



RiverOak Strategic Partners

Applicant's Answers to Fourth Written Questions

TR020002/D9/FWQ
Examination Document

Project Name:	Manston Airport Development Consent Order
Application Ref:	TR020002
Submission Deadline:	9
Date:	28 June 2019

Ref No.	Respondent	Question
G.4 General and Cross-topic questions (including local policy)		
G.4.1	The Applicant	<p>Climate change</p> <p>The Applicant has assessed that there is a market for dedicated freight for perishables like food. DEFRA has determined that air freighting of food has the highest CO2 emissions per tonne [REP4-036].</p> <p>i. How has the Applicant factored this into its assessment?</p> <p>ii. Has the Applicant identified and assessed the worst case environmental factors in relation to:</p> <ul style="list-style-type: none"> • energy consumption for each of its large temperature-controlled storage facilities; • energy consumption for warehouses; • energy consumption for night time use of aviation facilities; and • sole dependency on road surface access by HGVs, fuel tankers, passengers and workers for the airport? <p>iii. What is the current status of the Applicant's Climate Change Adaptation Strategy?</p> <p>iv. How has the Strategy been updated in the light of the Government's commitment to 'net zero' emissions by 2050?</p>
		<p>Applicant's Response:</p> <p>i. The Defra report 'Food Transport Indicators' (2010) is not directly relevant to the assessment of effects arising as a result of the Manston Airport project. The Defra report provides a range of statistics on current (2012) and past emissions from food transport. The Defra report is simply a presentation of data and does not make recommendations relating to the control of air</p>

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		<p>freight or indeed any form of food transport. It provides no guidance on how emissions from individual projects should be assessed and cannot therefore be factored into the assessment as suggested by the above question.</p> <p>Emissions from aviation sources were assessed in Chapter 16 of the Environmental Statement (ES) [APP-034] which concludes that CO₂ emissions from the Proposed Development represent 1.9% of the total UK aviation emissions target. The Applicant has committed to producing a Carbon Minimisation Action Plan (CMAP) for the project itself and ES Chapter 16, Table 16.15 [APP-034] commits to a number of specific measures to reduce CO₂ emissions that will be included in that plan. The CMAP will align with both detailed design and operation of the development, addressing carbon emissions controllable in the context of the project itself.</p> <p>The Applicant remains confident that the approach adopted in the assessment and management of CO₂ emissions from the project is robust and it is not appropriate to draw any relationship between the Proposed Development and the statistics presented in the Defra report.</p> <p>ii. The Infrastructure Planning (Environmental Impact Assessment) Regulations do not require that a worst-case be assessed. Indeed, the term 'worst-case' is not found within those Regulations.</p> <p>At all stages of EIA, the Regulations require that '<i>likely significant effects</i>' are reported. With specific regard to the content of an ES, Paragraph 14(2)(b) states that [an ES is a statement that includes, at least] '<i>a description of the likely significant effects of the proposed development on the environment</i>'. Paragraph 14(3)(b) goes on to state that the ES must '<i>include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment</i>'. Schedule 4 of the Regulations reflects this overarching objective.</p> <p>Therefore the environmental factors referred to below should be examined in the context of the assessment of likely significant effects rather than a consideration of whether an absolute worst-case has been adopted.</p> <ul style="list-style-type: none"> • energy consumption for each of its large temperature-controlled storage facilities;

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		<p>Energy usage for buildings were calculated using estimated annual energy consumptions per building type (based on the Chartered Institution of Building Services Engineers (CIBSE) characterisation) as set out in the masterplan. 'Storage warehouse or depot' was used to estimate emissions for the relevant facilities. Specific details relating to temperature-controlled facilities have not been considered and are not differentiated. However, the scale of the difference in emissions by doing so would be insignificant compared to the emissions from aviation and surface transport and would not affect the conclusions reported in the ES.</p> <p>As more detailed design of the individual buildings is produced, the greenhouse gas (GHG) emissions calculations will be updated through the Carbon Minimisation Action Plan (CMAP). The CMAP will also set out all of the mitigation required in order to minimise GHG emissions in the design, construction and operation of all storage facilities. This is considered a reasonable basis upon which to assess likely significant effects particularly given the fact that the detailed end use for all buildings on site could not be known until after the Development Consent Order (DCO) is made. In numerous planning applications and DCO projects the end use of buildings is not known at the time of the decision and as such carbon minimisation and other environmental management interventions are determined after the grant of consent.</p> <p>• energy consumption for warehouses;</p> <p>Energy usage for buildings were calculated using estimated annual energy consumptions per building type (based on CIBSE characterisation) as set out in the masterplan. 'Storage warehouse or depot' was used to estimate emissions for the relevant warehouse facilities.</p> <p>As more detailed design of the individual buildings is produced, the GHG emissions calculations will be updated through the CMAP. The CMAP will also set out all of the mitigations for reducing GHG emissions in the design, construction and operation of all storage facilities. This is considered a reasonable basis upon which to assess likely significant effects particularly given the fact that the detailed end use for all buildings on site could not be known until after the DCO is made. In numerous planning applications and DCO projects the end use of buildings is not known at the time of the decision and as such carbon minimisation and other environmental management interventions are determined after the grant of consent.</p>

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		<p>• energy consumption for night time use of aviation facilities; and</p> <p>Energy usage for buildings were calculated using estimated annual energy consumptions per building type (based on CIBSE characterisation) as set out in the masterplan. Specific details relating to night time use of aviation facilities have not been considered in the assessment and are not differentiated. However, it is clear that any such variation in the use of buildings would result in small or insignificant differences in emissions particularly when compared to the emissions from aviation and surface transport. As such and not affect the conclusions reported in the ES would not be altered by changes such as this.</p> <p>As more detailed design of the individual buildings is produced, the GHG emissions calculations will be updated through the CMAP. The CMAP will also set out all of the mitigations for reducing GHG emissions in the design, construction and operation of all storage facilities. This is considered a reasonable basis upon which to assess likely significant effects particularly given the fact that the detailed end use for all buildings on site could not be known until after the DCO is made. In numerous planning applications and DCO projects the end use of buildings is not known at the time of the decision and as such carbon minimisation and other environmental management interventions are determined after the grant of consent.</p> <p>• sole dependency on road surface access by HGVs, fuel tankers, passengers and workers for the airport?</p> <p>It is not appropriate that the climate change assessment should adopt a set of surface access assumptions that differs from those adopted in the Transport Assessment (TA) [APP-060, 061] and other ES documents. Mode split assumptions contained within the TA have been used in the context of climate change and this is the correct approach to assessing the likely significant effects. The assumptions underpinning the TA have been agreed with the relevant parties (notably KCC) and as such deviation from those assumptions would result in a less likely basis for assessment.</p> <p>iii. The Framework Climate Change Adaptation Strategy (CCAS) was submitted at Deadline 4 [REP4-033]. This remains under development and will be completed following DCO consent. The CCAS is necessarily a document that continuously evolves alongside the detailed design process specifically in order that interventions can be targeted in line with the planned end use as well as the fabric of the building itself. To take a document beyond 'framework' status at this stage would be unnecessary particularly given that sign off by the Secretary of State or the local planning authority is secured via the register of Environmental Commitments as well as the draft Construction Environmental Management Plan (CEMP) and the draft Operational</p>

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		<p>Environmental Management Plan (OEMP) both of which require evolution of the CCAS during both design and initial operation of the Proposed Development.</p> <p>iv. 'Net Zero: The UK's contribution to stopping global warming' (the CCC report) does not necessitate an alteration to the Framework Climate Change Adaptation Strategy [REP4-033]. This is because 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. The Climate Change Act 2008 also still excludes international aviation from the 'net zero' requirement (pursuant to section 30), which will form the vast majority of flights at Manston.</p>
G.4.2	The Applicant	<p>Jentex contaminated land liabilities</p> <p>The Applicant submitted at Deadline 5 in the record of Compulsory Acquisition Hearings, Appendix 2 which states:</p> <p><i>"GEA-18996b-16-204, May 2016</i> <i>4.1.6.1 Significant organic contamination with reference to human health was detected at three locations: MBH102, MTP103 and MTP107."</i></p> <p><i>"GEA-18996-15-134 Rev A, October 2016</i> <i>8.2 It should be noted that the investigation represents a preliminary assessment only and it is acknowledged that further investigation will be required at a later date.</i></p> <p><i>8.5 Further investigation is required beneath residual tanks and below the area of the active Environmental Permit. This investigation is only possible once these have been fully decommissioned and overhead power lines etc. removed to permit access."</i></p> <p>i. Does the Applicant still believe this evidence represents "a clean bill of health" [EV-012]?</p> <p>ii. Has the Applicant made any cost provisions for further site investigations and clean up liabilities?</p>

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		<p>iii. If so, show where they are contained in the RSP Business Plan for Manston submitted at Appendix CAH2 – 15 to the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011]</p> <p>Applicant's Response:</p> <p>i. It was a "clean bill of health" to the extent that no remedial action was required and that further investigation could await the decommissioning of residual tanks and the removal of overhead powerlines etc. Further site investigations will be carried out prior to commencement of construction works. This commitment is secured via the Register of Environmental Actions and Commitments (REAC) [APP-010]. The Environment Agency is familiar with the site and has been consulted on the fuel farm design and is satisfied with the proposed design.</p> <p>ii. These cost provisions are included in the estimates for the conversion of the Jentex site into a fuel farm serving the airport.</p> <p>iii. The cost is shown as a lump sum in the capital expenditure budget at Appendix F.1.6 in [REP3-187].</p>
G.4.3	The Applicant	<p>ICCAN Corporate Strategy 2019-2021 Consultation</p> <p>Page 5 of the above Strategy states that:</p> <p><i>"Disturbance from aviation noise is an inherently personal experience. We know from our early engagement that the effects can be deeply disturbing and have a detrimental effect on people's quality of life and health. How much – and in what way – an individual is affected by aviation noise cannot be explained or described by any graphs, metrics, maps or other data. Nor can the bigger-picture benefits to the economy realistically be expected to compensate those who suffer from aviation noise."</i></p> <p>What is the Applicant's view?</p>

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		<p>Applicant's Response:</p> <p>The extract from ICCAN set out above does not relate to the Manston project. ICCAN representatives attended the first Noise hearing in March 2019 and raised no objections to the project.</p> <p>The Applicant agrees that responses to aviation noise are inherently personal and can have a detrimental effect on quality of life and health which are difficult to quantify using graphs, metrics, maps or other data. Nonetheless, the Applicant is required to assess the impacts of aviation noise and can only use the standard guidelines and tools to do so. It has sought through the Noise Mitigation Plan to avoid, mitigate and minimise adverse impacts associated with noise as much as possible, consistent with the operation of a successful airport which accords with the aims of government policy in the Noise Policy Statement for England (NPS).</p> <p>The Applicant recognises that individuals experiencing adverse noise impacts will not necessarily feel that the bigger picture benefits to the economy compensate them as individuals for the noise disturbance. However, it will be for the ExA in the first instance and ultimately the Secretary of State to determine where the balance lies and whether benefits of this nationally significant infrastructure project outweigh the limited harm to a very small percentage of the population.</p> <p>Government policy in the Airports NPS and Aviation 2050 recognises that there is a balance to be struck between growth in aviation and environmental impacts including noise. It will not be possible to achieve the growth which the government desires without some adverse noise impacts. In the context of this application, the growth includes making best use of existing infrastructure which is another objective of government policy.</p> <p>The Applicant considers that taking account of the proposed mitigation measures, the significant benefits associated with the project overwhelmingly outweigh any adverse impacts that may occur.</p>
		Air Traffic Control (ATC) and the existing passenger facilities

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G.4.4	The Applicant	<p>The Construction Environmental Management Plan (CEMP) Table 3.1 [REP7a-008] now states that the existing passenger facilities will be reopened. It also does not include demolition of the ATC in the outline construction programme, although demolition of the ATC is listed in the works.</p> <p>Provide clarification regarding the ATC and the existing passenger facilities?</p>
		<p>Applicant's Response:</p> <p>The existing passenger facilities will be demolished and rebuilt before they are reopened. As noted above, the demolition of the Air Traffic Control (ATC) is listed in the works identified in the Construction Environmental Management Plan (CEMP). The outline construction programme does not detail every single component of demolition and construction. However, for clarity the ATC will be demolished in phase 1 of construction.</p>

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AQ.4 Air Quality and Emissions		
AQ.4.1	The Applicant	<p>Ban on older aircraft The Applicant's response to second written question AQ.2.6 [REP6-012] regarding the ban on older dirtier aircraft relates to CO2 emissions. The response appears to have no bearing on the damage to habitats or impacts on human health criteria that the ban is linked to in the Register of Environmental Actions and Commitments (REAC). The Examining Authority (ExA) reiterates its question:</p> <p>i. Confirm what aircraft would be banned and how this ban would be applied.</p> <p>ii. Show where this is secured in the draft Development Consent Order (dDCO)?</p> <p>Applicant's Response:</p> <p>i. The aircraft that would be banned are those restricted through Chapter 3 of Part II, Volume 1 of Annex 16 to the Convention on International Civil Aviation which prohibits certain aircraft from operating within European airspace. This includes aircraft such as the Boeing 747-200 which previously used Manston Airport but will not be able to under the Applicant's proposals.</p> <p>In addition, certain aircraft are effectively banned through the noise Quota Count system and the Noise Mitigation Plan (NMP) [REP8-004]. Whilst these measures are focussed on noise, aircraft with the greatest air quality impacts will also be captured by the provisions of those documents.</p>

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		ii. The ban on older, dirtier aircraft is secured through Requirement 7, the Register of Environmental Actions and Commitments (REAC) and ultimately through the Operational Environmental Management Plan (OEMP). Further controls are secured through the NMP [REP8-004] and associated Quota Count which are secured through Requirement 9 of the dDCO.
AQ.4.2	The Applicant	<p>Dust monitoring</p> <p>The monitoring proposal in CEMP Table 5.1 includes dust gauges at 'suitable' residential receptors. CEMP Table 5.1 suggests that Osiris monitoring of particulate matter may be used during more intense periods of construction.</p> <p>i. Confirm what 'suitable locations' would be for the Proposed Development.</p> <p>ii. Confirm what the triggers are for use of the Osiris monitoring.</p> <p>iii. Confirm what remedial action would be undertaken in the event of trigger levels being exceeded?</p>
		<p>Applicant's Response:</p> <p>i. As stated in the Construction Environmental Management Plan (CEMP) [REP7a-008], details of the monitoring will be produced as part of the Dust Management Plan. This will be agreed with the Local Authority in accordance with best practice for construction projects. This will take into account guidance provided in the Institute of Air Quality Management's 'Guidance on Monitoring in the Vicinity of Demolition and Construction Sites (October 2018)'. Suitable locations for dust gauges are likely to include places where there are sensitive receptors within 350m of construction activity.</p> <p>ii. There is no defined trigger for when Osiris monitoring is or is not required. It is recommended that Osiris monitoring should be in place prior to commencement of the first phase of construction, as the construction phase is the period with the most dust-generating activity and the greatest risk of dust impacts. It is expected that dust monitoring will continue for all phases of construction and monitoring locations may change in line with construction working areas. The requirement for Osiris monitoring</p>

