvement works are within the highway boundary, they benefit from permitted development rights and the Applicant has committed to their funding. KCC and other highway authorities regularly carry out highway improvements using such powers. There can therefore be a high degree of certainty that the works will be delivered by KCC. For the two junctions which require works outside the highway boundary, the Applicant is confident that the case for improvement is strong and is committed to funding those works. It will be a matter for KCC as to whether it chooses to deliver the improvement works, but with strong justification and secured funding the Applicant can foresee no reason why KCC would elect not to deliver the works.</p> <p>vi. The costs associated with the offsite highway improvements works are not included in the overall Project costs but will be secured in a separate s.106 obligation (see draft mechanism at Appendix Tr.3.1 - part b).</p>
TR.3.7	The Applicant	<p>Timing of Mitigation Works</p> <p>KCC's response to second written question Tr.2.46 [REP6-index number to be allocated] states:</p> <p><i>"The TA Addendum provides no further information or clarification on this matter, although KCC remains willing to engage with the Applicant to progress these negotiations.</i></p> <p><i>...The Highway Authority would look to seek all mitigation at the earliest possible juncture, unless the Applicant can demonstrate an evidence-based approach to infrastructure triggers. In the absence of a clear evidence base, any agreed improvement schemes should be pre commencement/ occupation triggers."</i></p> <p>i. What is the Applicant's response?</p>

Ref No.	Respondent	Question
		<p>ii. Given the phased nature of the proposed development, will all junction improvements be required before operations at the site begin? If not, when will they be required and where is this considered in the RTA [REP5-021] and secured in the draft DCO?</p> <p>iii. If it cannot be demonstrated when each mitigation scheme is required, must they all (including the link road) be implemented before the operation of the airport commences and should this be secured in the draft DCO?</p> <p>Applicant's Response:</p> <ul style="list-style-type: none"> i. A draft Section 106 agreement that provides contributions based on a clear, evidence based trigger points for infrastructure requirements has been included at Deadline 7a (at Appendix Tr.3.1 - part b) ii. The junction improvements will not be required before operations begin as the quantum of development traffic would not have a significant impact on the capacity of the junctions. The Applicant has identified trigger points and these have been included within the S106 Agreement. It has been agreed in principle that the delivery of junction mitigation will depend on a variety of factors, some outside the control of the applicant. Nonetheless, the draft Section 106 agreement reflects the commitment of both parties to ensure that mitigation is both appropriate (in the context of KCC wider transport aspirations) and timely in the context of ensuring the delivery of mitigation. iii. KCC and the Applicant have agreed that the mitigation would be required within the Local Plan period and a suitable contribution and triggers for payment have been identified and are included in the draft s.106 obligation.
TR.3.8	The Applicant	<p>Off-Site Junction Mitigation</p> <p>The Applicant's response to second written question Tr.2.4 [REP6-index number to be allocated] states:</p>

Ref No.	Respondent	Question
	KCC	<p><i>"All other junction improvements can be delivered within the existing highway boundary."</i></p> <p>i. What is meant by 'existing highway boundary'?</p> <p>ii. Provide further justification in the form of landownership plans, to support this statement for each off-site junction improvement, including those required for highways safety by deadline 7a.</p> <p>iii. Do KCC agree with this statement?</p> <p>Applicant's Response:</p> <p>i) The existing highway boundary is the land shown in the plans provided by KCC, reproduced at Appendix TR3.8 to this response. The works proposed within the highway boundary are minor in nature and benefit from permitted development rights which can be delivered by KCC without the need for an express grant of planning permission. The ExA can therefore be satisfied that there is no impediment to the delivery of those mitigation works. Works on land adjacent to highway land also benefit from permitted development rights.</p> <p>ii) The land plans provided (at Appendix TR3.8) show that all junction improvement works fall within the highway boundary other than the Alland Grange Road/Spitfire Way junction and the Manston Court Road/Manston Road junction. The mitigation works identified for those two junctions are on land 'adjacent' to the highway and therefore also benefit from permitted development rights.</p> <p>In this regard, Class A of Part 9 of the Town and Country Planning (General Permitted Development) (England) Order 2015 provides that permitted development rights are granted for:</p> <p><i>"The carrying out by a highway authority—</i></p>

Ref No.	Respondent	Question
		<p>(a) <i>on land within the boundaries of a road</i>, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b) ¹ of the Act; or</p> <p>(b) <i>on land outside but adjoining the boundary of an existing highway</i> of works required for or incidental to the maintenance or improvement of the highway.”</p> <p>Thus the works for all the highway improvements identified in the Applicant's original TA have planning permission.</p> <p>iii) N/A. KCC to provide a response.</p>
TR.3.9	The Applicant	<p>Off-Site Junction Mitigation</p> <p>KCC's response to second written question Tr.2.2 [REP6-index number to be allocated] states:</p> <p><i>“The changes in highway mitigation scope could lead to works either being newly proposed or no longer being proposed on parts of the highway network, in respect of which local stakeholders will have had no prior knowledge at the point of implementation by KCC and without any opportunity to make relevant comments/ representations. It therefore raises clear issues of natural justice, if local residents have not had an opportunity to comment through the DCO process.</i></p> <p><i>It is unclear, what publicity, if any, has been carried out by the Applicant to ensure that people who are not interested parties have an opportunity to make representations on the changes to the mitigation associated with the proposed development.</i></p> <p><i>Consultation with local stakeholders in relation to proposed off site highway alterations is usually undertaken during the process of obtaining planning consent. There is no legal requirement to consult at the point a Highway Agreement is entered into under Section 278 of the Highways Act 1980, as relevant planning consent would have already been obtained. A similar process should be followed for the DCO process.</i></p>

Ref No.	Respondent	Question
		<p><i>Several options are available to the Examining Authority to ensure that the principles of fairness and reasonableness are adhered to, including using the power to extend the examination pursuant to section 98(4) of the Planning Act 2008, make changes to the examination timetable pursuant to section 87(1) of the Planning Act 2008, to allow for representations to be made regarding the proposed changes to the mitigation associated with the development or exercise its discretion under rules 10(3) and 14(10) of the Infrastructure Planning (Examination Procedure) Rules 2010 to permit representations made by people who are not interested parties, should it consider it appropriate to do so."</i></p> <p>What is the Applicant's response?</p> <p>Applicant's Response:</p> <p>Highway improvement works within the highway boundary and the land adjoining the boundary of the highway can be carried out under permitted development rights pursuant to Class A of Part 9 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (see above) and therefore public consultation under the planning consent process would not be undertaken as KCC have asserted. It is entirely conventional for nationally significant projects and Town and Country Planning schemes to identify certain highway improvement works that are required to mitigate impacts of a scheme and for those works to be delivered by the highway authority, having decided on the precise nature of works that should be delivered. The mitigation identified ranges from minor road widening and new lining to signalisation. The Applicant proposes to make a financial contribution sufficient to mitigate the impacts of the Project on the road network. It will be for KCC to determine the precise works necessary and to deliver those works.</p>
TR.3.10	The Applicant	<p>Off-Site Junction Mitigation</p> <p>TDC in their response to Second Written Questions [REP6-index number to be allocated] state:</p>

Ref No.	Respondent	Question
		<p><i>"Thanet District Council raises concerns that the junction improvements stated as necessary through the revised transport assessment outside of the order limits are not currently the same as those currently proposed by the Applicant in the most recent version of the Register of Environmental Action and Commitments (submitted at Deadline 4)..."</i></p> <p>What is the Applicant's response and are any changes needed to the Register of Environmental Actions and Commitments?</p> <p>Applicant's Response:</p> <p>The maximum extent junction improvement works necessary to mitigate the effects of the Project on the existing road network are those identified in the original TA [APP-060-073]. It is those works that are identified in the REAC. A less onerous package of works is necessary when modelled using the TSTM.</p> <p>The revised TA [REP05-021] was carried out to assess the impacts of the Project in the event that the road network is altered in future to include the delivery of a Manston-Haine link road. In the event that the link road does come forward, the funding mechanism proposed by the Applicant is sufficiently flexible to allow KCC to expend those sums on alternative junction improvements that may become necessary in the context of the revised road network.</p>
TR.3.1 1	The Applicant	<p>Financial Contributions</p> <p>KCC's response to second written question Tr.2.2 [REP6-index number to be allocated] states:</p> <p><i>"It is further noted from the TA Addendum that the measures contained within the Thanet Transport Strategy mitigate the impact of the proposed development at several junctions that previously required standalone mitigation. As such, an appropriate financial contribution under section 106 of the Town and Country Planning Act 1990 is sought from the Applicant towards this strategy; on or before the decision in respect of this DCO is issued. Only contributions that are necessary to make the proposed development acceptable in planning terms, that are directly related to the development and are fairly and reasonably related in scale and kind are</i></p>