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		<p>will be reviewed with the Local Authority taking into account detailed construction phasing as well as monitoring results as they become available.</p> <p>iii. In the event of trigger levels being exceeded, procedures set out in the Pollution Incident Control Plan will be implemented (see Section 4.3 of the CEMP [REP7a-008]).</p>

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Ec.4 Ecology and Biodiversity (including Habitats Regulations Assessment) (HRA))		
Ec.4.1	The Applicant	<p>Construction dust</p> <p>Construction dust effects are referenced in the matrices at Appendix A to the RIAA [REP7a-014] but justification for screening out construction dust effects is not provided in Table 3.2 which is cross referenced as providing the justification for the screening decisions.</p> <p>i. Detail how construction dust effects have been screened out in the consideration of potential effects and where this is documented in the Report to Inform the Appropriate Assessment (RIAA) [REP7a-014]</p> <p>ii. Confirm or otherwise that mitigation has not been taken into account in the screening process?</p> <p>Applicant's Response:</p> <p>i. There will be no adverse effects on the integrity of European sites due to dust deposition during the construction phase of the Proposed Development. Updates to Table 3.2 Screening Assessment from the RIAA [REP7a-014], and to the Screening Matrices where appropriate, are provided in Appendix EC4.1 (in document TR020002/D9/FWQ/Appendices). This details the screening process omitted in part from the RIAA [REP7a-014]. Effects of dust deposition have been screened out due to:</p> <ul style="list-style-type: none"> a. The features of the European sites being located outside the Zone of Influence (Zoi) for dust deposition effects (200m from the construction site and 500m from the construction site entrance): habitats that turnstone, little tern and Ramsar invertebrate species depend upon, and the SAC habitats; or b. The habitats are not sensitive to dust deposition (arable farmland for golden plover).

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		ii. Mitigation measures have not been taken into account during the screening process in Table 3.2.
Ec.4.2	The Applicant Natural England Thanet District Council (TDC)	<p>Turnstone mitigation</p> <p>TDC in their Deadline 8 [REP8-029] submission state:</p> <p><i>“TDC have investigated the use of the Council’s Strategic Access Management and Monitoring Plan (SAMM) by the applicant to overcome Natural England’s concern over the impact of the development on the integrity of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The SAMM is primarily focussed on the impact of recreational disturbance in relation to human recreational activities, with contributions required from residential development in the district to fund mitigation/survey work at the SPA to address this impact. The contribution amount is linked to the housing targets within the Draft Local Plan to create a ‘per dwelling’ requirement. The SAMM project is specifically targeted to mitigate a particular impact, and there is no provision in the SAMM for contributions/mitigation to mitigate the impact of the proposed development (aircraft movements and the noise associated). The SAMM is therefore not considered the appropriate mechanism for mitigating this particular impact on the SPA.”</i></p> <p>i. In the light of TDC’s response what further mitigation is required in respect of turnstone to support a conclusion of no adverse effects on integrity of the Thanet Coast and Sandwich Bay SPA?</p> <p>ii. What is the current status of the discussions between the parties on this mitigation?</p> <p>Applicant’s Response:</p> <p>i. Following discussions after ISH6 the Applicant and Natural England (NE) have held further discussions regarding the need for further mitigation in respect of turnstone. The conclusion of those discussions is that although impacts on turnstone are not expected, a slightly revised package of mitigation has been developed to take into account any unforeseen circumstances during the operation of the airport. The package of mitigation has been captured within the Section 106 agreement and the details of</p>

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		<p>discussions with Natural England is contained within the attached technical note '<i>North Pegwell Bay: Noise and Turnstone</i>' (Appendix Ec.4.2 of document TR020002/D9/FWQ/Appendices). Natural England have confirmed to the Applicant that their representation at Deadline 9 will withdraw their previous concerns and that Natural England has confirmed that they now have sufficient comfort to be able to agree with the Applicant's assessment that the proposed operation of Manston Airport will not result in an adverse effect on the integrity of the Thanet Coast and Sandwich Bay SPA and Ramsar.</p> <p>ii. As noted above, Natural England has confirmed that it agrees with the Applicant's assessment that the proposed operation of Manston Airport will not result in an adverse effect on the integrity of the Thanet Coast and Sandwich Bay SPA and Ramsar.</p>
Ec.4.3	<p>The Applicant</p> <p>Natural England</p>	<p>Bat licence</p> <p>At ISH6 the Applicant confirmed that a bat licence application had not been submitted to Natural England due to ongoing negotiation regarding land access and that it was unlikely that an application would be made prior to completion of the examination. Natural England confirmed that without a licence application it would not be possible to provide a Letter of No Impediment (LONI), this position was reiterated in Natural England's Deadline 8 submission.</p> <p>i. Confirm your programme for submission of a bat licence application to Natural England.</p> <p>ii. Explain how the ExA should have comfort in making their decision with this matter outstanding.</p> <p>Applicant's Response:</p> <p>i. The draft bat licence application is attached at Appendix CA.4.10 of TR020002/D9/FWQ/Appendices. The Applicant has engaged in constructive discussions in discussion with the landowner of the mitigation land on an option agreement with finalisation expected imminently. The draft bat licence will be submitted to Natural England as soon as control of the mitigation land is secured.</p>

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		<p>ii. The ExA should have comfort in making this decision due to the protection offered by the dDCO. In particular the ExA's attention is drawn to:</p> <p>(a) Requirement 8 of Schedule 2 of the dDCO which ensures that no construction can commence until written details of the proposed on-site and off-site ecological mitigation, the timetable for its implementation, its monitoring and management have been submitted to and approved by the Secretary of State, in consultation with Natural England.</p> <p>(b) Requirement 12 (1) of Schedule 2 of the dDCO which states 'No part of the authorised development is to commence until for that part final preconstruction survey work has been carried out to establish whether European or nationally protected species are present on any of the land affected or likely to be affected by any part of the relevant works, or in any of the trees and shrubs to be lopped or felled as part of the relevant works.</p> <p>The ExA is also aware that mitigation proposals and associated draft bat licence is based upon the worst-case assessment, presented in Chapter 7 of the Environmental Statement [APP-033]. This scenario is based upon the airport site having a much higher value for bats than survey has subsequently been demonstrated via the survey reports submitted to TDC in relation to the Stone Hill Park planning application (application reference OL/TH/18/0660). Whilst the applicant is aware that it is not appropriate to rely entirely on information proffered by SHP, the Applicant's own (incomplete) studies suggest that the mitigation (roost provision) required for bats is expected to be less than is detailed in the Mitigation and Habitat Creation Plan (Appendix 7.13 [APP-045] of ES Chapter 7 [APP-033]. As required by the dDCO, all of this will be confirmed prior to commencement of construction and as such the ExA can have comfort that there is no risk to European species as a result of the proposed development.</p>
Ec.4.4	TDC Kent County Council (KCC)	<p>Incomplete surveys</p> <p>Confirm whether the worst-case assessment and proposed mitigation set out in the Environment Statement (ES) biodiversity chapter [APP-033] is sufficient to mitigate the likely significant effects of the Proposed Development or whether any further remedy is required prior to the close of the Examination.</p>

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	Natural England	<p>Applicant's Response:</p> <p>n/a</p>
Ec.4.5	<p>The Applicant</p> <p>Natural England</p>	<p>Air quality addendum and the RIAA</p> <p>The revised air quality assessment (Appendix I to the RIAA [REP7a-014]) is based on the revised Transport Assessment with the Manston-Haine link. Natural England agreed at Deadline 8 [REP8-028] that the revised air quality assessment information provided at Deadline 6 addressed previous concerns relating to the Applicant's approach to in-combination assessment. If the Applicant is now relying on the original Transport Assessment without the Manston-Haine link:</p> <p><i>To the Applicant</i></p> <p>i. Explain which air quality assessment the RIAA relies on?</p> <p>ii. Explain whether the original air quality assessment addresses Natural England's air quality concerns raised in previous representations?</p> <p><i>To Natural England</i></p> <p>Confirm whether it is of the view that the original air quality assessment (without the Manston-Haine link) addresses its concerns raised during the Examination?</p>
		<p>Applicant's Response:</p> <p>i. The RIAA [REP7a-014] relies on the air quality assessment contained within the ES addendum submitted at Deadline 6 [REP6-016] for NOx, and Appendix I to the RIAA [REP7a-014]) for nitrogen deposition and acid deposition.</p> <p>ii. The original air quality assessment, reached similar conclusions to those reported in the ES Addendum. It was not updated to take into account Natural England's comments as the revised TA and data associated with the Thanet Strategic Transport Model had, by then become the primary basis for assessment. Nonetheless, it may be necessary to make minor updates to the air quality assessment contained in the original ES to be certain that NE would be completely satisfied. Given the similarity of</p>

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		<p>results between the two assessments, this would seem entirely unnecessary. As has been noted in other parts of the Applicant's submission, the original TA (and any results associated with it) should be considered as a highly robust sensitivity test for issues such as this and not as a limitation to the assessment.</p>
Ec.4.6	The Applicant	<p>Relevant receptors in RIAA</p> <p>The Deadline 7a RIAA [REP7a-014] includes Appendix I section 6, which lists receptors requiring further assessment due to air quality effects. The list of receptors is inconsistent with the assessment provided in RIAA section 4.5 (eg paragraph 4.5.3.14), although the response to Ec.3.4 in the Appendix to Third Written Questions submitted at Deadline 7a appears to consider the missing receptors (E40, E41, E26, E28).</p> <p>Confirm whether the RIAA considers all of the relevant receptors considered in Ec.3.4 and if not, how this can be remedied prior to the close of the Examination?</p> <p>Applicant's Response:</p> <p>The Applicant confirms that all relevant receptors assessed in the Appendix to Third Written Question Ec3.4 are considered in the RIAA [REP7a-014]. Therefore, no remedy to the RIAA is considered necessary,</p> <p>For clarity, effects on receptors E26 and E28 are assessed in the RIAA [REP7a-014] where nitrogen deposition cannot be screened out as insignificant (Paragraphs 4.5.3.24 – 4.5.3.31). Acid deposition does not exceed the threshold for insignificance at receptors E26 and E28 and these are therefore screened out as not needing detailed assessment (RIAA Appendix I [REP7a-014]).</p> <p>Receptor locations E40 and E41 are designated only as Site of Special Scientific Interest (SSSI) and therefore are not considered within the RIAA [REP7a-014].</p>

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Ec.4.7	The Applicant	<p>In-combination assessment</p> <p>Paragraph 3.2.4 of the RIAA [REP7a-014], when talking about other developments and plans, states that potential in-combination effects could arise due to:</p> <ul style="list-style-type: none"> • residential pressure; • onshore cable laying works (for offshore wind); • nitrogen deposition, pollution from surface water runoff from sites; and • increased disturbance due to the visual presence of operatives and noise from vehicles and machinery. <p>The in-combination discussion only appears to consider recreational pressure.</p> <p>Confirm how the in-combination effects listed identified in RIAA section 3.2.4 (ie cable laying and other development runoff and presence of machinery) have been screened out and when considering effects on integrity on the European site and where this is documented in the RIAA (including matrices)?</p>
		<p>Applicant's Response:</p> <p>The in-combination assessment concludes that there will be no adverse effect on the integrity of European Sites as a result of recreation and construction disturbance, water runoff or the works associated with the Thanet Offshore Extension Windfarm. The rationale of how these conclusions have been reached is provided as follows:</p> <p>Recreational disturbance. The assessment of effects of disturbance from aircraft from the Proposed Development in-combination with disturbance from residential pressure from other developments and plans is provided for golden plover (in Section 4.2.5), little tern (Section 4.3.4) and turnstone (Section (4.4.4) of the RIAA (REP7a-014). The assessment concludes that there would be no adverse effect on the integrity of European Sites due to the in-combination effects of disturbance from recreation pressure.</p> <p>Construction disturbance. There will be no in-combination effects on golden plover using Pegwell Bay or functionally linked habitat during the construction phase of the Proposed development due to construction-related disturbance. The assessment</p>

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		<p>acknowledges that there is the potential for adverse effects on the SPA population of golden plover due to noise, vibration and visual disturbance (from the presence of operatives and their machinery) from the Proposed Development during construction, in-combination with that from other plans and projects during their construction. The effects of construction disturbance on all other qualifying features of European sites have been screened out in Table 3.2 of the RIAA (REP7a-014). None of the proposed or consented developments and plans identified and listed in Table 18.4 of ES Chapter 18 are located within the ZoI (750m, see Table 3.1 of the RIAA (REP7a-014)) of areas where important concentrations of golden plover are known to occur, including intertidal habitats in Pegwell Bay and farmland (functionally linked habitat to the SPA)</p> <p>Outfall. There is the potential for adverse effects on habitats upon which golden plover depend (arable farmland and intertidal habitats) due to water emitted via the outfall from the Proposed Development (during construction and operation) and surface water runoff from other plans and projects. None of the proposed or consented developments and plans identified and listed in Table 18.4 of ES Chapter 18 are to discharge to Pegwell Bay. None of the developments are located in close vicinity to areas where important concentrations of golden plover are known to utilise farmland (functionally linked habitat to the SPA). Therefore, there would be no in-combination effects on golden plover using Pegwell Bay or functionally linked habitat during the construction and operational phases of the development due to surface water runoff.</p> <p>Thanet Offshore Extension Windfarm. There is the potential for adverse effects on golden plover, turnstone and little tern using Pegwell bay due to disturbance from aircraft from the Proposed Development, in-combination with disturbance caused from cabling and other associated works to be undertaken for the proposed Thanet Offshore Extension Windfarm. Mitigation measures embedded into the windfarm scheme design (as set out in Table 5.11 of Environmental Statement Volume 3, Chapter 5: Onshore Biodiversity¹) state that no works (with potential to cause significant disturbance to non-breeding water-birds utilising intertidal habitats in Pegwell Bay) would be allowed during the period October to March inclusive (the main period when qualifying bird species are present in Pegwell Bay). These restrictions would apply to all construction and operational maintenance works within intertidal habitats and at the shoreline, and any driven/ percussive piling within Pegwell Bay Country</p>

¹ Vattenfall Wind Power Ltd, Thanet Extension Offshore Wind Farm, Environmental Statement Volume 3, Chapter 5: Onshore Biodiversity, June 2018, Revision A, Document Reference: 6.3.5

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		Park. In view of the mitigation measures embedded into the scheme design for the Thanet Offshore Extension Windfarm, there would be no in-combination effects of disturbance with this project and the Proposed Development.
Ec.4.8	The Applicant	<p>Outfall</p> <p>Damage to designated habitat from outfall construction works is broadly considered within the screening matrices for turnstone in the Thanet and Sandwich Bay Ramsar (under construction phase (noise), which covers physical works) and for golden plover in the SPA. It does not appear to be considered for invertebrates in the Ramsar, for little tern and turnstone in the Thanet and Sandwich Bay SPA or in relation to the Thanet SAC Annex 1 habitats (for example Table 3.2 of the RIAA reference appears to relate primarily to impacts of discharges during construction).</p> <p>Signpost where the direct physical impact of outfall construction has been addressed in the matrices for all relevant qualifying features (referencing the points above) and update the information provided in Tables 3.2 and Table 4.1 as necessary?</p> <p>Applicant's Response:</p> <p>Paragraphs 4.2.4.59 – 4.2.4.62 of the RIAA [REP7a-014] detailed the expected repair and maintenance works to the outfall, and the assessment of effects on golden plover during operation of the Proposed Development. Paragraph 4.4.3.20-4.4.3.21 present the assessment of effects for turnstone. The In combination assessment for the same stage is presented in paragraph 4.2.5.9 of the RIAA [REP7a-014] for golden plover and in paragraph 4.4.4.2 for turnstone. No adverse effect on integrity was predicted.</p> <p>The expected repair and maintenance works to the outfall would be the same if undertaken during the construction phase. Therefore, no adverse effect on integrity are predicted. However, as an assessment for the construction phase was omitted in error from the RIAA, updates to Table 3.2 Screening Assessment from the RIAA [REP7a-014], and to the Screening Matrices</p>

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		<p>where appropriate, are provided in Appendix EC4.8 (in document TR020002/D9/FWQ/Appendices) to detail the screening process. The assessment is as already detailed for golden plover and turnstone referenced above.</p> <p>For the other qualifying features of European Sites included in Screening Table 3.2 (Appendix EC4.8), including Little tern, Ramsar invertebrates and Sandwich Bay and Thanet Coast SAC habitats), the effects have been screened out, for the following reasons:</p> <ul style="list-style-type: none"> • Little tern. No suitable nesting sites for little tern are located within the 750m Zone of Influence (Zol), within which disturbance to birds would occur due to the works. This Zol has been taken to be the same as that for construction disturbance (see Table 3.1 in the RIAA, REP7a-014); • Ramsar invertebrates. No suitable habitat for the Ramsar qualifying species of invertebrates are within the 100m Zol (only mudflats for which none of the species are associated with), within which damage to habitats could occur due to the outfall works. This Zol has been taken to be the same as that for outfall discharges (see Table 3.1 in the RIAA, REP7a-014); and • Thanet Coast SAC and Sandwich Bay SAC, the qualifying habitats are not located within the 100m Zol.
Ec.4.9	Natural England	<p>Wintering birds</p> <p>At Deadline 7 Natural England's representation stated that wintering bird surveys were not robust due to the lack of assessment for Thanet north coast. An assessment of effects on bird populations on the north coast is provided in Deadline 7a RIAA. It includes WeBS data for the SPA/Ramsar east of Herne Bay but not to the centre/west</p> <p>of Herne Bay, where Henderson and Sutherland 2017 recorded Golden Plover in 2016/2017. At Deadline 8 Natural England concluded that consideration of the north coast of Thanet had been included in the RIAA. Paragraph 3.1.7 of RIAA appendix G states that:</p> <p><i>"Two years of survey data are usually required to inform an assessment of effects on the qualifying bird features of a SPA. It is considered however, that the large quantity and quality of the data obtained from WeBS and KOS are sufficient to provide a robust baseline on which to base the assessment."</i></p>

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		<p>i. Confirm whether, in Natural England's view, the Applicant should provide WeBS data for the coastline immediately west of Herne Bay; and</p> <p>ii. confirm whether Natural England is satisfied with the assessment of effects provided in relation to the designated site on the north coast of Thanet?</p> <p>Applicant's Response:</p> <p>n/a</p>
Ec.4.10	The Applicant	<p>Noise surveys</p> <p>The bird disturbance assessment in RIAA Appendix G includes noise survey data to demonstrate what exposure there has been to L_Amax levels above 70dB. No detailed noise survey methodology is provided apart from a very high-level description in section 2.1 of Appendix G. It is therefore unclear what professional standards have been applied to the surveys. The cause of the existing elevated noise levels is not discussed, which creates uncertainty regarding the conclusions drawn about existing exposure.</p> <p>Confirm the full noise survey methodology and demonstrate the competence of noise surveyors.</p> <p>Applicant's Response:</p> <p>Noise level measurements were collected on five dates from February to May 2019, during the combined Pegwell Bay distribution and disturbance survey visits, as detailed in Appendix G to the RIAA [REP7a-014].</p> <p>At each Vantage Point, a noise monitor (RION Sound Level Meter (Class 1) - NL-31 model) was setup to obtain noise level data at one-second intervals through the six-hour survey periods. The noise monitors were attended for the duration of the survey as they could not be left in-situ without surveyor supervision in the chosen locations. The monitoring locations were the same as</p>

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		<p>the Vantage Points for the bird survey and the noise monitors were located along the high-water mark, and at high tide, roosting and foraging waders (including the target species) were located at their closest, ~100m from the monitors. The noise monitors were turned off during periods of heavy rainfall to avoid the readings being elevated by the rain hitting the monitors.</p> <p>The bird surveyors conducted the noise surveys. Each surveyor was trained by a noise consultant, a fully competent member of the Institute of Acoustics (IOA) who possessed the IOA Certificate of Competence in Environmental Noise Measurement and is MSc (Environmental Acoustics) qualified. Staff providing the briefings are Associate Members of the Institute of Acoustics and are regularly engaged in carrying out noise surveys.</p> <p>The briefings included:</p> <ul style="list-style-type: none"> • Instruction on settings on the sound level meter, to ensure that the correct levels were being recorded and that the A-weighted setting was used; • Positioning of the sound level meter to prevent readings being affected by nearby objects and to prevent contamination of the measured sound such that it would not be fit for the purpose; • How to check the calibration of the meters before and after every survey; and • How to download the data. <p>The surveyor was required to undertake a test run with the results checked with the noise consultants before surveyors went on site. The surveys were carried out in accordance with BS 7445-1:2003 '<i>Description and measurement of environmental noise – Part 1: Guide to quantities and procedures</i>'.</p> <p>The sound level meters are calibrated by a UKAS accredited institution annually. This calibration data for the noise meters used is provided in Tables 1-5 below.</p>

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		Table 1 NL52 – 31 Calibration Details				
		Manufacturer	Instrument	Type	Serial Number	Calibration Date
		Rion	Sound Level Meter	NL – 52	1143531	31/01/2019
		Rion	Pre Amplifier	NH – 25	43548	31/01/2019
		Rion	Microphone	UC – 59	7391	31/01/2019
		Table Error! No text of specified style in document. NL52 – 32 Calibration Details				
		Manufacturer	Instrument	Type	Serial Number	Calibration Date
		Rion	Sound Level Meter	NL – 52	1143532	31/01/2019
		Rion	Pre Amplifier	NH – 25	43549	31/01/2019
		Rion	Microphone	UC – 59	7392	31/01/2019
		Table3 NL31 – 09 Calibration Details				
		Manufacturer	Instrument	Type	Serial Number	Calibration Date
		Rion	Sound Level Meter	NL – 31	01141955	10/01/2019
		Rion	Pre Amplifier	NH – 21	13600	10/01/2019
		Rion	Microphone	UC – 53A	316951	10/01/2019
		Table 4 NL31 – 10 Calibration Details				

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Ref No.	Respondent	Question																														
		<table><tr><th>Manufacturer</th><th>Instrument</th><th>Type</th><th>Serial Number</th><th>Calibration Date</th></tr><tr><td>Rion</td><td>Sound Level Meter</td><td>NL – 31</td><td>01141954</td><td>23/05/2018</td></tr><tr><td>Rion</td><td>Pre Amplifier</td><td>NH – 21</td><td>36882</td><td>23/05/2018</td></tr><tr><td>Rion</td><td>Microphone</td><td>UC – 53A</td><td>320323</td><td>23/05/2018</td></tr></table> <p>Table 5 Calibrator C1 Calibration Details</p> <table><tr><th>Manufacturer</th><th>Instrument</th><th>Type</th><th>Serial Number</th><th>Calibration Date</th></tr><tr><td>Rion</td><td>Calibrator</td><td>NC – 74</td><td>34251550</td><td>23/05/2018</td></tr></table> <p>The sound level meter was set up on a tripod, with the microphone approximately 1.2m about ground level, with the meter at least 4m from any reflecting plane other than the ground. A windshield was fitted during environmental noise measurements. The meter was stationed at the observer’s position, but sufficiently far from the surveyor to prevent sound levels being affected by their presence.</p> <p>The noise data collected from each survey was analysed by a noise consultant holding the same qualifications as detailed above. Survey durations were provided in Appendix G to the RIAA [REP7a-014]. For each measurement, 100ms L_p data were recorded. To calculate the L_{Aeq}, an average was taken of all L_p values over the 6 hour or 1 hour measurement periods.</p> <p>Spreadsheets were used to calculate the number of occurrences for which specific noise levels were exceeded. Analysis was used to highlight when the specific noise level was exceeded and added 1 to the total event number tally. When more than one consecutive reading exceeded the level, this was ignored until there was a break in the exceedance to ensure events were not double counted.</p>	Manufacturer	Instrument	Type	Serial Number	Calibration Date	Rion	Sound Level Meter	NL – 31	01141954	23/05/2018	Rion	Pre Amplifier	NH – 21	36882	23/05/2018	Rion	Microphone	UC – 53A	320323	23/05/2018	Manufacturer	Instrument	Type	Serial Number	Calibration Date	Rion	Calibrator	NC – 74	34251550	23/05/2018
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Rion	Calibrator	NC – 74	34251550	23/05/2018																												

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CA.4 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
CA.4.1	The Applicant	<p>Book of Reference</p> <p>The ExA note that there is an undertaking, Helix AV which gives its address as Gateway Heliport, Kent International Airport, Manston, Ramsgate, Kent, CT12 5BL which appears to place it within the Order Limits. No firm by this name appears in the Book of Reference or in the Compulsory Acquisition (CA) Status Report.</p> <p>i. Explain why this undertaking is not, or should be not, listed in the Book of Reference.</p> <p>ii. State whether the ExA should inform the party under s102A(4) of the PA2008 if the ExA thinks that a person might successfully make a request to become an Interested Party.</p>
		<p>Applicant's Response:</p> <p>i. This undertaking moved into a hangar (formerly occupied by TG Aviation) within the Order Limits in March 2019. It will be included in the final Book of Reference to be submitted by Deadline 11.</p> <p>ii. It is understood that Helix AV occupy the premises under the terms of a lease for 5 years. As such, s102A(4) of the Planning Act 2008 provides that the ExA may inform them about becoming an interested party.</p>
CA.4.2	The Applicant	<p>Associated Development</p> <p>The 2013 DCLG Guidance on associated development applications for major infrastructure projects states that:</p>

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		<p><i>"The definition of associated development ... requires a direct relationship between associated development and the principal development."</i></p> <p>In its comments on the Applicant's response to CA.2.18 SHP argued that: <i>"Under the PA2008, only development that has the requisite effect referred to in section 23(5)(b) which is "to increase by at least 10,000 per year the number of air transport movements of air cargo movements for which the airport is capable of providing air cargo services", could be classified as the principal development. Any development that does not have this requisite effect is therefore not part of the principal development."</i></p> <p>One reading of your movement of Work No.12 — The construction of a new passenger terminal facility into the list of Associated Development at Deadline 3 is that you do accept this premise.</p> <p>Comment.</p> <hr/> <p>Applicant's Response:</p> <p>Based on the Applicant's case, as presented by Michael Humphries QC at the Compulsory Acquisition Hearing in June 2019, the Applicant wishes to return Work No. 12 to the category of 'nationally significant infrastructure project' (rather than 'associated development'). The reason for this is that section 23 of the PA2008 provides that 'airport-related development' will constitute an NSIP if its effect is to increase the capacity of the airport above certain specified thresholds. If the effect of the development is to exceed those thresholds then the airport-related development in question will constitute an NSIP. The passenger terminal facility within the proposed airport boundary is airport-related development and, together with the other airside development it constitutes part of the NSIP. The Applicant does not agree with SHP that it is only those parts of the development that actually serve to increase capacity to the relevant PA2008 thresholds than can be classified as part of the NSIP.</p>