Ref No.	Respondent	Question
		<p><i>sought i.e. in compliance with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010. In order to quantify the contributions necessary, the Applicant must fund the completion of a revised apportionment exercise by KCC's specialist consultants, as the proposed development falls outside of the Local Plan and no specific data is readily available for this reason."</i></p> <p>i. What is the Applicant's response?</p> <p>ii. Should the draft DCO secure such financial contributions and how they will be calculated?</p> <p>iii. Have such contributions been taken into account in estimations of the cost of the proposed scheme? If so, show where.</p> <p>Applicant's Response:</p> <p>i. The Applicant proposes to provide funding to deliver the road improvement works identified in the original TA [APP-060-073]. In the event that the Manston-Haine link road is delivered by KCC in the future and as a consequence mitigation is required on that altered road network, the Applicant is content that the funding it has provided is used for that purpose.</p> <p>ii. The Applicant proposes to secure funding for improvements to the junctions identified in the original TA through a s.106 obligation. If the link road comes forward, the Addendum to the TA [REP05-021] demonstrates that fewer junctions will require mitigation, but the Applicant is content to provide the full funding identified in the original TA. That funding is necessary to mitigate the impacts of the Project on the existing road network and therefore fulfils the tests in Regulation 122 of the CIL Regulations. The Applicant also proposes to carry out widening works to Spitfire Way which is within the DCO boundary and to safeguard land within the Northern Grass alongside Manston Road for the delivery of the alternative alignment link road and transfer that land to KCC in the event that the link road comes forward. As such, the Project will provide adequate funding to mitigate its impacts on the existing road network and will facilitate the delivery of the link road. No further financial contributions towards the delivery of the link road are proposed or justified.</p>

Ref No.	Respondent	Question
		<p>iii. The costs of mitigating the junctions identified in the original TA have not been included in the total Project costs. Those costs will be secured in a separate s.106 obligation a draft of which included at (Appendix Tr.3.2 – part b). As explained above, the Applicant is willing to safeguard an area of land until 2031 to facilitate the delivery of the link road. Additional costs towards the delivery of the link road are not included as the link road does not form part of the Project and is not necessary to mitigate the effects of the Project.</p>
TR.3.1 2	The Applicant KCC	<p>Peak Movements</p> <p>The Applicant's response to second written question Tr.2.10 [REP6-index number to be allocated] states:</p> <p><i>"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 Development will not change even though background traffic increases by a marginal amount and as such the impacts reported are unlikely to change."</i></p> <p>i. Do KCC agree with this view?</p> <p>ii. Does this matter materially affect other assessments in the ES?</p> <p>Applicant's Response:</p> <p>i) N/A</p> <p>ii) As noted in the Applicant's responses to Second Written Questions, the slight delay to the start of construction has no material effect on the conclusions reported in the ES [APP-033].</p>

Ref No.	Respondent	Question
TR.3.1 3	The Applicant KCC	<p>Works Plans</p> <p>TDC in their response to Second Written Questions [REP6-index number to be allocated] state:</p> <p><i>"Works no. 26-31 are also seemingly not required to be carried out by virtue of the drafting of the DCO at a particular trigger point in the development."</i></p> <p>What is the Applicant's response and should an implementation timescale for these works be added to the draft DCO?</p>
		<p>Applicant's Response:</p> <p>The Applicant's intention has always been to deliver works no. 26-31 (highways improvements within the Order Limits) in phase 1, prior to operation. An additional Requirement 20b has been included in the dDCO submitted at Deadline 7a to secure this.</p>
TR.3.1 4	The Applicant	<p>Infrastructure Works</p> <p>TDC in their response to Second Written Questions [REP6-index number to be allocated] state:</p> <p><i>"In regard to links 18 and 20, the assessment states that the significance of environmental effects is negligible due to a mixture of road widening, pedestrian footways and junction improvements. These particular works would appear to be approved through Work no.26-31 within the DCO, but some of these works are not required to be carried out in the Register of Environmental Actions and Commitments (as they have been removed at the deadline 4 submission) with no detail on when the works would occur."</i></p> <p>What is the Applicant's response and are any changes needed to the Register of Environmental Actions and Commitments?</p>

Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>The additional requirement in the revised version of the draft DCO referred to in TR.3.13 above obliges the Applicant to deliver Works Nos. 26-31 prior to commencement of operation of the authorised development. For the avoidance of doubt these are included in an updated version of the Register of Environmental Actions and Commitments provided at Deadline 7a (document TR020002/D7a/2.5).</p>
TR.3.15	<p>The Applicant</p> <p>KCC</p>	<p>Study Area</p> <p>KCC's response to second written question Tr.2.11 [REP6-index number to be allocated] states:</p> <p><i>"i. For clarification, the traffic routing from the proposed development has now been derived from a select link analysis exercise, which was extracted from the KCC Strategic Highway Model (referred to in the TA addendum as the KCC TSTM).</i></p> <p><i>The detail of this flow distribution does not appear to have been appended to the TA addendum document. It is recommended that this data is extrapolated into a network flow diagram (including a comparison of the tested scenarios) in order to provide more visual clarity over the level of additional impact on the surrounding highway network. This would also assist in efficiently identifying areas of significant traffic increase (both inside and or links that fall outside of the detailed area of model coverage). At present, the Applicant appears to have made the decision to restrict their assessment to the extent of KCC TSTM coverage.</i></p> <p><i>Without the above information clearly presented within the TA, it is not possible to easily identify exactly where traffic from the development will be increasing on the surrounding highway network and if the proposed scope of assessment is appropriate. It is agreed that areas of the network that are subject to minimal or no traffic impact will not generate a requirement for additional assessment (and can be removed from scope), however there appear to be several junctions that have been omitted simply due to them not being included in the KCC TSTM network, which at this stage is not accepted.</i></p>

Ref No.	Respondent	Question
		<p><i>Whilst it is recognised that most of the local road network which is covered by the KCC TSTM will assist in the assessment of potential traffic routing, appraisal of impact should not necessarily be solely constrained by the model coverage area.</i></p> <p><i>At this stage junctions 1,9, 25 & 28 are notable omissions. If these junctions (or all of the associated turning movements) are not included within the KCC TSTM, it does not automatically render impact assessment as being unnecessary. The Applicant should outline a strategy for dealing with this issue for further consideration through the examination process.</i></p> <p><i>ii. At this stage, KCC refutes the assertion within the TA addendum that the removal of junctions listed in this section has been formally agreed. As stated in response to Question TR.2.2 (above), the area covered by the TSTM does not align with the TA study area and therefore the omission of junctions that fall outside of the TSTM area cannot be agreed by KCC until such time that the absolute impact of the proposed development traffic on those junctions is confirmed. The Local Highway Authority can then make a professional judgement as to whether full junction capacity assessments and/or mitigation is required in these cases."</i></p> <p>i. What is the Applicant's response?</p> <p>The Applicant at Appendix TR.2.11 of the supporting appendices [REP6-index number to be allocated] to the response to Second Written Questions includes diagrams of the select link analysis at am and pm peaks.</p> <p>ii. Does this address this particular matter for KCC?</p> <p>Applicant's Response:</p> <p>i) The mitigation proposed by the Applicant is identified in the original TA [APP-060-073] and includes junctions 1, 9, 25 and 28. The Applicant proposes to provide funding for the delivery of those improvement works through a s.106 obligation.</p>

Ref No.	Respondent	Question
		<p>In the event that the TTS, including the Manston-Haine Link Road, is delivered by KCC in the future, the Addendum to the TA [REP05-021] demonstrates that traffic flows on the road network will differ from those identified in the original TA such that fewer junctions will require improvement. There are no additional junctions that would require improvements under the TTS that are not already identified in the original TA.</p> <p>ii) The Applicant is committed to funding all of the road improvement works identified in the original TA. As such KCC is not correct to suggest that junctions 1, 9, 25 and 28 are omitted from the Applicant's mitigation package.</p>
TR.3.16	The Applicant	<p>Additional Junction Assessments</p> <p>The Applicant's response to second written question Tr.2.10 [REP6-index number to be allocated] states:</p> <p><i>"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."</i></p> <p>These must be provided at deadline 7a, along with any necessary Stage 1 Road Safety Audits and Design Responses.</p> <p>Applicant's Response:</p> <p>A technical note is provided (which has been provided to KCC) setting out the methodology, assessment and outcomes (mitigation) of this work. This is referred to as ["Revised TA - Additional Junction Assessment"] and is provided as Appendix TR3.16 to this response.</p>
		Validation of Junctions

Ref No.	Respondent	Question
TR.3.1 7	The Applicant	<p>KCC's response to second written question Tr.2.12 [REP6-index number to be allocated] states:</p> <p><i>"It is not entirely clear what this statement encompasses, however it would appear that this is intended to refer to the geometrical inputs used to inform the individual junction models. If this is the case, then this is agreed, however further clarification is required to provide definitive confirmation."</i></p> <p>Provide clarification.</p>
		<p>Applicant's Response:</p> <p>The comment referred to the validation of the baseline junction models, as presented in Section 5 of the TA. This exercise comprised a comparison between the junction model queue outputs and the observed queues (undertaken at the time of the traffic surveys), and adjustments to the model where necessary to ensure that the junction models reflect the existing network performance. KCC's consultants reviewed the junction models and confirmed them to be satisfactory.</p>
TR.3.1 8	The Applicant	<p>HGV Distribution over a 24 Period</p> <p>The Applicant's response to second written question Tr.2.14 [REP6-index number to be allocated] states:</p> <p><i>"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.</i></p> <p><i>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</i></p>