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		<p>As an illustrative example, a power station may include within the main building, a staff canteen or offices. Plainly those facilities will not themselves contribute to the power generation thresholds in the PA2008 but could nonetheless be treated as part of the NSIP.</p> <p>In this case, it is appropriate to treat all 'airside' works as part of the NSIP and all landside works as associated development. SHP makes a great deal of the distinction between the NSIP and associated development in the DCO. However, there is no statutory or policy requirement upon the Applicant to distinguish between the two in the DCO. Provided the development does demonstrably involve an NSIP, there is no need to separate the NSIP from associated development as a matter of law. Indeed, the two most recent DCOs to be granted, Millbrook (see schedule 1 on page 29) and Tees (see schedule 1 on page 9) do not distinguish between NSIP and AD. It is not necessary to do so.</p>
CA.4.3	The Applicant	<p>Associated Development</p> <p>The examples given in the definition of “<i>airport related</i>” at Article 2 of the dDCO appears to be more limited in its scope than the indicative list of uses contained at paragraph 14 at Annex 4 in the Updated NSIP Justification document [REP1-005].</p> <p>Justify the difference.</p> <p>Applicant's Response:</p> <p>It is acknowledged that the definition of 'airport related' at Article 2 of the dDCO contains fewer example items than are contained in Annex 4 to the Updated NSIP Justification document but it should be noted that neither of the lists is exclusive. The definition of 'airport related' in article 2 provides that airport-related development would include, but not be limited to, the list of items provided. Paragraph 14 of Annex 4 to the NSIP Justification document provides 'examples of the type of activity that is anticipated in the B1/B8 development on the Northern Grass.' To include the entire list from Annex 4 in the Article 2 definition would result in an unwieldy definition with no change in its effect. While the lists differ, they do not contradict one</p>

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		another. The restrictions in the definitions of Works 15 to 17 to B1 and/or B8 ensure that the development that takes place must be within those categories.
CA.4.4	The Applicant	<p>Associated Development</p> <p>The ExA notes that the definitions contained in the Fourth Schedule of the revised draft proposed s106 agreement state that:</p> <p><i>““Northern Grass Area” means the area shown [] on the Manston – Haine Link Road Plan falling within the limits of the Development Consent Order which shall include a business park for Manston Airport.”</i></p> <p>Explain the use of the term “<i>business park</i>” in terms of the definition of Associated Development.</p>
		<p>Applicant's Response:</p> <p>The s106 agreement should not have used the phrase 'business park', and therefore 'which shall include a business park for Manston Airport' has been amended to 'consisting of Works No. 15 to 17'</p>
CA.4.5	The Applicant	<p>Manston-Haine Link Road</p> <p>The Applicant's response to Second Written Question TR.2.1 [REP6-017] stated:</p> <p><i>“There are no changes necessary to the dDCO or revisions to the Work Plans as the Manston-Haine link road is not part of the DCO application.”</i></p> <p>As the Manston-Haine link road is not part of the application for development consent, justify the request to compulsorily acquire land and/ or rights over land which is not part of the DCO application.</p>
		<p>Applicant's Response:</p>

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		<p>The Applicant is not seeking to acquire land for the Manston-Haine Link Road. It is seeking to acquire land to facilitate the delivery of its own development and the justification for the acquisition of all relevant plots is set out in the Statement of Reasons.</p> <p>In order to accommodate KCC's aspirations for a Manston-Haine Link Road, the Applicant has agreed to safeguard a corridor of land for a number of years to enable the delivery of the Link Road should it come forward during the Local Plan period. In the event that the Link Road does not come forward, the Applicant fully intends to develop the land comprised in the corridor as part of the Northern Grass development.</p> <p>More generally, there is no requirement for land that is subject to compulsory acquisition also to be part of the development that is authorised by the DCO. Provided that the land meets the tests in section 122, e.g. that it is required to facilitate or is incidental to the development, then it can be the subject of compulsory acquisition, and as part of landscaping for the Northern Grass development it is indeed incidental to the development. To introduce such a restriction would be an error of law.</p>
CA.4.6	The Applicant	<p>Reasonable alternatives to Compulsory Acquisition</p> <p>The Applicant has provided a further update of the Compulsory Acquisition Status Report at Deadline 8 on 14 June 2019 [REP8-008].</p> <p>This appears not to show any progress since the previous update and apart from land related to the fuel farm, an agreement with the 1948 Group Limited, and a fixed term agreement with David Steed in respect to plots 063 and 065 and your continued practice of treating statements of common ground as agreements, there seems to have been very little progress since the first version of this status report.</p> <p>i. Comment on this apparent lack of progress in seeking to acquire land voluntarily.</p> <p>ii. Given this, show why the ExA should not recommend that, in this case, all reasonable alternatives to Compulsory Acquisition have not been explored.</p>

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		<p>Applicant's Response:</p> <p>i. As the Applicant made clear during the second compulsory acquisition hearing on 4 June 2019, over 90% of the land is owned by one undertaking, Stone Hill Park Limited. The Applicant continues to liaise with Stone Hill Park Limited on the voluntary transfer of its interests.</p> <p>As the ExA is aware, the Applicant has also been taking proactive steps to engage with over 80 presumed owners of the pipeline. This has involved hosting meetings, providing legal documents and covering legal fees. At the last such meeting, held in Cliffsend on 17 June 2019, almost 30 pipeline owners attended.</p> <p>ii. The Applicant has made considerable efforts to acquire interests on a voluntary basis and has successfully entered into a lease of landing lights with Mr David Steed and acquired a fuel farm from the Jenkins family. The Applicant continues to engage with St John's College in respect of its land interests and Kent County Council (whose recent objection it has responded to) in respect of its pipeline plots.</p> <p>However, the Examining Authority and Secretary of State will need to recognise that given the limited impact of these compulsory acquisition powers on owners of highway subsoil and pipeline plots there is little incentive for owners to enter into voluntary agreements. These parties are presumed to own interests which they are unlikely to have known ever existed. This has significantly impacted engagement from these parties, despite the Applicant's numerous attempts to contact them. In respect of highway subsoil plots, the Examining Authority's attention is drawn to plots 018, 044, 045. The considerable number of owners is due to the ad medium filum presumption, a legal presumption that these persons own the subsoil adjacent to their properties up to half the width of the highway. Only 1 owner (1948 Group) has entered into a voluntary agreement in respect of this type interest despite letters being sent to all of the owners listed in plots 018, 044 and 045. As of yet, no pipeline owners have entered into an agreement, despite legal documents being issued to all pipeline owners, although a number of owners are taking legal advice. The Applicant remains committed to progressing these agreements wherever possible.</p>

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		<p>During the Second Compulsory Acquisition Hearing the Examining Authority expressed its view that the Applicant has been sending generic letters to all of these owners. This is not correct as the Applicant's letters to pipeline owners have addressed their specific plots. Letters to highway subsoil owners have also contained land plans identifying their land.</p> <p>The Examining Authority should note that the Applicant has written to all category 1 owners and sought to acquire their interests, the extent of correspondence between the Applicant and category 1 interest holders is evident from the compulsory acquisition status report and it would therefore be incorrect to suggest that the Applicant has failed to explore reasonable alternatives to compulsory acquisition.</p>
CA.4.8	The Applicant	<p>Reasonable alternatives to Compulsory Acquisition: Negotiations with SHP</p> <p>In question CA.3.30 the ExA asked the Applicant to <i>"provide evidence for the statement in the Applicant's response to CA.2.25 that the Applicant is hopeful that these negotiations [between the Applicant and SHP] can be concluded satisfactorily shortly"</i>.</p> <p>The Applicant's response [REP7a-002] was that:</p> <p><i>"There has been telephone and email communication between the parties in the past few days."</i></p> <p>Given the nature of the submissions made by SHP at the Compulsory Acquisition Hearing (CAH) held on 4 June 2019, and at a point less than three weeks before the close of the Examination, do you still assert that you are hopeful that the negotiations between the Applicant and SHP can be concluded satisfactorily shortly?</p> <p>Applicant's Response:</p> <p>Yes.</p>
CA.4.9	The Applicant	<p>Reasonable alternatives to Compulsory Acquisition: Negotiations with SHP</p> <p>In its response to CA.3.17 [REP7a-044] SHP states that:</p>

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		<p><i>"...the Applicant had continually failed to honour "commitments" made to SHP and pointed to the evidence showing engagement from the Applicant tended to be timed around an impending deadline for DCO submissions or an examination hearing."</i> and that: <i>"In essence, the Applicant's efforts appear focussed on creating the illusion that it was making efforts, instead of taking any actions that could evidence real efforts were being made."</i></p> <p>Comment on that characterisation.</p>
		<p>Applicant's Response:</p> <p>The Applicant undertakes to provide the requested comment by Deadline 10 (2 July).</p>
CA.4.10	The Applicant	<p>The need to obtain any operational and other consents which may apply to the type of development for which they seek development consent</p> <p>Natural England's submission for Deadline 8: Written Summary of oral submission put at Issue Specific Hearing 6 [REP8-028] states at paragraph 7 that:</p> <p><i>"Natural England has not yet received a draft bat licence from the Applicant. We have, therefore, not been able to progress a Letter of No Impediment (LoNI)."</i></p> <p>Show why your failure to provide a draft bat licence should not be regarded by the ExA as a potential risk or impediment to the implementation of the scheme that has not been properly managed.</p>
		<p>Applicant's Response:</p>

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		<p>Paragraph 19 of the guidance on compulsory acquisition asks applicants to "demonstrate that any potential risks or impediments to implementation of the scheme have been properly managed". This does not mean the Applicant is required to demonstrate that all risks have been eliminated.</p> <p>The Applicant is ready with a bat licence application and appends this at Appendix CA.4.10 of TR020002/D9/FWQ/Appendices but Natural England will not consider it until the relevant land has been secured. The Applicant is managing the securing of the site properly and has been in discussion with the relevant landowner for many months and has agreed the site can be used for this purpose in principle; the terms of an option are being negotiated that will secure the land.</p> <p>If a third party does not respond promptly that does not necessarily indicate a lack of risk management from the Applicant - insisting that third parties respond tends to have the opposite effect on their level of co-operation.</p>
CA.4.11	The Applicant	<p>Whether the purposes for which an order authorises the Compulsory Acquisition of land and/ or rights over land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected: the RAF Manston Museum and the Spitfire and Hurricane Museum</p> <p>In its Response to CA.3.17 [REP7a-002], the Applicant states in relation to the RAF Manston Museum and the Spitfire and Hurricane Museum that:</p> <p><i>"i. 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.</i></p> <p><i>ii. The Applicant does not expect the ExA to have regard to this commitment, it is not part of the application."</i></p> <p>In a submission dated 13 June 2019 [AS-192] RAF Manston Spitfire and Hurricane Memorial Museum states that:</p> <p><i>"we have yet to receive any confirmation or indication of the applicant's plans with regards to the Museum's current and future status as a freehold and wider plans for the Museums area in general."</i></p> <p>and that</p>

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		<p><i>"Though we have received oral offers of our freehold being "re-granted" as soon as the DCO is complete (if successful), the trustees are becoming deeply concerned with the comparative paucity of time given to examine how secure the Spitfire Museum will be in the event of a successful DCO."</i></p> <p>i. If the museums do not need to move as part of the project justify the need for Compulsory Acquisition in this case.</p> <p>ii. If the Applicant's purpose in seeking Compulsory Acquisition is to re-grant the freehold, justify the need for Compulsory Acquisition in this case.</p> <p>iii. If commitments to the RAF Manston Museum and the Spitfire and Hurricane Museum are not part of the application, justify the need for Compulsory Acquisition in this case.</p> <p>iv. State why the Applicant has not confirmed or indicated its plans with regards to the RAF Manston Spitfire and Hurricane Memorial Museum's current and future status as a freehold and wider plans for the museums' area in general.</p>
		<p>Applicant's Response:</p> <p>i.- iii. The Applicant accepts that owing to commitments it has now made, the museums should no longer be within the scope of compulsory acquisition powers. They will therefore be removed from the final version of the Book of Reference.</p> <p>The Applicant is still seeking the freehold of the RAF Manston History Museum from Stone Hill Park Ltd, parcel 047 (leaving its leasehold interest intact). Parcel 047 is part of a larger land holding currently owned by Stone Hill Park. Junction improvement works will need to be undertaken on part of the land. The remaining part of the land would not be of any practical use to SHP divorced from the rest of the Northern Grass land.</p> <p>iv. The future plans for the museums are up to the museums themselves and are not either part of this application nor for the Applicant to determine. The Applicant has simply indicated that it will seek to accommodate the wishes of the museums in so far as it is possible to do so.</p>

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CA.4.12	The Applicant	<p>Restrictive Covenants</p> <p>In the Applicant's response to DCO.2.28 [REP6-012] it states that:</p> <p><i>"While the Applicant currently believes that outright compulsory acquisition is necessary for all the land subject to that power in its application, it may find later</i></p> <p><i>once detailed design has been completed that the lesser imposition of a restrictive covenant may be possible."</i></p> <p>Is that your sole reason for including the power to impose a Restrictive Covenant?</p> <p>Applicant's Response:</p> <p>Yes, the Applicant's intention (in common with every other responsible promoter) is to minimise the extent of compulsory acquisition related to its project as much as possible. The imposition of restrictive covenants gives the Applicant an opportunity to ensure the delivery of the project while minimising the need for depriving existing landowners of their land through compulsory acquisition. The Applicant is applying for the power to impose restrictive covenants not in order to have a greater effect or control over land but in an effort to minimise the scheme's impact on the landowners that will be subject to the Order powers. For this reason the inclusion of the power to impose restrictive covenants in the Order is both justified and proportionate.</p> <p>If the Examining Authority does not wish the Applicant to have the power to impose restrictive covenants in this way, it is content for it to be removed.</p>
CA.4.13	The Applicant	<p>Restrictive Covenants</p> <p>Good practice point 9 in the Planning Inspectorate's Advice Note 15 says that Applicants should provide justification which is specific to each of the areas of land over which the power is being sought, rather than generic reasons, and include a clear</p>

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		<p>indication of the sorts of restrictions which would be imposed and wherever possible the power should extend only to the particular type of Restrictive Covenant required.</p> <p>Either: i. Show where in the Statement of Reasons you have followed Planning Inspectorate Guidance and have fully explained and justified the need for including such powers.</p> <p>Or: ii. Provide a full explanation and justification the need for including such powers.</p>
		<p>Applicant's Response:</p> <p>ii. Please see the response to CA.4.12 for the justification for inclusion of the power to impose restrictive covenants.</p>
CA.4.14	<p>The Applicant</p> <p>KCC</p> <p>Nemo Link</p> <p>SHP</p> <p>TDC</p>	<p>Special Category Land</p> <p>Plots 185b, 185c, 185d, and 185f are identified in Part 5 of the Book of Reference: Post-Application Revision 1 [REP3-194] as being special category land under s131 and 132 of the PA2008.</p> <p>The ExA stated in its question CA.2.9. that it is minded to recommend that subsection 3 of s132 of the PA2008 does apply in that:</p> <p><i>(3) ... the order land, when burdened with the order right, will be no less advantageous than it was before to the following persons—</i> <i>(a) the persons in whom it is vested,</i> <i>(b) other persons, if any, entitled to rights of common or other rights, and</i> <i>(c) the public.</i></p> <p>Plots 185b, 185c, 185d, and 185f are identified in the Land Plans and in paragraph 10 of the revised Book of Reference [REP7a-023] as proposed to be subject to the compulsory creation of new rights pursuant to Article 22 of the dDCO and if necessary, to powers to override third party rights or powers to extinguish, suspend or interfere with any third party rights pursuant to Article 24 of the dDCO.</p>

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		<p>Articles 22 and 24 of the dDCO include the power of the imposition of Restrictive Covenants.</p> <p>Given that the scope, nature and effect of any Restrictive Covenants have not been disclosed by the Applicant, do parties still consider that subsection (3) of s132 of the PA2008 does apply?</p> <p>Applicant's Response:</p> <p>The Applicant is content that section 132(3) Planning Act 2008 continues to apply to the compulsory acquisition of rights over special category land plots 185b, 185c, 185d and 185f. The purpose for which new rights may be acquired in parcels 185c and 185d is limited to overground access to the pipeline pursuant to Article 22(2) and Schedule 5 of the DCO and cannot be by way of restrictive covenant; only rights in subsoil may be acquired in parcel 185e, and only new rights at surface level or above may be acquired in parcel 185b and 185f, pursuant to Schedule 7 of the DCO; and so any restrictive covenant imposed would have to be within those restrictions.</p> <p>The Examining Authority's attention is drawn to the statement of common ground with Nemo Link Limited (REP3-182) in which Nemo Link Limited confirmed that it was content in principle for the Applicant to acquire permanent rights over these plots and had no comments as to the statutory test in section 132 Planning Act 2008.</p>
CA.4.15	<p>The Applicant</p> <p>Cogent Land LLP</p>	<p>Cogent Land LLP</p> <p>Cogent Land LLP is listed in the updated Book of Reference as having a Category 2 interest in plots 060 to 067.</p> <p><i>To the Applicant</i></p> <p>Cogent Land does not appear to be named in the Compulsory Acquisition Status Report [REP8-008].</p> <p>Explain this apparent omission.</p>

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		<p>In the Written Summary of Oral Representations put to the Examining Authority (ExA) at the Manston Airport Draft Development Consent Order ("DCO") Hearings held on 4th and 5th June 2019 [REP8-068], Iceni Projects on behalf of Cogent Land LLP states that:</p> <p><i>"Access Road</i></p> <p><i>1. Cogent has raised repeated concerns in relation to the CPO land, and its potential to jeopardise the delivery of Manston Green through the impact on the consented access road. The Applicant appear very dismissive of these concerns, and the responses we have received to date in relation to this matter have been unsatisfactory. The plans provided (Appendix F.2.9 of RSP's response to the ExA's Second Written Questions p301) is not adequate. The purpose of this drawing is unclear as there is no title, notes, drawing reference, key or annotations. In addition, there is no scale bar provided and the basemapping which has been used is unclear, with unnecessary additional drawing frames included, resulting in a poor-quality drawing that offers no reassurance that it is accurate.</i></p> <p><i>2. Table 18.4 of the ES states that "The Manston Green site overlaps with a small section of the Proposed Development red line boundary. In this location, the Proposed Development will be used for landing lights only, and the lights are unlikely to extend to the far eastern extent of the boundary. The area of overlap in the outline masterplan for Manston Green is shown as open space and a new link road"</i></p> <p><i>This paragraph also states that the Applicant will work with the developers to confirm the use of this overlapping land but that the DCO Scheme will not impact upon the deliverability of the Manston Green development. However, there has been little/no attempt by the Applicant to engage with Cogent to discuss this matter further to provide clarity."</i></p> <p>To the Applicant</p> <p>iii. State why there has been little/ no attempt by the Applicant to engage with Cogent to discuss this matter further to provide clarity.</p> <p>To the Applicant and Cogent Land LLP</p> <p>iv. Have there been further negotiations on this issue?</p> <p>v. If not, why not?</p> <p>vi. If so, report progress.</p> <p>To Cogent Land LLP</p> <p>vii. Do you still maintain this objection to the request to compulsorily acquire land?</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>i/ii. The Compulsory Acquisition Status Report refers to owners, lessees and occupiers of land within the DCO boundary (Category 1). Those with a Category 2 interest are generally not listed as their interests can usually be accommodated alongside the Applicant's proposals (as in this case).</p> <p>iii. It should be noted that the Applicant undertook significant efforts to secure Cogent Land's engagement in the examination process, following the ExA's request for a Statement of Common Ground with them. The Applicant has responded to the concerns raised by Cogent Land through the provision of plans and further information.</p> <p>The two issues of concern raised by Cogent Land are: the interface between the Manston Green link road and the approach lights, and noise mitigation for the Manston Green development. On the first issue, the Applicant is merely extending its existing lease of the approach lights and Cogent Land has in any event designed the link road to avoid the approach lights. The compulsory acquisition of the land required for the approach lights will not impact on Cogent Land's link road.</p> <p>On the second issue, no properties in the current design of Manston Green are within the Applicant's noise insulation eligibility contours. In any event, the noise mitigation proposals do not apply to dwellings that are yet to be built. The Manston Green Planning Permission was granted in full knowledge that the airport may become operational and subject to conditions requiring the developer to provide appropriate mitigation.</p> <p>A third issue has been raised by Cogent Land, namely the relocation of the HRDF and its potential to impact on Manston Green. The Applicant will ensure that the HRDF will not be relocated to a location that will prejudice the delivery of the Manston Green development.</p> <p>iv. No, although the Applicant has provided Cogent Land's agents with any information they have requested.</p> <p>v. In the Applicant's view there is nothing to negotiate. The Applicant's project will not prejudice the Manston Green development.</p>

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		vi. n/a
CA.4.16	The Applicant	<p>Crown Land – the Government Legal Department</p> <p>The Applicant's response to CA.3.7 states that: <i>"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."</i></p> <p>i. Explain your logic on this?</p> <p>ii. Are you still seeking Crown consent in relation to these plots?</p> <p>Applicant's Response:</p> <p>i. The Applicant refers the Examining Authority to paragraph 39 of the DCLG's Planning Act 2008 guidance related to procedures for the compulsory acquisition of land, September 2013: "where such land is required for a major infrastructure project, the land, or an interest in it held by or on behalf of the Crown, will need to be acquired through negotiation and bilateral agreement." [emphasis added]. The interests held by the Crown in plot 019c (a licence belonging to a dissolved company) and plot 050b (an option belonging to a dissolved company) are interests which can remain in existence and not be subject to compulsory acquisition. The land itself is not owned, occupied or leased by the Crown. There is accordingly no restriction on the Applicant acquiring this land in that it is not Crown-owned land. The Applicant furthermore refers to a comment from the Government Legal Department in respect of these bona vacantia interests on 30th August 2018:</p> <p>"I will write to you again if and when we make a decision; in theory, we have until February 2021 to do so, but I would hope that it will be sooner. In the meantime, you will just have to treat us as a party having interests, short of ownership, in part of the development site." [emphasis added].</p>

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		<p>In other words, the Government Legal Department have acknowledged that they are not owners of this part of the development site.</p> <p>ii. Despite the statement above, namely that the Applicant can treat the Government Legal Department as a party having interests short of ownership, the Applicant will continue to engage with the Government Legal Department in respect of these plots. However, this does not prevent the Applicant from acquiring ownership of the land while the bona vacantia interests subsist.</p> <p>For added context, the latest correspondence from the Government Legal Department on 20 June 2019 confirms that they are yet to make a decision:</p> <p>"There has been no change in this matter. I suspect that all of my colleagues across government are waiting on the Brexit outcome. As a result, there may be no change in our position until next year. I would remind you that we have up to three years (from February 2018) to come to a decision on these interests."</p>
CA.4.17	The Applicant	<p>Crown Land – Secretary of State for Housing, Communities and Local Government</p> <p>The ExA notes that the updated Compulsory Acquisition Status Report submitted at Deadline 8 [REP8-008] states that agreement has been reached through the Statement of Common Ground (SoCG). The ExA points out this does not include, of course agreement on any Crown consent.</p> <p>Your response to CA.3.7 [REP7a-002] states that:</p> <p><i>"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."</i></p> <p>When might such Crown consent be forthcoming?</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>The Met Office is considering contracts concerning its relocation within the airport site, to which it has agreed in principle. The Applicant hopes that Crown consent will be forthcoming by 9 July, failing which the Applicant will endeavour to obtain a letter of no impediment from the Met Office with formal Crown consent to follow once legal agreements have been signed.</p>
CA.4.18	The Applicant	<p>Crown Land – Secretary of State for Transport</p> <p>The Updated 3.3 Book of Reference [REP7a-023] has included the Secretary of State for Transport as having a registered interest in land on plot 015 in Part 1, Parts 2a and 2b, and Part 4 (Owner of any Crown Land which is Proposed to be used for the Purposes of the Order for which the Application is being Made).</p> <p>i. Have you started negotiations with the Secretary of State for Transport in respect of gaining Crown consent in relation to plot 015?</p> <p>ii. Report progress on any such negotiations.</p> <p>Applicant's Response:</p> <p>i/ii. The Applicant contacted the Secretary of State for Transport on 15 April 2019 but has not had a response. The Applicant notes the restriction on the title to the main airport site and intends to obtain consent as part of any voluntary transfer of the main airport site from SHP. In the meantime, the Applicant will continue to press the Secretary of State for Transport for a response. As the Secretary of State for Transport is also the decision maker on the application, if he grants the application containing compulsory acquisition powers he will effectively have given consent for such acquisition to be carried out.</p>
CA.4.19	The Applicant	<p>Crown Land – Secretary of State for Defence (Lands)</p> <p>The Applicant's response to CA.3.2 [REP7a-002]</p>

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	Secretary of State for Defence (Lands)	<p><i>"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."</i></p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 8 on 14 June 2019 [REP8-008] shows, in respect to the Secretary of State for Defence (Lands) that no agreement had been reached less than four weeks before the close of the Examination and that the Applicant will continue to contact this party to seek to advance voluntary negotiations.</p> <p>Provide a further report on progress and state definitively whether Crown consent will be obtained by the close of the Examination.</p> <p>Applicant's Response:</p> <p>Crown consent in respect of the MoD's land interests is unlikely to be obtained by close of examination. The Applicant is yet to receive a response from the MoD in respect of its land interests (not including the HRDF) despite the Applicant's frequent requests for comments (as illustrated in the updated Compulsory Acquisition Status Report submitted at Deadline 9 on 28 June 2019 as TR020002/D9/CASR and the MoD's representation of 24 May 2019 where it stated "Comments on the Draft SoCG will be provided to the Applicant in due course"). The status of Aerial Farm remains unconfirmed. The MoD's willingness to consider alternative locations for its Motor Transport Unit also remains unclear. For the avoidance of doubt, the Applicant is prepared to relocate both sites but requires engagement from the MoD in order to progress matters.</p> <p>The Applicant will continue to press the MoD for a response on its land interests.</p> <p>The Applicant recognises that the guidance says that Crown consent should be in place before the completion of the examination. However, as explained in response to CA.3.5, in practice this has rarely, if ever been achieved. An examination of the last 20 DCOs to have been made reveals that Crown consent to the compulsory acquisition of land often post-dates the examination period and is often given shortly before the Secretary of State's final decision on the DCO.</p>

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		As both of these sites are on the edge of the airport, the Applicant will work around them if it cannot obtain Crown consent and it will continue to be able to develop the airport.
CA.4.20	The Applicant	<p>Crown Land - High Resolution Direction Finder (HRDF)</p> <p>The Draft (not agreed) Statement of Common Ground between the Applicant and the Ministry of Defence (HRDF) [REP7a-005] states that the new location has to be on land within the freehold ownership of the MOD.</p> <p>i. Who would acquire and pay for that land?</p> <p>ii. Is this provided for in your estimate of costs?</p> <p>iii. Is provision for this contained within the sum contained in Article 9?</p> <p>Appendix CAH2-13 of the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011] provides a contract and other documentation in relation to the provision of consultancy services to provide a feasibility study on the viability of moving the High Resolution Direction Finder (HRDF) from its current location at Manston Airport to 'Site 1' as detailed in Figure 1 below.</p> <p>iv. Is only one site being considered as a possible location for the HRDF?</p> <p>Figure 1 shows Site 1 as being located at a site outside the Order Limits north of the landing lights. A comparison with, for example, Appendix 2 of Draft (not agreed) Statement of Common Ground between the Applicant and Cogent Land LLP [REP4-015] appears to show that Site 1 is on land shown to be part of the planning permission for Manston Green as set out in Appendix 2.</p> <p>v. Comment.</p> <p>The contract at Appendix CAH2-13 of the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 04 June 2019 and associated appendices [REP8-011] is dated 24 May 2019. A note of a Project Update Meeting dated 23 August 2017 (https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-Advice-00098-1-170823%20Manston%20Airport%20Teleconference%20Meeting%20Note%20Final.pdf) states that the</p>

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		<p>Applicant was in contact at that time with the Ministry of Defence in respect of the continued operation of the HRDF located on the site.</p> <p>vi. Explain the length of time it has taken to fully address this issue.</p> <p>The Manston Site Plan submitted by the Defence Infrastructure Organisation [REP7a-025] shows concentric rings showing areas within which levels of safeguarding for the operation of the HRDF are required.</p> <p>vii. Show how these have been taken into effect in the choice of: a) The choice of Site 1; and b) The search for other sites.</p> <p>The Written Summary of Oral Representations put to the Examining Authority (ExA) at the Manston Airport Draft Development Consent Order ("DCO") Hearings held on 4th and 5th June 2019 [REP8-068] prepared behalf of Cogent Land LLP states that:</p> <p><i>"Cogent were not made aware of the need to relocate the HRDF, nor the alternative locations which is currently proposed, despite this potentially having a significant impact on Manston Green."</i></p> <p>And that:</p> <p><i>"It is most disappointing that the Applicant has not brought this to our attention during our discussion as it could severely impact the future development of Manston Green."</i></p> <p>viii. Explain why Cogent Land LLP were not made aware of the potential effect of proposals for the relocation of the HRDF.</p> <p>ix. Given all the above, show why the ExA should not consider that the issues related to the HRDF to constitute a potential risk or impediment to implementation of the scheme that has not been properly managed.</p> <p>Applicant's Response:</p>