Ref No.	Respondent	Question
		<p><i>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."</i></p> <p><i>However, the Applicant's response to second written question ND.2.13 [REP6-index number to be allocated] also states:</i></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 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."</i></p> <p>i. Does the Applicant's response to second written question ND.2.13 accept that there will be some clustering?</p> <p>ii. The RTA [REP5-021] assumes an even distribution of HGV movements over a 24 hr period and mitigation measures have been produced on this basis. If this pattern does not occur in practice, how can it be ensured that there will be no unacceptable impacts on the highway network?</p> <p>iii. If it cannot, should the timing of HGV movements be secured in the DCO, as test in the RTA [REP5-021], for example through a HGV management strategy?</p> <p><i>In addition, KCC's response to second written question TR.2.14 [REP6-index number to be allocated] states:</i></p> <p><i>"KCC would expect the Applicant's consultants to revise the HGV movement profile to accord with the removal of scheduled night flights from the proposals. Should no revisions be proposed, robust justification will be required."</i></p> <p>iv. What is the Applicant's response?</p>

Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <ul style="list-style-type: none"> i) The Applicant acknowledges that the potential for some clustering cannot be ruled out. In practice it is highly unlikely that HGV movements will cluster to any significant degree either at the airport or during peak traffic hours. The clustering of HGVs at the airport would represent an inefficiency in the system. It would be likely to give rise to additional waiting times on the airfield which will represent wasted costs and as such the operator minimise any such occurrence. Furthermore, HGVs arriving and departing at the airport are likely to avoid peak traffic hours when the roads tend to be more congested because again this would represent an inefficiency. ii) For the reasons outlined above, it is highly unlikely that there will be any significant clustering of HGV movements. The movement of HGVs will be dictated principally by the rhythm of aircraft arrivals and departures throughout the day and the commercial imperative of haulage companies to avoid peak hours. The TA assumes 236 HGV movements per day in year 20. Any clustering is unlikely to have a material change in HGV movements, e.g. a 100% uplift would result in only an additional 10 HGV movements in any hour. As noted above it is highly unlikely that this would occur during the peak hours as commercial operators avoid congested periods to move freight due to increased journey time cost and risk. On this basis, if clustering were to occur, resulting in higher than average HGV movements in the out of peak hours, there would be lower than average HGV movements in the peak hours. Therefore, the assessment work has taken a robust approach by assuming an even spread across the day. iii) For the reasons described above, the applicant does not believe it necessary to secure a movement limit on HGV's during the peak hour. Furthermore, the applicant is of the view that it would be unusual and extremely impracticable to secure and monitor such a restriction. iv) The removal of night flights is not expected to change the profile for HGV movements. Any changes to the HGV movement profile are unlikely to have an impact on the critical peak hour periods as HGV travel patterns will avoid

Ref No.	Respondent	Question
		congested periods due to the implications on journey times. KCC are also reminded that no scheduled night flights were included in the earlier assumptions. As such the assumptions adopted in the TA remain reasonable.
TR.3.19	The Applicant	<p>HGV Movements & Freight Tonnage Cap</p> <p>The Applicant's response to Second Written Questions Tr.2.14 & Tr.2.20 [REP6-index number to be allocated] state:</p> <p><i>"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."</i></p> <p><i>"it is neither necessary nor practicable to include such a cap".</i></p> <p>i. Is it correct that mitigation measures are based on the assumption that 340,758 tonnes of freight per annum will be reached in Year 20 (worst case)?</p> <p>ii. If tonnage was to increase above this amount, how can it be ensured that there would be no unacceptable impacts on the highway network?</p> <p>iii. If this cannot be ensured, should this limit be secured in the draft DCO?</p> <p>iv. Justify the statement that in transport terms, the movement and timing of HGV's has been shown to have little impact on the transport network.</p>

Ref No.	Respondent	Question
		<p>v. Justify the statement that HGV movements are already inherently limited by the aviation movement cap and the noise contour control included in the noise mitigation plan. For example, would this limit HGV movements from the northern grass area?</p> <p>vi. Justify the statement that it is not practicable to secure HGV movements and their timings for example through a HGV management strategy.</p>
		<p>Applicant's Response:</p> <p>i) Yes, proposed mitigation measures are based on the assumption of 340,758 tonnes of freight per annum in Year 20.</p> <p>ii) The Applicant has assessed, conservatively, a reasonable worst-case scenario. That assessment is, therefore, robust. There is no requirement to assess the impacts of every conceivable scenario, however unlikely. There are numerous examples of developments where no limits are placed on traffic movements. For example, a transport assessment for an out of town shopping centre would assess the traffic movements likely to be associated with a normal day's operations. It would not assess potential impacts associated with an extreme scenario (such as Black Friday or January sales). Any planning permission granted for such a development would not restrict the number of customers able to frequent the shop at any time or turn away customers once a certain number had been reached. In the context of this Project there is already an indirect constraint on freight tonnage passing through the airport as a result of the ATM cap and noise contour cap. It would be wholly disproportionate to impose a cap on long-term future growth of the airport beyond what it thought to be a reasonable worse case in 2039] and the Applicant has seen no evidence that such restrictions are imposed on traffic generation from other employment developments in Kent.</p> <p>If the annual freight tonnage was 10% higher than the 340,758 assumption, this would result in an extra 24 HGVs per day, which would be less than 2 per hour. On this basis, if the tonnage was higher than that assumed, this would not result in a material change or unacceptable impacts on the highway network. However, given the other restrictions</p>

Ref No.	Respondent	Question
		<p>placed on aircraft arrivals and departures (movement and contour caps) it is not expected that tonnages would increase significantly.</p> <p>iii) For the reasons set out above there is no reason for any additional caps. It would be no more reasonable to impose a tonnage cap on this development than a sales per square metre cap on a supermarket. Such a requirement would not, therefore, pass the test of 'reasonableness' for a condition or requirement.</p> <p>iv) In transport terms the impact of the freight HGVs on the network is considered to have little impact as the hourly traffic generation from the freight facility is relatively low comprising 10 two-way HGVs. This equates to an average of one HGV every 6 minutes at the Cargo access junction on Spitfire Way. Half of this traffic would route to the NGA and the other half onto Spitfire Way and the A299, thereby diluting the traffic impact.</p> <p>v) The development on the Northern Grass will be for airport related uses and as such the restrictions applying to aviation movements will inherently limit throughput within the Northern Grass area.</p> <p>vi) HGVs will be operated by a large number of different companies which will make it impracticable to coordinate arrivals and departures effectively across the different companies. For example, if vehicles from Stobart and Wincanton arrived at the facility at the same time it would be very difficult to offer preferential treatment to one over the other in terms of access to the site. Preventing HGVs from accessing the site also has the potential to cause unintended consequences on the road network due to drivers having to wait in unsuitable locations. Furthermore, the value proposition offered by the Project is dependent upon rapid turnaround of the aircraft and the goods transported by them. Any erosion of the ability to deliver that rapid turnaround is likely to detract from the attractiveness of Manston as a freight airport.</p>
TR.3.20	The Applicant	<p>Passenger Departure Flights</p> <p>The Applicant's response to second written question Tr.2.15 (i) [REP6-index number to be allocated] states:</p>

Ref No.	Respondent	Question
	KCC	<p><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 flights between 09.00 and 13.00 more traffic is introduced into the pm peak therefore ensuring a robust case is presented in the TA."</i></p> <p>i. Does the Applicant therefore accept that transport movements associated with passenger flight departures have been underestimated in the am peak?</p> <p>ii. How many passenger related transport movements would a passenger departure flight (as a worst case) generate?</p> <p>iii. Who has 'accepted' that the pm peak is the worst case scenario?</p> <p>iv. Section 6 of the RTA [REP5-021] identifies that for some junctions there is likely to be greater effects during the am peak than the pm peak (Junction 2 and 4 are just two of numerous examples). On this basis, how can it be asserted that the pm peak is the worst-case scenario for every junction?</p> <p>v. It is clear that some of the mitigation schemes are based on (or partly on) impacts at the am peak period. Can it be ruled out that the addition of more transport movements associated with a passenger flight(s) departure between 09.00 and 13.00 would not materially affect impacts at such junctions during the am peak or would not significantly affect the outcomes of the transport assessment?</p> <p>vi. If not, how can this be addressed at this stage of the examination?</p> <p>vii. Would the only reasonable way to achieve this be to secure a restriction on passenger flight departures between 09.00 and 13.00 in the draft DCO?</p> <p>viii. How would this affect the feasibility and viability of the proposal?</p> <p>ix. What is the view of KCC on this matter?</p>

Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>i) The approach taken has been based on empirical evidence of flight patterns at comparable airports. The passenger flight arrivals and departures have been based on a total of 13 air traffic movements (ATM) per day, which have had to be spread over the course of a day. The spread of passenger ATMs over a day has been based on evidence collected of the passenger flight arrival and departure profiles at comparable airports. This evidence showed that nearly one third of passenger flights departed between 06:00 and 09:00: as presented in Table 6.7 of the original TA [APP-060], over the period between 06:00 and 23:00, 9.8% of passenger flight departures were between 06:00 and 07:00, 14.1% were between 07:00 and 08:00 and 7.4% were between 08:00 and 09:00. The time period of 06:00 to 09:00 is the most popular for passengers and passenger carriers as it enables passengers to arrive early at their destination, and carriers to maximise the number of flights in a day. Table 6.7 shows that that between 09:00 and 10:00 the proportion of flight departures drops to its lowest point of 2.5% and rises to 5.5% between 10:00 and 11:00. The flight patterns from Table 6.7 of the TA [APP-060] are illustrated in the form of a graph which shows the percentage of arrivals and departures over the day.</p>

Manston Airport DCO - Responses to ExA's Third Written Questions

Ref No.	Respondent	Question																																																						
		<table border="1"> <caption>Passenger Flight Traffic Data (Estimated from Graph)</caption> <thead> <tr> <th>Time Period</th> <th>Passenger Flight Departures (%)</th> <th>Passenger Flight Arrivals (%)</th> </tr> </thead> <tbody> <tr><td>06:00 - 07:00</td><td>9.5</td><td>0.0</td></tr> <tr><td>07:00 - 08:00</td><td>14.0</td><td>2.0</td></tr> <tr><td>08:00 - 09:00</td><td>8.0</td><td>8.0</td></tr> <tr><td>09:00 - 10:00</td><td>2.5</td><td>6.0</td></tr> <tr><td>10:00 - 11:00</td><td>5.5</td><td>3.5</td></tr> <tr><td>11:00 - 12:00</td><td>3.5</td><td>4.5</td></tr> <tr><td>12:00 - 13:00</td><td>3.0</td><td>8.5</td></tr> <tr><td>13:00 - 14:00</td><td>6.5</td><td>5.5</td></tr> <tr><td>14:00 - 15:00</td><td>5.5</td><td>6.5</td></tr> <tr><td>15:00 - 16:00</td><td>7.5</td><td>4.5</td></tr> <tr><td>16:00 - 17:00</td><td>6.5</td><td>10.5</td></tr> <tr><td>17:00 - 18:00</td><td>7.5</td><td>3.5</td></tr> <tr><td>18:00 - 19:00</td><td>6.0</td><td>8.0</td></tr> <tr><td>19:00 - 20:00</td><td>8.0</td><td>6.0</td></tr> <tr><td>20:00 - 21:00</td><td>3.0</td><td>5.5</td></tr> <tr><td>21:00 - 22:00</td><td>2.5</td><td>8.0</td></tr> <tr><td>22:00 - 23:00</td><td>0.5</td><td>8.5</td></tr> </tbody> </table> <p>Based on these patterns, the most likely flight departure between 09:00 and 13:00 would be between 10:00 and 11:00.</p> <p>ii) The traffic generation calculations assume that 70% of passengers would arrive 1 – 2 hours before the flight and 30% would arrive 2 – 3 hours before a flight. On the basis of a flight between 10:00 and 11:00, this would result in 30% of passengers travelling to the airport in the AM peak hour of 08:00 and 09:00 which would equate to up to 34 vehicle arrivals and 24 vehicle departures, It could be less than this on the basis that passengers would try to avoid peak hour travel, Flights after 11:00 would not be expected to affect peak hour traffic flows.</p> <p>iii) The first principles approach to calculating the traffic generation for the airport, including the flight times and passenger arrivals and departures, has been agreed with KCC.</p>	Time Period	Passenger Flight Departures (%)	Passenger Flight Arrivals (%)	06:00 - 07:00	9.5	0.0	07:00 - 08:00	14.0	2.0	08:00 - 09:00	8.0	8.0	09:00 - 10:00	2.5	6.0	10:00 - 11:00	5.5	3.5	11:00 - 12:00	3.5	4.5	12:00 - 13:00	3.0	8.5	13:00 - 14:00	6.5	5.5	14:00 - 15:00	5.5	6.5	15:00 - 16:00	7.5	4.5	16:00 - 17:00	6.5	10.5	17:00 - 18:00	7.5	3.5	18:00 - 19:00	6.0	8.0	19:00 - 20:00	8.0	6.0	20:00 - 21:00	3.0	5.5	21:00 - 22:00	2.5	8.0	22:00 - 23:00	0.5	8.5
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		<p>iv) It can't be asserted that the pm peak is the worst-case for every junction. When undertaking a transport assessment, it is an acceptable approach to consider the worst case for the network as a whole and not individual junctions.</p> <p>v) An increase in traffic flows in the AM peak of 58 vehicles would represent less than 5% on the road network. Changes of less than 5% will be within the typical daily variation of traffic flows at any one junction and will not have a severe impact, as defined by NPPF, on the highway network. The estimated proportional increase at the junctions for which mitigation has been identified is set out below. This is based on the original TA calculations of 2039 baseline traffic and the 2039 baseline traffic derived from the TSTM presented in the revised TA [REP05-021].</p> <table><tr><th rowspan="2">Mitigation Junction</th><th rowspan="2">Potential AM Peak Devt Traffic</th><th rowspan="2">% Dev Flows at junction</th><th colspan="2">2039 AM Baseline (TA)</th><th colspan="2">2039 AM Baseline (RTA)</th></tr><tr><th>Traffic</th><th>% increase</th><th>Traffic</th><th>% increase</th></tr><tr><td>J1</td><td>58</td><td>26.2%</td><td>3671</td><td>0.41%</td><td>-</td><td>-</td></tr><tr><td>J2</td><td>58</td><td>26.2%</td><td>4870</td><td>0.31%</td><td>4186</td><td>0.36%</td></tr><tr><td>J4</td><td>58</td><td>22.2%</td><td>4282</td><td>0.30%</td><td>3823</td><td>0.34%</td></tr><tr><td>J6</td><td>58</td><td>19.7%</td><td>3353</td><td>0.34%</td><td>2842</td><td>0.40%</td></tr><tr><td>J7</td><td>58</td><td>19.3%</td><td>4516</td><td>0.25%</td><td>4150</td><td>0.27%</td></tr><tr><td>J10</td><td>58</td><td>15.3%</td><td>1313</td><td>0.68%</td><td>2339</td><td>0.38%</td></tr><tr><td>J12</td><td>58</td><td>72.1%</td><td>1803</td><td>2.32%</td><td>2189</td><td>1.91%</td></tr><tr><td>J13</td><td>58</td><td>75.0%</td><td>1272</td><td>3.42%</td><td>887</td><td>4.90%</td></tr><tr><td>J15</td><td>58</td><td>15.0%</td><td>2254</td><td>0.38%</td><td>2370</td><td>0.37%</td></tr><tr><td>J17</td><td>58</td><td>15.8%</td><td>2695</td><td>0.34%</td><td>2346</td><td>0.39%</td></tr><tr><td>J21A</td><td>58</td><td>37.6%</td><td>2724</td><td>0.80%</td><td>2315</td><td>0.94%</td></tr><tr><td>J21B</td><td>58</td><td>37.6%</td><td>4482</td><td>0.49%</td><td>3857</td><td>0.57%</td></tr><tr><td>J26</td><td>58</td><td>7.6%</td><td>1976</td><td>0.22%</td><td>1901</td><td>0.23%</td></tr><tr><td>J27</td><td>58</td><td>7.6%</td><td>2613</td><td>0.17%</td><td>2320</td><td>0.19%</td></tr></table>	Mitigation Junction	Potential AM Peak Devt Traffic	% Dev Flows at junction	2039 AM Baseline (TA)		2039 AM Baseline (RTA)		Traffic	% increase	Traffic	% increase	J1	58	26.2%	3671	0.41%	-	-	J2	58	26.2%	4870	0.31%	4186	0.36%	J4	58	22.2%	4282	0.30%	3823	0.34%	J6	58	19.7%	3353	0.34%	2842	0.40%	J7	58	19.3%	4516	0.25%	4150	0.27%	J10	58	15.3%	1313	0.68%	2339	0.38%	J12	58	72.1%	1803	2.32%	2189	1.91%	J13	58	75.0%	1272	3.42%	887	4.90%	J15	58	15.0%	2254	0.38%	2370	0.37%	J17	58	15.8%	2695	0.34%	2346	0.39%	J21A	58	37.6%	2724	0.80%	2315	0.94%	J21B	58	37.6%	4482	0.49%	3857	0.57%	J26	58	7.6%	1976	0.22%	1901	0.23%	J27	58	7.6%	2613	0.17%	2320	0.19%
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Ref No.	Respondent	Question
		<p>It is therefore considered that a flight between 09:00 and 13:00 would not materially affect impacts at junctions or significantly affect the outcomes of the TA.</p> <p>vi) It is considered that this is not necessary. As identified in the response to Tr.3.20ii above, it is not anticipated that flight departures between 11:00 and 13:00 would affect the am peak period.</p> <p>vii) The feasibility and viability of the proposal is not affected.</p> <p>viii) N/A</p> <p>ix) N/A</p>
TR.3.2 1	The Applicant	<p>Thanet Parkway Railway Station</p> <p>KCC's response to second written question Tr.2.27 [REP6-index number to be allocated] states:</p> <p><i>"The provision of a shuttle bus service between the proposed airport and the Thanet Parkway Station should be funded by the Applicant/airport operator as a direct measure to encourage sustainable travel modes in accordance with national planning policy. It will also underpin any assumptions made in relation to modal split in favour of sustainable transport.</i></p> <p><i>It may be possible for the Applicant to negotiate with existing bus operators (and in discussion with the KCC Public Transport Team) to identify a longer term commercially viable solution, however, to date, KCC is unaware of any discussions taking place."</i></p> <p>i. What is the Applicant's response?</p> <p>ii. If this is considered necessary, where have such costs been taken into account?</p>

Ref No.	Respondent	Question
		<p>iii. Is there a need to secure this in the draft DCO?</p> <p>Applicant's Response:</p> <ul style="list-style-type: none"> i. The Applicant has not engaged in any discussion with existing bus operators to date because it proposes to operate the shuttle bus service itself. ii. Until there is greater certainty as to the passenger schedule, it is not possible to arrive at accurate costings for the shuttle bus service. iii. This will be secured through requirement 7 of the dDCO and through the register of environmental actions and commitments.
TR.3.2 2	KCC	<p>Junction Capacity Assessments</p> <p>The Applicant's response to second written question Tr.2.15 (i) [REP6-index number to be allocated] states:</p> <p><i>"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."</i></p> <p>Is this accepted by KCC?</p> <p>Applicant's Response:</p>

Ref No.	Respondent	Question
		N/A
TR.3.2 3	The Applicant	<p>Site Access Arrangements</p> <p>KCC's response to second written question Tr.2.36 [REP6-index number to be allocated] states:</p> <p><i>"KCC accepts the results of the junction capacity assessments presented and is generally content with the associated swept path drawings, albeit some of the turning movements are shown to pass within close proximity of the channel lines, which should be amended accordingly.</i></p> <p><i>It is acknowledged that Stage 1 Road Safety Audits of the proposed site access junctions have now been completed, which is welcomed. However, Designer's Responses have not been included with the submission and a number of issues raised by the Local Highway Authority previously are yet to be resolved.</i></p> <p><i>Confirmation that the requisite visibility splays can be achieved from each of these accesses is awaited, as is clarification of the extent of the proposed 50mph speed limit on Spitfire Way in the vicinity of the cargo facility access and evidence that the requisite forward and inter-visibility splays can be achieved at this junction.</i></p> <p><i>As previously advised, the proposal to implement a linked signalised junction arrangement for the NGA southern access and the passenger terminal access should be reconsidered. The introduction of signalised junctions is not considered appropriate in this location and it is requested that uncontrolled junction layouts be tested in the first instance."</i></p> <p>i. Respond to each point.</p> <p>KCC's response to second written question Tr.2.56 [REP6-index number to be allocated] states:</p>

Ref No.	Respondent	Question
		<p><i>"No speed data was provided in relation to the Terminal and Northern Grass access junction - as such, the audit team was unable to make fully informed recommendations in relation to scheme safety."</i></p> <p>ii. Why was speed data not provided in relation to the Terminal and Northern Grass access junction and can a robust safety audit be undertaken without this information? If not, new Stage 1 Road Safety Audits and design responses must be provided at deadline 7a.</p> <hr/> <p>Applicant's Response:</p> <p>i. Designers Responses Designers Responses to the Stage 1 RSAs of the access junctions have been undertaken. These have been submitted to the auditor. A revised Stage 1 RSA has been undertaken based on the Designers Responses. There are no auditor's observations meaning that the problems identified in each of the RSAs have been signed off. These are included as Appendix TR3.23.</p> <p>Spitfire Way Speed Limit and Visibility splays It is confirmed that the inter-visibility splays at the cargo access junction are achievable.</p> <p>NGA southern access and passenger terminal access It is understood that KCC would prefer a priority junction arrangement due to the maintenance costs of signals. The Applicant has considered a staggered priority junction option at the the passenger terminal and NGA accesses; however, a signal arrangement is preferred as it enables control of traffic along each of the arms and provides pedestrian crossings.</p> <p>ii. Speed surveys were not undertaken on this section of Manston Road. These were not considered to be necessary as the Project will result in alterations to the character of Manston Road that are not reflective of the existing situation. This includes road widening, the provision of footways and through the development of the NGA and the Airport, and the</p>

Ref No.	Respondent	Question
		creation of signal junctions at Spitfire Way and the site accesses, all of which will change the character of the road and traffic speeds along the route. Therefore, speed data of the current conditions would not be relevant.
TR.3.24	The Applicant KCC	<p>Junction 2</p> <p>KCC's response to second written question Tr.2.37 [REP6-index number to be allocated] states:</p> <p><i>"Whilst the Applicant's response to KCC's LIR is accepted in respect to lane markings, it is noted that the Applicant proposes a right pointing arrow on the eastbound approach to the proposed cargo facility access roundabout, which should be removed on this basis."</i></p> <p>i. Does the Applicant agree?</p> <p>The appendices supporting the Applicant's response to Second Written Questions at Appendix Tr.2.57 [REP6-index number to be allocated] includes a Stage 1 Safety Audit of the junction.</p> <p>ii. Is KCC content with its findings and the design response?</p> <p>iii. Can the recommendations be suitably addressed and delivered during the detailed design stage?</p> <p>Applicant's Response:</p> <p>i) KCC's response doesn't appear to relate to the junction scheme. The junction improvement scheme that was presented in the original TA [APP-060] and the TA Addendum [REP05-021] has undergone a Stage 1 RSA. A review of the junction scheme has been undertaken on the basis of the Stage 1 RSA recommendations and a revised scheme produced which comprises signalisation and widening of the A256 Richborough Way arm to 3 lanes which has been included in the Designers Response. A revised Stage 1 RSA has</p>

Ref No.	Respondent	Question
		<p>been undertaken based on the Designers Responses. There are no auditor's observations meaning that the problems identified in each of the RSAs have been signed off. These documents are included as Appendix TR3.24.</p> <p>ii) N/A</p> <p>iii) The Designers Response identifies that the recommendations can be addressed at detailed design stage and will be subject to a Stage 2 RSA. This has been accepted in the revised Stage 1 RSA.</p>
TR.3.25	The Applicant KCC	<p>Junction 4</p> <p>The appendices supporting the Applicant's response to Second Written Questions at Appendix Tr.2.57 [REP6-index number to be allocated] includes a Stage 1 Safety Audit of the junction.</p> <p>i. Is KCC content with its findings and the design response?</p> <p>ii. Can the recommendations be suitably addressed and delivered during the detailed design stage?</p> <p>Applicant's Response:</p> <p>i) N/A</p> <p>ii) The junction improvement scheme that was presented in the original TA [APP-060] and the TA Addendum [REP05-021] has undergone a Stage 1 RSA. A review of the junction scheme has been undertaken on the basis of the Stage 1 RSA recommendations and a revised scheme produced which comprises signalisation of the junction. A revised Stage 1 RSA has been undertaken based on the Designers Responses. There are no</p>

Ref No.	Respondent	Question
		<p>auditor's observations meaning that the problems identified in each of the RSAs have been signed off. These are included as Appendix TR3.25.</p> <p>The Designers Response identifies that the recommendations can be addressed at detailed design stage and will be subject to a Stage 2 RSA. This has been accepted in the revised Stage 1 RSA.</p>
TR.3.2 6	The Applicant KCC	<p>Junction 6</p> <p>The appendices supporting the Applicant's response to Second Written Questions at Appendix Tr.2.57 [REP6-index number to be allocated] includes a Stage 1 Safety Audit of the junction.</p> <p>i. Is KCC content with its findings and the design response?</p> <p>ii. Can the recommendations be suitably addressed and delivered during the detailed design stage?</p> <p>Applicant's Response:</p> <p>i) KCC to Respond</p> <p>ii) The junction improvement scheme that was presented in the original TA [APP-060] and the TA Addendum [REP05-021] has undergone a Stage 1 RSA. A review of the junction scheme has been undertaken on the basis of the Stage 1 RSA recommendations and a revised scheme produced which comprises signalisation of the junction. A revised Stage 1 RSA has been undertaken based on the Designers Responses. There are no auditor's observations meaning that the problems identified in each of the RSAs have been signed off. These are included as Appendix TR3.26.</p> <p>The Designers Response identifies that the recommendations can be addressed at detailed design stage and will be subject to a Stage 2 RSA. This has been accepted in the revised Stage 1 RSA.</p>