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		<p>i. The Applicant will acquire and pay for such land, unless the land is already owned by the MoD.</p> <p>ii. Yes, £100,000 has been factored into the general costs to cover such acquisition.</p> <p>iii. No, this figure is not included in the sum guaranteed in Article 9, as it is not a cost relating to compulsory acquisition.</p> <p>iv. Site 1 was identified as a potentially suitable as a location for the HRDF. Following subsequent technical assessment of this area, a revised location 250m to the north west of this point was proposed by Aquila; this was accepted by RSP. These are not the only locations being considered as a possible location for the HRDF. A number of potential sites are being considered by Aquila, including</p> <ul style="list-style-type: none"> • An area on the Defence Fire Training and Development Centre; • An existing communications mast currently situated on Defence Fire Training and Development Centre; and • The roof of the proposed Air Traffic Control Tower. <p>The report by Aquila, the Ministry of Defence's (MOD) Engineering Authority for the HRDF capability, is expected by 28 Jun 2019 and will confirm which relocation sites have been considered and their respective performance.</p> <p>v. The figure below shows the original Site 1 centre point as explained in response to part iv above. The revised Site 1, the location being considered by Aquila, remains outside the Order Limits and outside the Manston Green site.</p> <p>The Applicant understands that the technical solution being considered by Aquila is not subject to the same safeguarding criteria as a traditional HRDF installation (this will be clarified by Aquila as part of any technical proposal). It equally means that potential locations (such as the Communications Mast or the Air Traffic Control Tower) can be considered which would not have been suitable for a traditional HRDF installation. The Applicant will take Manston Green into account in the assessment of suitable sites.</p> <p>vi. The Applicant has made extensive efforts to engage with the MoD on this issue over a period in excess of two years. As explained in response to CA.3.5, since April 2017 the Applicant has consistently sought contact details from the Defence</p>

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		<p>Infrastructure Organisation (DIO) for the organisation within the MoD who could provide the necessary technical assessment of proposed locations. On 22 September 2017 the DIO provided contact details of two individuals (Darren Jones and Tim Davis) at HQ AIR, RAF High Wycombe. However, when contacted by the Applicant, their response on 9 October 2017 stated that they had not previously been aware of the proposal and 'an alternative site would need to be agreed by DIO and ensure that it has the same level of ownership and covenants to protect the site'. The Applicant therefore referred the issue back to DIO. On 14 Mar 2018 and again on 18 Oct 2018 the Applicant met representatives from DIO; on both occasions this was followed by the sharing of a draft Statement of Common Ground (SoCG). Contact details within Aquila, the MoDs engineering Authority for HRDF, were provided following the meeting on 18 October 2018 but the individuals concerned required the permission of the Project MARSHALL Delivery Team before engaging. The individual to whom this enquiry had been forward had left the Delivery Team but RSPs representatives eventually managed to gain approval of the Delivery Team to allow them to commission Aquila to undertake the necessary assessments on 25 March 2019. Progress has been made since engaging with the Delivery Team and with Aquila. As previously explained, the Applicant has persistently engaged with the MOD since 2017 and made every effort to come to agreement on this issue.</p> <p>vii. a. Site 1 represented a 120m area in which it was proposed the HRDF could potentially be located. As a result of initial modelling, Aquila subsequently asked to adjust the position a further 250m to the north west – some 190m beyond the proposed limits of Site 1 (shown below in relation to Manston Green). As a result of the extensive / comprehensive modelling, Aquila is also considering a number of other locations, the performance of which may be superior to the Site 1 area.</p>

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		<div data-bbox="680 370 1083 789" data-label="Image"> </div> <p data-bbox="548 824 1902 959">b. In seeking to identify other sites, the Applicant applied the safeguarding criteria for the HRDF which had been provided by DIO (Joint Services Publication (JSP) 604). These were the only criteria available and severely limited the siting options. Aquila is proposing a more modern technical solution that will not necessarily be constrained by the JSP 604 requirements, enabling a number of alternative sites to be considered.</p> <p data-bbox="548 995 1902 1094">viii. The Applicant's agent was not initially aware of the Manston Green proposals but it is now and has been taking them and other nearby consented planning applications into account in the assessment; the Applicant has confirmed to Cogent Land that the relocation of the HRDF will be done so as not to interfere with the Manston Green development.</p> <p data-bbox="548 1130 1902 1333">ix. The Aquila technical assessment is anticipated by 28 Jun 2019. It is understood that the MoD is planning an internal meeting to discuss its findings on 1 or 2 July and will then hold discussions with the Applicant on 3rd or 4th Jul. the Applicant remains hopeful that resolution, or part resolution, will result from these meetings. Given the long history of these negotiations the Applicant considers that it has properly managed this risk, but for the avoidance of doubt assents to the inclusion of a requirement that the area protected by the 2017 safeguarding direction cannot be breached by the development without the consent in writing of the MoD.</p>

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CA.4.22	The Applicant	<p>Statutory Undertakers – BT Group plc</p> <p>The Applicant's Response to CA.3.13(iv) [REP7a-002] states that: <i>"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."</i></p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 8 on 14 June 2019 [REP8-008] shows, in respect to BT Group plc that no agreement had been reached less than four weeks before the close of the Examination and that the Applicant will continue to contact this party to seek to advance voluntary negotiations.</p> <p>The Applicant is reminded that Section 127(5) of the PA2008 places restrictions on the Compulsory Acquisition of rights over statutory undertakers' land where new rights over that land are created. If the circumstances in that subsection apply the Secretary of State will need to be satisfied that the rights can be purchased without any serious detriment to the carrying on of the undertaking.</p> <p>i. Provide a further report on progress; and either</p> <p>ii. provide a joint statement that agreement has been reached; or</p> <p>iii. state definitively whether agreement will or will not be reached before the close of the Examination.</p> <p>Applicant's Response:</p> <p>i. The Applicant has continued to engage with BT and progress has been made by BT in identifying their relevant contact to review the Applicant's proposals, draft Protective Provisions and draft Statement of Common Ground. These documents are now with BT for their review and comments are expected during the week commencing 1 July 2019. The Applicant is still</p>

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		<p>hopeful that an agreement can be reached by close of the Examination but is not in the position to confirm the definitive outcome of such negotiations at this stage.</p> <p>iii. As stated in the Applicant's Response to CA.3.13(iv) [REP7a-002] in the absence of a response from BT and agreement being reached, the Protective Provisions in Schedule 9 of the dDCO [APP-006] will apply. The Protective Provisions are in a standard form and provide the necessary protection for BT's apparatus and protection for carrying on of their undertaking without any serious detriment from the Applicant's exercise of compulsory acquisition powers.</p>
CA.4.23	The Applicant Network Rail Infrastructure	<p>Statutory Undertakers - Network Rail Infrastructure</p> <p>The Applicant's Response to CA.3.12 [REP7a-002] states that:</p> <p><i>"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."</i></p> <p>And that:</p> <p><i>"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."</i></p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 8 on 14 June 2019 [REP8-008] shows, in respect to Network Rail Infrastructure that no agreement had been reached less than four weeks before the close of the Examination and that the Applicant will continue to contact this party to seek to advance voluntary negotiations.</p> <p>The Applicant is reminded that Section 127(5) of the PA2008 places restrictions on the Compulsory Acquisition of rights over statutory undertakers' land where new rights over that land are created. If the circumstances in that subsection apply the Secretary of State will need to be satisfied that the rights can be purchased without any serious detriment to the carrying on of the undertaking.</p> <p>i. Provide a further report on progress; and either</p>

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		<p>ii. provide a joint statement that agreement has been reached; or</p> <p>iii. state definitively whether agreement will or will not be reached before the close of the Examination</p>
		<p>Applicant's Response:</p> <p>i. The Applicant wrote to Network Rail's solicitors Eversheds Sutherland on 18 June 2018 to provide further information which had been received from Southern Water and from the Applicant's own surveys as to the location and nature of the outfall pipeline which crosses Plot 123. The Applicant provided a further version of Network Rail's framework agreement to Eversheds Sutherland on 25 June 2019, in which it accepted many of the concerns raised by Network Rail in an effort to reach agreement. Network Rail confirmed on 28 June 2019 that it continued to object in principle to the acquisition of the subsoil underneath Plot 123 which the Applicant considers necessary to acquire, to enable the Applicant to acquire ownership of the pipeline so as to ensure its maintenance into the future. Network Rail also confirmed on 28 June 2019 that it continued to object in principle to the exercise of any compulsory acquisition powers over any plots in the Book of Reference in which it has an interest.</p> <p>ii. At the time of submitting this response, agreement with Network Rail has not been reached.</p> <p>iii. The Applicant remains in dialogue with Network Rail and is committed to reaching agreement with them before the end of the examination.</p>
CA.4.24	<p>The Applicant</p> <p>South Eastern Power Networks plc</p>	<p>Statutory Undertakers - South Eastern Power Networks plc</p> <p>The Applicant's Response to CA.3.13(iv) [REP7a-002] states that:</p> <p><i>"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)."</i></p>

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		<p>The updated Compulsory Acquisition Status Report submitted at Deadline 8 on 14 June 2019 [REP8-008] shows, in respect to South Eastern Power Networks plc that no agreement had been reached less than four weeks before the close of the Examination and that the Applicant will continue to contact this party to seek to advance voluntary negotiations. The Applicant is reminded that Section 127(5) of the PA2008 places restrictions on the compulsory acquisition of rights over statutory undertakers' land where new rights over that land are created. If the circumstances in that subsection apply the Secretary of State will need to be satisfied that the rights can be purchased without any serious detriment to the carrying on of the undertaking.</p> <p>i. Provide a further report on progress; and either</p> <p>ii. provide a joint statement that agreement has been reached; or</p> <p>iii. state definitively whether agreement will or will not be reached before the close of the Examination.</p> <p>Applicant's Response:</p> <p>i. The Applicant's solicitors wrote to SEPN's in-house solicitor on 20 June 2019 with a revised agreement. SEPN's solicitor responded later that day with further amendments to the agreement. The Applicant's solicitors wrote to SEPN's solicitor on 21 June with a revised form of agreement. The only remaining issue is the level of fees which the Applicant is obliged to pay to SEPN. The Applicant is waiting for a response from SEPN on this issue.</p> <p>ii. N/A</p> <p>iii. On the assumption that the remaining issue concerning fees can be resolved in short order, the Applicant is confident that an agreement with SEPN will be entered into prior to the close of the examination. The text of this response has been agreed with SEPN.</p>
CA.4.25	The Applicant	<p>Statutory Undertakers - Southern Gas Networks plc</p> <p>The Applicant's Response to CA.3.14(iv) [REP7a-002] states that:</p>

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	Southern Gas Networks plc	<p><i>"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."</i></p> <p>Southern Gas Network's Response to CA.3.10 and CA.3.14 [REP7a-043] states that :</p> <p><i>"the further statement of common ground will be issued once the side agreement has been completed and the bespoke protective provisions secured; and it expects to be in a position to have completed an agreement and withdraw its representation in advance of 9 July 2018. SGN is hopeful that this can be achieved by Deadline 8"</i></p> <p>The updated Compulsory Acquisition Status Report submitted at Deadline 8 on 14 June 2019 [REP8-008] shows, in respect to Southern Gas Networks plc that no agreement had been reached less than four weeks before the close of the Examination and that the Applicant will continue to contact this party to seek to advance voluntary negotiations.</p> <p>The Applicant is reminded that Section 127(5) of the PA2008 places restrictions on the compulsory acquisition of rights over statutory undertakers' land where new rights over that land are created. If the circumstances in that subsection apply the Secretary of State will need to be satisfied that the rights can be purchased without any serious detriment to the carrying on of the undertaking.</p> <p>i. Provide a further report on progress; and either</p> <p>ii. provide a joint statement that agreement has been reached; or</p> <p>iii. state definitively whether agreement will or will not be reached before the close of the Examination.</p> <p>Applicant's Response:</p> <p>i. The Applicant's solicitors wrote to the solicitors acting for Southern Gas Networks on 18 June 2019 confirming that the form of agreement was acceptable to the Applicant. The Applicant commented upon a pre-engrossment draft of the agreement on 21 June 2019 and awaits a copy of the engrossed agreement in order that it can be executed by the Applicant and completed. The engrossment has been signed by Southern Gas Networks.</p>

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		<p>ii. Further to i. above, agreement has now been reached and the agreement will be formally completed in due course.</p> <p>iii. Further to i. and ii. above, agreement has now been reached and the agreement will be formally completed in due course and the Applicant will endeavour to ensure that this is done before the close of the examination in order that Southern Gas Networks can withdraw its representation prior to the close of examination. The text of this response has been agreed with Southern Gas Networks.</p>

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DCO.4 Draft Development Consent Order (DCO)		
DCO.4.1	All Parties to note	<p>The ExA issued its second dDCO at Deadline 8 on 14 June 2019 [PD-018].</p> <p>This document contained five tables as follows:</p> <p>v. TABLE 1: Table of Changes Proposed by the Applicant and other Interested Parties subsequent to the publication of the ExA's initial dDCO and which the ExA is minded to recommend to the Secretary of State</p> <p>vi. TABLE 2: Table of Changes Proposed by the ExA subsequent to publication of the ExA's initial dDCO on which comments are requested by the ExA</p> <p>vii. TABLE 3: Table of Changes Proposed by the Applicant on which comments are requested by the ExA</p> <p>viii. TABLE 4: Table of Changes Proposed by the other parties on which comments are requested by the ExA</p> <p>ix. TABLE 5: Table of provisions in the dDCO which will be subject of further examination in the ExA's Fourth Written Questions to be issued on 21 June 2019</p> <p>Tables 2, 3 and 4 contained specific proposed amendments to the provisions in the dDCO on which comments are requested by Deadline 9 on 28 June 2019. In addition, the ExA welcome comments on the changes set out in Table 1.</p> <p>All Parties should note that, with one exception (New R 19c) the proposed amendments set out in these tables are not repeated in the set of ExA's fourth questions on the dDCO set out below. Instead, responses to these should be made in any comments made on the second draft ExA's DCO.</p>

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		<p>The points listed in the table of provisions in the dDCO which will be subject of further examination in the ExA's Fourth Written Questions (TABLE 5) do form the subject of questions in this or in other sections of the ExA's Fourth Written Questions.</p>
		<p>Applicant's Response:</p> <p>Noted</p>
DCO.4.2	The Applicant	<p>Article 2 – definition of ‘airport related’ The definition of airport related proposed by the Applicant is: <i>“‘airport-related’ development means development directly related to, or associated with, or supportive of operations at Manston Airport including, but not limited to, offices for various support functions and freight forwarders, freight distribution centres, flight catering, car hire activities, maintenance and valeting operations, support functions for aircraft maintenance, airline training centres, airline computer centres, security facilities, business aviation facilities and storage facilities for airlines;”</i></p> <p>i. Show where all these activities have been assessed in the ES.</p> <p>At Deadline 7 [REP7-016], TDC commented on the above definition in relation to the Guidance on Associated Development and, in the light of this, suggested its own alternative definition of <i>“airport related”</i>:</p> <p><i>“‘airport-related’ development means development which can demonstrate both a direct relationship to operations at Manston Airport and a requirement to be located at Manston Airport in order to support those operations including, but not limited to, offices for support functions and freight forwarders, freight distribution centres, flight catering, car hire activities, maintenance and valeting operations, support functions</i></p> <p><i>for aircraft maintenance, airline training centres, airline computer centres, security facilities, business aviation facilities and storage facilities for airlines”.</i></p> <p>ii. Comment on this alternative definition.</p>

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		<p>Applicant's Response:</p> <p>i. The precise use of the buildings classed as aviation related development has not been assessed in detail as part of the ES. Rather it is the case that potential impacts are controlled via a number of measures contained in the Construction Environmental Management Plan, the Operational Environmental Management Plan and the Register of Environmental Actions and Commitments. This approach has been taken as the precise use of each of the buildings cannot be known until tenants are secured. Detailed assessment through a series of assumptions would establish a false picture.</p> <p>It is not uncommon in DCO projects and planning applications for the end use of particular components of the development to be unknown and for measures to control impacts or require further assessment to be included as planning conditions or DCO requirements. Examples of measures to control potential impacts include orientation of buildings, landscape planting, assessment of noise under BS4142, control of emissions via the CMAP (to be developed), control of discharges via the OEMP and numerous other measures captured within the various documents referred to above. All of those will require final approval by Thanet District Council and the relevant consultees.</p> <p>ii. The Applicant is opposed to the revised drafting. The definition of airport-related was added to the Applicant's draft DCO in order to give further comfort to interested parties that Works Nos. 15, 16 and 17 would be 'associated development' as defined under s.115 of the Planning Act 2008. The Applicant's use of the wording 'directly related to, or associated with, or supportive of' reflects the guidance on requirements for 'associated development' as set out in paragraph 5(i) of 'Guidance on associated development applications for major infrastructure projects' which was published in April 2013 by the Department for Communities and Local Government ('the Guidance'). TDC's revised wording would place an additional condition that 'airport-related' development would be of the nature that is required to be located at Manston Airport in order to support operations at Manston Airport. This additional condition has no foundation in the Guidance and is not appropriate for the reasons set out in the Applicant's response to CA.2.20 [REP6-012] which stated:</p> <p><i>'The Northern Grass is the most suitable location for such development as it is brownfield land adjacent to the airport and is allocated for airport use in the local plan. If the development does not take place on the Northern Grass then it is likely to</i></p>

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		<p><i>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>The fact that the development that is proposed for the Northern Grass could, theoretically, take place elsewhere has no significant bearing on whether it is associated development or not and this test has no foundation in the Guidance. The development proposed meets the principles set out in paragraphs 5 and 6 of the Guidance and there is no need to tighten the definition of 'airport-related' further (as proposed by TDC) in order to ensure that it meets those principles.</p>
DCO.4.3	The Applicant	<p>Article 2 – Interpretation, Requirement 19 – Airport-related commercial facilities and Schedule 1 –Authorised Development</p> <p>The ExA has put some further questions related to “<i>associated development</i>” in its questions on Compulsory Acquisition, below.</p> <p>In its Written Summary of Stone Hill Park Ltd's Oral Submissions put at the Second Draft Development Consent Order (“DCO”) Hearing Held on 7 June 2019 [REP8-034] SHP suggest that: <i>“Works No. 2 (8 light and business aircraft hangars and associated fixed base operator terminal) and Works Nos 10 & 11 (comprising 7 Code C stands relating to proposed recycling and passenger operations, as explained in the Environmental Statement [APP-033]) clearly do not increase the capability of the airport to provide air cargo facilities.”</i></p> <p>Comment.</p> <p>Applicant's Response:</p> <p>Although these Works, when isolated from the rest of the proposed development, do not necessarily increase the capability of the airport to provide air cargo facilities, Stone Hill Park is incorrect when it says that Works 2, 10 and 11 are therefore not part of the principal development because they are not directly related to meeting the threshold for increase in cargo transport capability set out in section 23 of the Planning Act 2008. Section 23 just requires the project to consist of 'airport-related development' that exceeds one of the capacity thresholds set out in that section, there is no requirement that every</p>

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		<p>part of the development must contribute to that threshold. Consequently, they are also incorrect when they say that items in the Applicant's list of 'associated development' which is associated with Works 2, 10 and 11 is not associated with the principal development.</p> <p>The Applicant's position on this matter was presented during Issue Specific Hearing 8 on the Development Consent Order on 7 June 2019 (see REP8-016 item 7a) for the summary of oral case made).</p>
DCO.4.4	KCC	<p>Article 2 (1) – 'associated development'</p> <p>In your submission at AS-124 published on 5 June 2019 you state that:</p> <p><i>"KCC would like to reiterate here that there is currently associated highway mitigation that is proposed by the applicant, which should constitute associated development."</i></p> <p>Is KCC suggesting changes to the definition of 'associated development'? If so, what?</p>
		<p>Applicant's Response:</p> <p>N/A</p>
DCO.4.5	<p>The Applicant</p> <p>TDC</p>	<p>Article 2 – definition of 'maintain'</p> <p>The Agreed (signed) Statement of Common Ground between the Applicant and Thanet District Council [REP6-011] states under matters not agreed between the parties at 4.1.13 that:</p> <p><i>"The definition of "maintain" as set out in Article 2 is too broad and could allow significant future development without sufficient planning controls."</i></p>

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		<p>At the DCO ISH [EV-029] the Applicant and TDC agreed to seek to propose a mutually satisfactory form of words and in the Summary of Applicant's Case put Orally – Draft Development Consent Order hearing and associated appendices [REP8-016], the Applicant states that:</p> <p>"The Applicant has agreed with TDC as to its preferred definition of maintain."</p> <p>This definition is set out in TDC's Comments following Issue Specific Hearings for Deadline 8 submission [REP8-029] as being:</p> <p><i>"“maintain” in relation to the authorised development includes to inspect, repair, adjust, alter, remove, refurbish, replace, improve or reconstruct to the extent assessed in the environmental statement and any derivative of “maintain” is to be construed accordingly.”</i></p> <p>The ExA requests comments on this revised definition from all Interested Parties.</p>
		<p>Applicant's Response:</p> <p>The Applicant's position remains that they are content to amend the definition of maintain to that agreed between it and TDC and confirm that the agreed drafting is as stated in TDC's submission and set out in question DCO.4.5.</p>
DCO.4.6	The Applicant KCC	<p>Article 3(b) – Principal powers</p> <p>The ExA wishes to examine further the phrase in this Article: <i>“land within, adjoining or sharing a common boundary with or adjacent to the Order limits”</i>.</p> <p>To the Applicant</p> <p>i. Explain why a power to carry on activities outside the Order Limits is considered to be necessary.</p> <p>To KCC</p> <p>In your submission published on 5 June 2019 [AS-124] you state that:</p>

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		<p><i>"There is adopted Highway Land that immediately abuts the site and as such KCC would need to ensure that this order does not prevent the County Council from undertaking any maintenance/upgrades or changes to the highway in the future, and, if necessary, any new routes that KCC wishes to promote."</i> and that:</p> <p><i>"In order to carry out full due diligence, KCC officers will check the enactments that apply in respect of any other adjacent land in which KCC has an interest that will be affected and will update the Examining Authority accordingly."</i></p> <p>ii. Have KCC officers checked the enactments that apply in respect of any other adjacent land in which KCC has an interest that will be affected?</p> <p>iii. Is KCC suggesting any changes to the wording of this Article? If so, what?</p>
		<p>Applicant's Response:</p> <p>i. Article 3(2) does not provide a power to carry on activities outside the Order limits. The intention of this provision is to make sure that, if the Secretary of State sees fit to make the DCO, the effect of any existing legislation that might otherwise be incompatible or interfere with the authorised development or the exercise of powers under the Order, is modified such that the interference does not occur. Any such pre-existing legislation might exert interference not only from its effect within the Order limits but also from its effect from land that is adjoining or sharing a boundary with the Order limits. It is therefore important to ensure that article 3(2) has effect on the adjoining land as well as the Order limits.</p>
DCO.4.7	The Applicant	<p>Article 6 - Limits of deviation</p> <p>Article 6(1)(b) of Article 6 states that:</p> <p><i>"In carrying out the authorised development the undertaker may deviate vertically downwards from the levels of the authorised development shown on the engineering drawings and sections to any extent except that any deviation to a point below existing ground level must be approved in writing by the relevant planning authority ..."</i></p>

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		<p>Explain the circumstances under which this Article would be applicable.</p> <p>Applicant's Response:</p> <p>The Applicant will not necessarily construct the works exactly at the levels shown on the engineering drawings and sections due to encountered ground conditions and other practical factors Article 6 allows a certain amount of limited variation from those levels. Article 6(1)(b) provides an additional layer of protection in the situation where the deviation from the levels shown in the engineering drawings and sections is to a level which is below the level of the ground prior to commencement of the authorised development. This is to give comfort to the Environment Agency and Southern Water in particular that they will be consulted on any works that might have an impact on the aquifer underlying the airport land.</p>
DCO.4.8	<p>The Applicant</p> <p>Historic England</p> <p>KCC</p>	<p>Article 6 - Limits of deviation and Requirement 3(1) and (3)</p> <p>In its Response to the Examining Authority's Second Written Questions by the Historic Buildings and Monuments Commission for England (Historic England) [REP6-042], Historic England proposed revised wording to Article 6 and to Requirement 3(1) and (3). The Applicant proposed an alternate form of words in its submission [REP7a-017].</p> <p>At the ISH on the dDCO held on 7 June 2019 [EV-029] the ExA requested the Applicant and Historic England to seek to agree a mutually acceptable form of words to address the concerns of Historic England.</p> <p>In paragraph 2.4 of its Summary of submissions made during the Issue Specific Hearings by the Historic Buildings and Monuments Commission for England (Historic England) [REP8-026] Historic England state that:</p> <p><i>"... we have not yet agreed an alternative wording; however we have suggested to the applicant that our concept of Heritage Constraints Areas could be moved from the Articles to the Requirements if that is more acceptable to them."</i></p> <p>The ExA note, further, that in paragraph 2.8, Historic England considers that the suggestion made by KCC in relation to Requirement 16 goes some way to addressing our concern (ExA Agenda for ISH8 s.8 d [EV-023]) but that:</p>

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		<p><i>"this provision is not wholly adequate for our purpose in that it only makes provision for the protection of buried archaeological remains and not for historic buildings and their settings, and historic landscape character. In addition, we think it inappropriate that a provision for the avoidance of harm should be in Requirement 16, which relates to the mitigation of impacts through excavation and recording; in our view it should be covered in Requirement 3 as provision for avoidance of harm prior to approval of a masterplan."</i></p> <p>The ExA notes that the Summary of Applicant's Case put Orally – Draft Development Consent Order hearing and associated appendices [REP8-016] states that:</p> <p><i>"The Applicant and Historic England are currently in discussions and attempting to agree the wording of Requirement 3 and Requirement 6 of the DCO. The remaining issues are that Historic England wishes to approve any detailed design of the northern grass area due to its potential impact on archaeological finds; and that more protection should be given to non-designated heritage assets.</i></p> <p><i>The Applicant has also tried to engage with Kent City Council and attempted to agree the wording of Requirement 3 of the DCO. KCC has not responded to emails dated 23.05.19 and 12.06.19."</i></p> <p>i. The ExA continue to request that the Applicant and Historic England submit a mutual acceptable form of words in their responses to the draft ExA's second dDCO.</p> <p>ii. Given KCC's submissions on this Article and Requirement published on 5 June 2019 [AS-124], the Applicant is urged to continue to seek to involve KCC in any discussions on this.</p> <p>Applicant's Response:</p> <p>i. The Applicant and Historic England have continued to engage to seek to agree mutually acceptable wording for inclusion in the dDCO.</p>

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		<p>Having carefully considered Historic England's submissions and proposed wording. The Applicant has suggested the following amendments to sub-paragraph (3) of Requirement 3 of the dDCO:</p> <p>a. Sub-paragraph (3)(a) – This sub-paragraph currently provides that the undertaker must carry out an archaeological survey before a masterplan is submitted for approval. However, having reviewed proposed wording from Historic England the Applicant proposes to expand sub-paragraph (3)(a) to provide that the undertaker must also commission a further assessment of the historic character of the airfield and an historic buildings survey and must assess the heritage significance to heritage assets and their settings.</p> <p>b. Sub-paragraph (3)(c) – This sub-paragraph currently provides that before a masterplan is submitted for approval the undertaker must consult Kent County Council and Historic England on the options for minimising the impacts on archaeological assets which the undertaker is required to consider under sub-paragraph 3(b). Having reviewed alternative wording from Historic England, the Applicant proposes to expand this wording as suggested by Historic England to provide that before a masterplan is submitted under sub-paragraph (1) of Requirement 3, the undertaker must consult the relevant planning authority, Kent County Council and Historic England more generally (i.e. not just on the options for minimising the impacts on archaeological assets) and report on the consultees' recommendations when submitting the masterplan for approval.</p> <p>The Applicant considers that these amendments provide the necessary protection for heritage assets on site. The Applicant has provided these proposals to Historic England for review and comment.</p> <p>ii. The Applicant is continuing to engage with KCC and has provided the above amendments to KCC for review and comment.</p>
DCO.4.9	The Applicant KCC	<p>Article 12 – Temporary stopping up and restriction of use of streets</p> <p>KCC's submission published on 5 June 2019 [AS-124] states with reference to sub-paragraph (6) - and also referring to the same provision in Articles 15, 16 and 17 - that:</p>