Ref No.	Respondent	Question
TR.3.2 7	The Applicant KCC	<p>Junction 7</p> <p>The appendices supporting the Applicant's response to Second Written Questions at Appendix Tr.2.57 [REP6-index number to be allocated] includes a Stage 1 Safety Audit of the junction.</p> <p>i. Is KCC content with its findings and the design response?</p> <p>ii. Can the recommendations be suitably addressed and delivered during the detailed design stage?</p> <p>Applicant's Response:</p> <ul style="list-style-type: none"> i) N/A. KCC to Respond ii) The junction improvement scheme that was presented in the original TA [APP-060] and the TA Addendum [REP05-021] has undergone a Stage 1 RSA. A review of the junction scheme has been undertaken on the basis of the Stage 1 RSA recommendations and a revised scheme produced which comprises signalisation of the junction. A revised Stage 1 RSA has been undertaken based on the Designers Responses. There are no auditor's observations meaning that the problems identified in each of the RSAs have been signed off. These are included as Appendix TR3.27. <p>The Designers Response identifies that the recommendations can be addressed at detailed design stage and will be subject to a Stage 2 RSA. This has been accepted in the revised Stage 1 RSA.</p>
TR.3.2 8	The Applicant	<p>Junction 12</p> <p>KCC's response to second written question Tr.2.41 [REP6-index number to be allocated] states:</p>

Ref No.	Respondent	Question
	KCC	<p><i>"ii. It is noted that the inter-visibility splay between the Manston Road (north) and Manston Road (west) arms of the signalised junction layout falls outside of the highway boundary, which presents a highway safety risk. KCC would also reiterate its previous concern regarding the incorporation of uncontrolled right turns within the junction intersection. The alternative roundabout layout is therefore preferred by KCC and will maintain route consistency as the junctions between Haine Road and A299 (Via Spitfire way) predominantly consist of roundabouts.</i></p> <p><i>iii. Both potential mitigation schemes (Signal and Roundabout) would have an impact on the footprint of the RAF Museum."</i></p> <p>i. What is the Applicant's response?</p> <p>ii. Does the Applicant accept that the inter-visibility splay falls outside of the highway boundary?</p> <p>iii. If so, how can this be overcome?</p> <p>iv. How will the impact on the footprint of the RAF Museum building (as shown on Figure 7.5 of the RTA [REP5-021]) be addressed?</p> <p>v. Why does KCC believe that the incorporation of uncontrolled right turns within the junction intersection would result in highway safety concerns?</p> <p>The appendices supporting the Applicant's response to Second Written Questions at Appendix Tr.2.57 [REP6-index number to be allocated] includes a Stage 1 Safety Audit of the junction.</p> <p>vi. Is KCC content with its findings and the design response?</p> <p>vii. Can the recommendations be suitably addressed and delivered during the detailed design stage?</p>

Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>i., ii, and iii. The inter-visibility splay does just fall outside of the highway boundary, however, is within the dDCO boundary and therefore can be delivered.</p> <p>iv. The junction design has been revised through reduction of the length of left turn lane to 30m to fit 5 PCUs. This does not affect the junction capacity as the left turn flows are low – 69 in the AM peak hour and 18 PCU in the PM peak hour and can be accommodated within each cycle.</p> <p>v. The uncontrolled right turn lanes have not been identified as a safety problem by the Stage 1 RSA and therefore are considered to be acceptable. The Designers Response and revised Stage 1 RSA are included in Appendix TR3.28. The revised Stage 1 RSA has no observations meaning that the Designers Response is accepted. It is understood that KCC continues to have concerns regarding the junction proposal and the Applicant will work with KCC to identify a mutually acceptable scheme.</p> <p>vi. N/A. KCC to Respond</p> <p>vii. N/A. KCC to Respond</p> <p>viii. The Designers Response identifies that the recommendations can be addressed at detailed design stage and will be subject to a Stage 2 RSA. This has been accepted in the revised Stage 1 RSA.</p>
TR.3.29	The Applicant	<p>Junction 15</p> <p>KCC's response to second written question Tr.2.42 [REP6-index number to be allocated] states:</p>

Ref No.	Respondent	Question
	KCC	<p><i>"The Applicant's proposed scheme of mitigation results in significantly increased queue lengths on the College Road approach to the junction relative to the baseline (with Local Plan) scenario. This would cause interaction with the Ramsgate Road / College Road / A254 / Beatrice Road junction to the north, which is unacceptable to KCC.</i></p> <p><i>It is also relevant to note that this mitigation solution could not be implemented until other development sites were delivered as it relies on other road link infrastructure being in place to enable the Nash Road arm of this junction to be closed as traffic will need to reroute between Nash Road and Manston Road."</i></p> <p>i. What is the Applicant's response?</p> <p>The appendices supporting the Applicant's response to Second Written Questions at Appendix Tr.2.57 [REP6-index number to be allocated] includes a Stage 1 Safety Audit of the junction.</p> <p>ii. Is KCC content with its findings and the design response?</p> <p>iii. Can the recommendations be suitably addressed and delivered during the detailed design stage?</p>
		<p>Applicant's Response:</p> <p>i. The issue of queue lengths on College Road can be addressed by minor modifications to the signal timings if reductions in queuing on this arm is a priority.</p> <p>It is noted that in the 2039 baseline PM peak, the queue on College Road is 66 vehicles which is greater than the 62 vehicles in the mitigation scheme scenario. It is further highlighted that the results of the mitigation scheme presented in the revised TA [REP05-021] show a significant improvement to the junction performance as a whole with major reductions in queues on all arms in both peaks except for College Road in the AM peak when compared to the 2039</p>

Ref No.	Respondent	Question
		<p>baseline scenario. For example, the queue on the Hartsdown Road arm in the 2039 baseline AM peak at 216 PCU would equate to 1.3km, stretching back nearly to the A28/Canterbury Road; the mitigation scheme reduces this to 930m.</p> <p>The Designers Response and revised Stage 1 RSA is included as Appendix Tr.3.29.</p> <p>The mitigation proposed by the Applicant in the original TA [APP-060] excluded the Nash Road closure and demonstrates that a scheme of mitigation can be delivered with or without other road link infrastructure proposed by KCC. The improvement scheme comprised an additional signal head and adjustments to the signal timings to allow greater throughput on the College Road and Hartsdown Road arms which successfully mitigated the impact of the development traffic. Queues at the junction are considerably lower based on its existing configuration compared to the KCC/developer proposed scheme which includes the closure of Nash Road.</p> <p>ii. N/A</p> <p>iii. The Designers Response identifies that the recommendations can be addressed at detailed design stage and will be subject to a Stage 2 RSA. This has been accepted in the revised Stage 1 RSA.</p>
TR.3.30	The Applicant KCC	<p>Junction 16</p> <p>KCC's response to second written question Tr.2.43 [REP6-index number to be allocated] states:</p> <p><i>"...the proposed 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 KCC, not least due to the lack of intervisibility between the stop lines."</i></p> <p>i. What is the Applicant's response?</p>

Ref No.	Respondent	Question
		<p>The appendices supporting the Applicant's response to Second Written Questions at Appendix Tr.2.57 [REP6-index number to be allocated] include a Stage 1 Safety Audit of the junction.</p> <p>ii. Is KCC content with its findings and the design response?</p> <p>iii. Can the recommendations be suitably addressed and delivered during the detailed design stage?</p> <p>Applicant's Response:</p> <p>i. The proposed arrangement which is included in both the original TA [APP-060] and the TA Addendum [REP05-021] has been subjected to an independent Road Safety Audit (Stage 1) and inter-visibility was not raised as a material issue at this junction. The existing signalled scheme is subject to limited inter-visibility due to the built-up nature of the junction and as such is also considered to be evidenced as a departure from standard. This is not uncommon for signalled schemes located in built up urban environments.</p> <p>Based on discussions between the Applicant and KCC, it is understood that KCC acknowledges that there are constraints to further improvement at this junction and has suggested that there could be acceptance of the level of impact at the junction.</p> <p>ii. N/A</p> <p>iii. The Designers Response identifies that the recommendations can be addressed at detailed design stage and will be subject to a Stage 2 RSA. This has been accepted in the revised Stage 1 RSA.</p>
		<p>Paragraph 7.3.4 Spitfire Way / Alland Grange Road & Paragraph 7.3.6 Manston Road / Manston Court Road</p>

Ref No.	Respondent	Question
TR.3.3 1	The Applicant	<p>KCC's response to second written question Tr.2.44 [REP6-index number to be allocated] states:</p> <p><i>"Confirmation is also required from the Applicant that they have the ability to implement the proposed scheme of mitigation to the Spitfire Way/Alland Grange Lane junction."</i></p> <ul style="list-style-type: none"> i. Provide confirmation. ii. Confirm whether this includes any third party land.
		<p>Applicant's Response:</p> <ul style="list-style-type: none"> i. The mitigation proposed at this junction does not require any built form but relates to the visibility splays currently provided. ii. The provision of visibility splays will require access to third party land in order to remove vegetation. However, no built development would take place on that land. The safety performance of this junction is currently substandard. Notwithstanding its current underperformance, the Highway Authority has taken no steps to bring it up to an appropriate standard. The Applicant proposes to provide KCC with funding to carry out these works in order to remedy an existing problem with the road infrastructure.
TR.3.3 2	<p>The Applicant</p> <p>KCC</p>	<p>Stage 1 Road Safety Audits</p> <p>KCC's response to second written question Tr.2.56 [REP6-index number to be allocated] states:</p> <p><i>"iv. Swept path analysis should have been produced when the safety audit was considered. If these have not been considered by the audit team then this could potentially undermine any subsequent recommendations (as road geometry and how vehicles would negotiate the proposed layout is an important consideration within the process of a safety audit). It is recommended that the Applicant seeks written clarification from the audit team that the swept paths were considered or that a subsequent review of the swept paths is undertaken."</i></p>

Ref No.	Respondent	Question
		<p><i>KCC does not accept the findings at this stage, as the Applicant has not included Designer's Responses to the issues raised by the Auditor. No speed data was provided in relation to the Terminal and Northern Grass access junction - as such, the audit team was unable to make fully informed recommendations in relation to scheme safety. Until the above matters have been clarified, KCC is not able to accept their findings."</i></p> <p>i. Can a Stage 1 Road Safety Audit be robustly undertaken without swept path analysis being provided?</p> <p>ii. The design response to the Stage 1 Road Safety Audits for Junctions 2, 4, 6 ('Monkton Roundabout'), 12 ('Spitfire Way/Manston Road') and 15 ('Coffin House Corner') and the alternative link road all state: 'A swept path assessment is being undertaken and the supporting information will follow this initial designers' response once completed'. These must be provided at deadline 7a.</p> <p>iii. Will new Stage 1 Road Safety Audits be required once swept path analysis for the above junctions has been undertaken? If so, these must also be provided at deadline 7a.</p> <p>iv. Why has a Stage 1 Road Safety Audit not been completed for necessary highway safety junction improvements at Spitfire Way / Alland Grange Road & Manston Road / Manston Court Road? These must be provided at deadline 7a.</p> <p>Some of the Stage 1 Road Safety Audits include recommendations for works such as lighting, signage, speed limits and traffic calming measures.</p> <p>v. How will the impacts of these be assessed and by when?</p> <p>vi. The Applicant's response to second written question Tr.2.56 [REP6-index number to be allocated] states: "Requirement 4 of the dDCO requires lighting details to be approved as part of the detailed design of the project". However, does this only relate to works within the red line draft DCO order limits? If so, how will this secure lighting details as suggested?</p>

Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <ul style="list-style-type: none"> i) A Stage 1 Road Safety Audit (RSA) can be robustly undertaken without swept path analysis being provided where there are minor physical changes to a junction, such as widening, or where there are no physical changes such as changes to signal timings or improvements to visibility splays. In this case it was not necessary to provide swept path analysis. ii) The Designers Responses were submitted to the auditor and revised Stage 1 RSAs were undertaken which identified no observations meaning that the Designers Responses were accepted. These have been provided as appendices to the responses to questions above. iii) Where the swept path analysis results in amendments to the design, the RSA has been completed to the satisfaction of the independent auditor. iv) The existing junctions are substandard as the visibility splays are inadequate. The junction improvement proposals comprise provision of the required visibility splays and does not include physical changes to the road network/junction layout. Therefore, it is considered by the Applicant that a Stage 1 Road Safety Audit is not required. v) The mitigation proposals have been identified as preliminary designs. Final details of the junction works, including lighting, signage, speed limits and traffic calming measures will need to be considered at the detailed design stage after which a Stage 2 RSA will be undertaken and will ultimately be a matter for KCC on the basis that they would deliver the improvements funded by the Applicant's contribution. vi) Requirement 4 of the draft DCO relates to works within the Order Limits. The improvement works at this junction will be delivered by KCC, albeit funded by the Applicant. Final details of the lighting and other specification at this junction will be a matter for KCC as part of the Stage 2 RSA.

Ref No.	Respondent	Question
TR.3.33	KCC	<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>The Applicant's response to second written question Tr.2.45 [REP6-index number to be allocated] states:</p> <p><i>“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.”</i></p> <p>Is this accepted by KCC?</p> <p>Applicant's Response:</p> <p>N/A</p>
TR.3.34	KCC	<p>Emergency Access Points</p> <p>The appendices to the Applicant's response to second written question (Appendix TR.2.47) [REP6-index number to be allocated] sets out indicative access points.</p>

Ref No.	Respondent	Question
		<p>Is KCC content with their locations?</p> <p>Applicant's Response:</p> <p>N/A</p>
TR.3.35	The Applicant Highways England	<p>Strategic Highway Network Impacts</p> <p>Highways England's response to second written question Tr.2.49 [REP6-index number to be allocated] states:</p> <p><i>"Highways England does not accept that the trip generation figures provide a robust indication of the levels of traffic likely to be generated by the proposal. Specifically this relates to B8 Warehousing Trip Generation – Northern Grass Area (NGA). Highways England considers that the HGV trip rates proposed by the Applicant from the 'TRICS' database are not appropriate and that a more likely HGV trip rates from TRICS would result in the following uplift of HGV flows on the SRN compared with those proposed by the Applicant:</i></p> <p><i>M2 J7 (Brenley Corner)</i></p> <p><i>AM Peak: +28 HGV trips</i></p> <p><i>PM Peak: +20 HGV trips</i></p> <p><i>A2/A256 (Whitfield Roundabout)</i></p>

Ref No.	Respondent	Question
		<p><i>AM Peak: +1 HGV trip</i></p> <p><i>PM Peak: No increase</i></p> <p><i>Therefore we consider that there is likely to be a significantly greater impact on Brenley Corner from development traffic than the Applicants have assessed within their modelling."</i></p> <p>i. What is the Applicant's response and what is being done to address HE's concerns?</p> <p>ii. Why does HE consider that the HGV trip rates proposed by the Applicant from the 'TRICS' database for B8 Warehousing Trip Generation – Northern Grass Area (NGA) are not appropriate?</p>
		<p>Applicant's Response:</p> <p>i) The Applicant considers that it has addressed HE's concerns about trip generation. The NGA HGV trips rates used in the original Transport Assessment [APP-060] were derived from the version of the TRICS database that was available at the time the assessment was carried out and were based on sites of a comparable size and type that is envisaged to be developed on the NGA. The trip rates were accepted by KCC and have been used to inform the traffic modelling using the TSTM, and the RTA [REP5-021].</p>
TR.3.3 6	The Applicant Highways England	<p>Strategic Highway Network</p> <p>Highways England's response to second written question Tr.2.49 [REP6-041] also states:</p> <p><i>"Highways England do not accept the Applicant's conclusion that there will be a negligible impact on the SRN because this has not been robustly demonstrated in the Applicant's Transport Assessment and Addendum.</i></p>

Ref No.	Respondent	Question
		<p><i>The revised trip distribution provided by the Applicant and now accepted by Highways England shows that there are an additional 49 vehicular trips through the A2/A256 Whitfield Roundabout in the AM peak and 51 vehicular trips in the PM peak. Of particular concern in the AM peak period is the additional 39 right turn vehicular movements from the A256 Whitfield Hill arm of the junction to the A2 southbound arm. This movements cuts the southbound flow of traffic from the A2 northern arm of the junction. In the AM peak period severe queuing currently occurs southbound on the A2 northern arm of the roundabout. Accordingly, an assessment is required to determine the likely additional delay and queuing at the Whitfield roundabout with specific attention on the A2 southbound approach. Also, with the revised HGV trip generation as provided above, a Merge/Diverge Assessment will need to be undertaken at M2 Junction 7 Brenley Corner on the basis that there are already severe delays experienced at the junction during the peak network periods and the additional throughput of traffic is likely to increase the delay and queuing experienced.</i></p> <p><i>As no assessment of Brenley Corner and Whitfield Roundabout has been provided by the Applicant and in view of the short time remaining until the end of the Examination Highways England will undertake its own assessment of both junctions”.</i></p> <p>i. What is the Applicant’s response and what is being done to address HE’s concerns?</p> <p>ii. When will HE undertake its own assessments and make these available to the ExA? These should be provided at Deadline 7a to be able to inform discussion at the issue specific hearing on 6 June 2019.</p> <p>Applicant’s Response:</p> <p>i. Highways England has raised concerns with the Applicant as to the operation of the M2 J7 Brenley Corner. This junction is already underperforming to the extent that Highways England is delivering an improvement scheme regardless of the delivery of this Project. Highways England is also seeking RIS2 funding for a study to identify a longer terms scheme. The TA [APP-060] shows that the Project would result in a proportionally very small amount of additional traffic using this junction. This has been assessed to have a negligible impact. Highways England have requested further confirmation of this and committed to providing the Applicant with suitable data to carry out the assessment. This data was never forthcoming and as such the Applicant has commissioned counts of traffic flows on the A299 and M2 and the</p>

Ref No.	Respondent	Question
		<p>merge and diverge lanes. An assessment of the impact of the development traffic has been provided at Deadline 7a [Appendix 3.36 - Technical Note: Strategic Road Network Assessment]. The assessment confirms that the impact of the Project on the operation of the junction will be negligible and doesn't warrant any form of improvement. The Applicant is sharing the traffic data and the assessment with Highways England.</p> <p>The Whitfield Roundabout is located some 20 km from Manston airport. During scoping discussion, Highways England did not identify this junction as requiring consideration but did identify the next junction along to the south east, the Duke of York Roundabout. The TA has demonstrated that the development does not impact the Duke of York Roundabout. Highways England's concerns regarding the Whitfield Roundabout have only just come light through their submission at Deadline 6. Two way development traffic flows at the junction comprise 59 vehicles in the AM peak and 58 vehicles in the PM peak.</p> <p>Nonetheless, having noted Highways England's concerns, the Applicant has requested to be provided with the traffic data that the Highways England consultant is using to assess the development impact. To-date this has not been forthcoming. In the absence of junction traffic flows, reference has been made to publicly available traffic data on the DfT traffic count site. The nearest traffic count site to the Whitfield Roundabout on the A256 is site 6824 some 7.8km north of the junction. A proportional impact assessment has been provided at Deadline 7a [Appendix TR3.36] based on the data and concluded that the development traffic is well within the typical daily variation of flows of 5% and will not have a severe impact.</p>
TR.3.3 7	Highways England KCC	<p>Strategic Highway Network</p> <p>The Applicant's response to second written question Tr.2.51 [REP6-index number to be allocated] sets out that trips from Medway local authority area should have been included in Table 8.2 of the RTA [REP5-021] and provides a new table showing distribution from West Kent.</p>

Ref No.	Respondent	Question
		<p>Do Highways England and KCC agree with the revisions to the distribution?</p> <p>Applicant's Response:</p> <p>N/A</p>
TR.3.3 8	Highways England KCC	<p>Strategic Highway Network</p> <p>An Interested Party [REP3-152] raised the following concern:</p> <p><i>"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."</i></p> <p>The Applicant's response to this as part of the second written question Tr.2.51 [REP6-index number to be allocated] states:</p> <p><i>"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."</i></p> <p>Do HE and KCC agree with the Applicant's statement?</p> <p>Applicant's Response:</p> <p>N/A</p>

Ref No.	Respondent	Question
TR.3.39	Highways England KCC	<p>Strategic Highway Network</p> <p>An Interested Party [REP3-152] raised the following concern:</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><i>The Applicant's response to this as part of the second written question Tr.2.52 [REP6-index number to be allocated] states:</i></p> <p><i>"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.</i></p> <p><i>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."</i></p> <p>Do HE and KCC agree with the Applicant's view?</p>
		Applicant's Response:

Ref No.	Respondent	Question
		N/A
TR.3.40	The Applicant KCC	<p>Strategic Highway Network</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>The Applicant's response to this as part of the second written question Tr.2.53 [REP6-index number to be allocated] states:</p> <p><i>"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, "Forecasting Report - Thanet Local Plan Evidence Base", 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."</i></p> <p>i. Do KCC agree with this view?</p> <p>ii. Is it feasible to include HGVs associated with the resumption of ferry services at Ramsgate port in the modelling?</p> <p>iii. If so, is this likely to materially affect the transport assessment?</p>

Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <ul style="list-style-type: none"> i) N/A ii) It is understood that the resumption of ferry services at Ramsgate port was based on Government plans to award a contract to Seabourne. This contract was terminated in February 2019. The future use of the port is unknown and therefore it is not reasonable to include HGVs associated with ferry services within the modelling. iii) It is not reasonable to include HGVs associated with ferry services within the modelling and therefore there is no impact on the TA.
TR.3.4 1	The Applicant	<p>Airport Surface Access Strategy</p> <p>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>The Applicant's response to second written question [REP6-index number to be allocated] Tr.2.66 did not answer part i. of the question.</p> <p>What evidence is there to suggest that this is feasible?</p>

Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>The Applicant proposes to provide shuttle bus services and is committed to do so through the Airport Surface Access Strategy, compliance with which is secured through the DCO by reference to the REAC.</p>
TR.3.4 2	The Applicant	<p>Preliminary Construction Traffic Management Plan (PCTMP)</p> <p>The Applicant's response to the second written question Tr.2.68 [REP6-index number to be allocated] states:</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].</i></p> <p><i>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."</i></p> <p>i. Where in the ES does it model a compressed programme of construction?</p> <p>ii. Can it reasonably be suggested by the Applicant that the same amount of construction work can be undertaken in a shorter timescale without an increase in daily construction traffic?</p> <p>Applicant's Response:</p>

Ref No.	Respondent	Question
		<p>i) The ES has always modelled the scenario of the majority of construction activity occurring in Phase 1. This is not assessed in the TA and the Traffic and Transport Chapter of the ES [APP-035] as the worst-case traffic generation is Year 20 when there is no construction activity. However, the Noise and Air Quality Chapters incorporate the compressed programme of construction.</p> <p>ii) Yes the Applicant has no reason to believe that the construction work cannot be undertaken in accordance with the submitted programme without an increase in daily construction traffic.</p>
TR.3.43	The Applicant	<p>Framework Travel Plan</p> <p>KCC's response to the second written question Tr.2.60 [REP6-index number to be allocated] states:</p> <p><i>"...the Applicant will need to make more explicit commitments to provide specific measures to enhance the quality of non-car modes of travel at appropriate stages in the proposed development build out programme, including the re-routing and frequency enhancement of local bus services (informed by the advice of local operators) and the provision of new and improved walking and cycling routes to the site. The Draft Travel Plan continues to lack such detail, which casts doubt over the achievability of the mode share targets presented."</i></p> <p>What is the Applicant's response?</p> <p>Applicant's Response:</p> <p>The Travel Plan sets out a framework with which the final Travel Plan will have to accord. The final Travel Plan will be subject to approval by the appropriate discharging authority. The Travel Plan will include explicit commitments to provide specific measures to enhance the quality of non-car modes of travel at appropriate stages in the proposed development build out programme, including the re-routing and frequency enhancement of local bus services (informed by the advice of local operators) and the</p>

Ref No.	Respondent	Question
		provision of new and improved walking and cycling routes to the site. Such details cannot be finalised until more is known about the operation of the airport.
TR.3.44	The Applicant	<p>Car Parking Management Strategy</p> <p>KCC's response to the second written question Tr.2.65 [REP6-index number to be allocated] states:</p> <p><i>"As previously advised, it is unclear from the information made available by the Applicant whether the passenger mode share assumptions applied in the Car Park Management Strategy align with those applied in the TA, as they are presented on an inconsistent basis. A balance should to be struck between maintaining the commercial attractiveness of the passenger facility and the encouragement of sustainable means of transport.</i></p> <p><i>Given the surrounding highway network is constrained and not subject to on street parking controls, it is prudent for adequate car parking spaces to be provided in line with the forecast demand, as this will assist in discouraging inappropriate parking on the surrounding highway.</i></p> <p><i>As the site is in a relatively isolated location, economically efficient on street parking enforcement may be challenging to deliver, which could have a bearing on the behaviour of road users. It would be more appropriate for the strategy/DCO to include a commitment to funding necessary monitoring (and implementation if deemed necessary) of a controlled parking zone around the site. It may also be necessary for Thanet District Council to introduce additional civil enforcement resource (Parking Wardens), as such discussion with TDC parking services team should also be sought to explore the feasibility and implications surrounding this issue.</i></p> <p><i>The calculated need for parking in section 2.2 would appear to be reasonable, however the justification for an overprovision of 1,151 spaces is currently insufficiently justified, although it would seem reasonable to make some allowance for peaks and troughs in</i></p>

Ref No.	Respondent	Question
		<p><i>parking demand. It is possible that this provision may also include an allowance for staff parking, however this point should be clarified by the Applicant.</i></p> <p><i>The Car Parking Management Strategy provides no information of the level of charge for parking, which could be a key component in managing demand. Whilst it is difficult to set a specific monetary levy so far into the future, it is felt that parking charges should always be levied in such a way that the cost of private car travel will not then represent a cheaper option than comparable public transport options. Implications for Blue Badge Holders would also need to be considered."</i></p> <p>Respond to each matter raised.</p> <p>Applicant's Response:</p> <p>The passenger mode share that has been used in the Car Park Management Plan has considered different types of passenger, i.e. business and leisure, duration of stay and the implications of this on parking demand based on information derived from comparable airports. As indicated by the KCC response, the car parking provision identified is reasonable and it is appropriate to provide space for additional overflow parking.</p> <p>The Applicant is willing to include monitoring of the surrounding highway network within the Travel Plan surveys and to work with TDC and KCC to implement parking control in the event that inappropriate parking occurs as a direct result of the Airport. This will be secured in a s.106 obligation.</p> <p>The level of charge for parking will be informed by economic analysis at a later stage which will take into account the modal split targets and the cost of travel by other forms of transport.</p> <p>Blue Badge car park spaces will be provided in accessible locations. Usage will be monitored to identify whether additional provision is required.</p>