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		<p><i>"the approach is entirely unsatisfactory. There might be an unavoidable delay – for instance, due internal consultation required within KCC and a requirement to take decisions in compliance with delegated authority and sign off procedures within the authority. 28 days is therefore not considered to be a reasonable time period."</i></p> <p>and that:</p> <p><i>"KCC requires the power to refuse to undertake the works for which approval is sought, if there is a conflict with other planned works in the vicinity for example. Article 12(6) and the [other] provisions quoted immediately preceding this paragraph are not acceptable to KCC."</i></p> <p>i. Has there been any further negotiation on this issue?</p> <p>ii. If not, state where areas of disagreement exist and suggest alternative wording to overcome these.</p> <hr/> <p>Applicant's Response:</p> <p>i. There has been no further discussion with KCC concerning this article.</p> <p>ii. In the absence of any suggested amendments from KCC the Applicant wishes to point out that the wording to which KCC objects (in all four articles) is intended to prevent unnecessary delay and provide certainty that the Applicant can carry out the authorised development. KCC states that its concern is that there may be a conflict with other planned works in the vicinity (in respect of 12(6)) and is presumably concerned that other legitimate issues might delay approvals such that articles 15(11), 16(9) or 18(6) are engaged. However, articles 12, 15 and 16 already provide the decision maker with the power to withhold consent if it is not unreasonable to do so (see articles 12(4), 15(1), 15(2), 16(3) and 18(4)). Given that the current drafting envisages and deals satisfactorily with the concerns raised by KCC, and that the Secretary of State has seen fit to use this wording in a wide range of DCOs the Applicant is reluctant to make any changes without further justification being provided by KCC.</p>
		Article 12 - Temporary stopping up and restriction of use of streets

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DCO.4.10	The Applicant KCC	<p>In its response to ExA question DCO.1.2 [REP3-139], KCC states that: <i>"KCC is not content with the wording of Article 12(2). The County Council requests that the wording is altered to require the applicant to seek written consent from the Highway Authority to be able to use the highway as a temporary working site."</i> In its response to DCO.2.22 [REP6-012], the Applicant contended that this Article should remain unchanged.</p> <p>i. Have discussions taken place on the draft wording?</p> <p>ii. If not, state where any areas of disagreement exist and suggest alternative wording to overcome these.</p> <p>Applicant's Response:</p> <p>i. There has been no further discussion with KCC concerning this article.</p> <p>ii. The Applicant's response to KCC's request was stated in its response to CA.2.20 which was as follows:</p> <p><i>[...] this article is identically worded to articles in many granted DCOs, and there is no reason specific to this project to depart from it.</i></p> <p><i>KCC's concerns relate to utilities contained in a highway that is stopped up under this power; however, powers over utilities' apparatus are already dealt with by the dDCO, in particular the protective provisions for utilities in Schedule 9. KCC will not have responsibility for ensuring that statutory undertakers continue to have access to their apparatus; that will be the responsibility of the Applicant.</i></p> <p>The Applicant's position on this issue has not changed. The Applicant also notes that KCC can attach reasonable conditions to its consent under article 12(4) which may include conditions concerning the reinstatement of the highway after a period of temporary possession.</p>
		Article 18 - Authority to survey and investigate the land

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DCO.4.11	The Applicant SHP	<p>In the Written Summary of SHP's Oral Submissions put at the Compulsory Acquisition Hearing held on 20 March 2019, submitted at DL5 on 29 March [REP5-] SHP state at paragraph 7.3, with reference to Article 18 (Authority to survey and investigate the land) that:</p> <p><i>"...the wide powers sought by the Applicant to survey and investigate land are inappropriate and are likely to have a blighting impact on land held by SHP."</i></p> <p>In its Written Summary of Stone Hill Park Ltd's Oral Submissions put at the Second Draft Development Consent Order ("DCO") Hearing Held on 7 June 2019 [REP8-034] SHP state that:</p> <p><i>"the following minor amendments to Article 18 would need to be incorporated in the DCO submitted by the ExA;</i> <i>Paragraph (1) amended to;</i> <i>"(1) Subject to paragraph (8), the undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised development and—"</i> <i>The inclusion of a new Paragraph (8);</i> <i>"(8) paragraph (1) does not apply to SHP Land without the consent of the owner of the SHP Land, but such consent must not be unreasonably withheld or delayed."</i> <i>Note: "SHP Land" to be defined as the freehold land comprising Title Numbers K803975, K837264, K891199, K806190, K873633, K873634 and K743314."</i></p> <p>Comment on this suggested amendment.</p>
		<p>Applicant's Response:</p> <p>The Applicant does not consider there is sufficient reason why surveying powers that are commonly used in DCOs and are proposed in this one to apply to all landowners, should not apply to SHP in the same way. Surveying of land is not an onerous activity as far as a landowner is concerned, and the Applicant intends to acquire SHP's interests very soon after getting consent for the DCO, should it be granted. Given SHP's conduct in the Applicant seeking powers to survey the land in advance of the application being made, the Applicant considers that requiring SHP's consent would pose an unacceptable (and unnecessary) risk to the timing of the delivery of the project.</p>

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DCO.4.12	The Applicant	<p>Article 19 – Compulsory acquisition of land</p> <p>The ExA note that at the ISH into the dDCO held on 7 June 2019 [EV-029], the Applicant withdrew its proposal to include sub-paragraphs to Article 19 which would have the effect of introducing a variation of the 'Crichel Down' rules into the dDCO.</p> <p>Notwithstanding this withdrawal, the ExA wish to examine this proposal further.</p> <p>In the Written Summary of Stone Hill Park Ltd's Oral Submissions put at the Second Draft Development Consent Order ("DCO") Hearing held on 7 June 2019 [REP8-034] SHP have suggested the following wording:</p> <p><i>"(3) The undertaker, and its successors, must covenant with SHP only to use the SHP Land for the purposes of the Authorised Development and/or uses that do not extend beyond the type of development permitted by the Order. The undertaker must not dispose of any interest in the SHP Land unless the successor has entered into a direct covenant with the current owner of the SHP Land (which includes an obligation to require its successors to provide a similar covenant on any disposal).</i></p> <p><i>(4) A restriction is to be registered on the title to the land stating that no dispositions of the SHP Land (or any part) can be registered without the successor entering into a direct covenant with SHP.</i></p> <p><i>(5) The undertaker must offer back the SHP Land to the owner of the SHP Land at the price paid for the land where the Applicant has not commenced the Authorised Development prior to the expiration of 2 years beginning with the date that this Order comes into force;</i></p> <p><i>(6) The undertaker must offer back the SHP Land to the owner of the SHP Land at the price paid for the land where the Applicant has not commenced operation of the Authorised Development (including the operation of commercial air transport movements) prior to the expiration of [6] years beginning with the date that this Order comes into force;</i></p> <p><i>(7) Should the undertaker, or its successor, wish to dispose of any of the SHP Land where the Authorised Development set out in Schedule 1 has not yet commenced on the relevant land, the undertaker must first offer the land back to SHP at current market value. This provision does not apply to any disposals of land to statutory bodies required to facilitate the construction or operation of the Authorised Development."</i></p> <p><i>Note: "SHP Land" to be defined within the DCO as the freehold land comprising Title Numbers K803975, K837264, K891199, K806190, K873633, K873634 and K743314."</i></p>

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		<p>Comment in general and in detail on the applicability and efficacy of this suggested wording.</p> <p>Applicant's Response:</p> <p>The Applicant strongly objects to this proposal. The Applicant is not a public body subject to the Crichel Down Rules and Stone Hill Park Limited accepted at the ISH into the DCO on 7 June 2019 that the Crichel Down Rules were not appropriate to the Manston proposals. Stone Hill Park Limited have instead proposed a number of additional principles which do not fall within the Crichel Down rules and significantly exceed what is expected of a public body under those rules. The Applicant does not accept the imposition of these arbitrary terms as their inclusion in the DCO would be unprecedented, inappropriate and disproportionate.</p>
DCO.4.13	All Affected Persons	<p>Article 21 - Time limit for exercise of authority to acquire land compulsorily</p> <p>As stated in Summary of Applicant's Case put Orally – Draft Development Consent Order hearing and associated appendices [REP8-016] at the DCO ISH [EV-029], the Applicant proposed that Article 21 should be further amended to make it clear that the 1 year period only starts to run from the expiry of the challenge period, or final determination of any challenge to the DCO. The reason for this is to avoid the situation where a legal challenge against the future grant of the DCO frustrates the project.</p> <p>The Applicant suggested the following amendments:</p> <p>In Article 21(1) substitute <i>'the start date'</i> for <i>'end of the period of 1 calendar year beginning on the day on which the Order is made'</i></p> <p>Add new Article 21(3):</p> <p><i>'For the purposes of this article 'the start date' means the later of:</i></p>

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		<p>(a) the end of the period of one calendar year beginning on the day after the period for legal challenge in s.118 of the Planning Act 2008 expires; or</p> <p>(b) the final determination of any legal challenge under s.118 of the Planning Act".</p> <p>Affected Persons are requested to comment on the Applicant's proposed change.</p>
		<p>Applicant's Response:</p> <p>N/A</p>
DCO.4.14	The Applicant	<p>Article 26 - Application of the Compulsory Purchase (Vesting Declarations) Act 1981</p> <p>The ExA notes that, following the consideration of this Article at the DCO ISH [EV-029] the Applicant and SHP have summarised their respective positions on this issue in and in the Written Summary of Stone Hill Park Ltd's Oral Submissions put at the Second Draft Development Consent Order ("DCO") Hearing held on 7 June 2019 [REP8-034].</p> <p>In paragraph 4.23 of its Written Summary of Stone Hill Park Ltd's Oral Submissions put at the Second Draft Development Consent Order ("DCO") Hearing held on 7 June 2019 [REP8-034] SHP have proposed that the following new paragraph (1) would need to be included within Article 26 of the DCO the ExA is required to submit to the Secretary of State:</p> <p><i>"(1) This Article 26 shall not apply to the SHP Land"</i></p> <p><i>"SHP Land" is to be defined as the freehold land comprising Title Numbers K803975, K837264, K891199, K806190, K873633, K873634 and K743314"</i></p> <p>Comment on this suggested addition.</p>
		<p>Applicant's Response:</p>

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		As with surveying powers, there is no special reason why the GVD route of acquisition should not be available to the Applicant for all land interests. At the second Compulsory Acquisition Hearing it became apparent that SHP's case was that advance payment of compensation would be different under the GVD route and the Notice to Treat (NTT) route, but this is incorrect.
DCO.4.15	The Applicant	<p>Article 29 - Temporary use of land for carrying out the authorised development</p> <p>For the reasons given in paragraph 4.24, in paragraph 4.25 of its Written Summary of Stone Hill Park Ltd's Oral Submissions put at the Second Draft Development Consent Order ("DCO") Hearing held on 7 June 2019 [REP8-034] SHP have proposed that the following new paragraph (1) would need to be included within Article 29 of the DCO the ExA are required to submit to the Secretary of State:</p> <p><i>"(1) This Article 29 shall not apply to the SHP Land"</i> <i>"SHP Land" is to be defined as the freehold land comprising Title Numbers K803975, K837264, K891199, K806190, K873633, K873634 and K743314."</i></p> <p>Comment on this suggested addition.</p> <p>Applicant's Response:</p> <p>The Applicant is opposed to the suggested addition.</p> <p>The Applicant has a tight construction programme and will require possession of the order land as soon as possible. The powers under article 29 enable the Applicant to take temporary possession of the land at 14 days' notice as soon as the DCO is made (and approval under article 9(1)(b) has been received). This 14 day timeframe for possession is significantly faster than the time available for possession under either the General Vesting Declaration or Notice to Treat/Notice of Entry procedure (3 months minimum for each procedure). This will afford the Applicant a significant time saving and will assist in</p>

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		<p>delivery of the project within the anticipated programme. Stone Hill Park Limited will be compensated under the Compensation Code for the period of temporary possession (as it will be for subsequent compulsory acquisition of its land).</p> <p>Stone Hill Park has reported its concern that the Applicant will take temporary possession of its land and then delay the acquisition of the freehold. This concern is unfounded as any significant delay to acquisition is not possible given the reduction in the time limit for the exercise of compulsory acquisition under article 21 of the Order.</p>
DCO.4.16	KCC	<p>Article 37 - Removal of human remains</p> <p>KCC's submission published on 5 June 2019 [AS-124] states that:</p> <p><i>"This article covers a process dealing with human remains that may be of more recent date - in the context of the airfield, those as a result of war time casualties. There is a known potential for human remains of Roman date on the site and potential for remains of prehistoric and Saxon date on the site. Such remains are of archaeological interest and would be identified, investigated, removed and studied under the provisions of the archaeological written scheme of investigation. Article 37 should make provision for archaeological matters relating to human remains where this is appropriate".</i></p> <p>Can you suggest a form of words that achieves this whilst not changing other legal requirements in respect of the discovery of human remains?</p>
		<p>Applicant's Response:</p> <p>N/A</p>
DCO.4.17	The Applicant TDC	<p>Requirement 4(2) – Detailed design</p> <p>The ExA's second dDCO proposed to delete:</p>

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	All Interested Parties	<p><i>"unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority on matters related to its functions, provided that the Secretary of State is satisfied that any departures from those documents would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement."</i></p> <p>and to amend the wording to read:</p> <p><i>"Where amended details are approved by the Secretary of State following the approach set out in section 153 of and Schedule 6 to the PA2008"</i></p> <p>Following consideration of the Applicant's oral submissions at the DCO ISH held on 7 June 2019 [EV-023] and in the Summary of Applicant's Case put Orally – Draft Development Consent Order hearing and associated appendices [REP8-016] the ExA are minded, subject to considering any further submissions on this issue, not to proceed with this proposed amendment.</p> <p>Applicant's Response:</p> <p>The Applicant would support the ExA's decision not to proceed with the proposed amendment.</p>
DCO.4.18	<p>The Applicant</p> <p>All Interested Parties</p>	<p>Requirement 7(2)(b) - Operation environmental management plan</p> <p>In its Comments following Issue Specific Hearings for Deadline 8 submission [REP8-029] TDC state that:</p> <p><i>"Thanet District Council (TDC) has agreed the following amendments to the wording of Requirement 7(2)(b), with a new item added at xiv) to read:</i></p> <p><i>"The Lighting Strategy – to be substantially in the form to meet requirements set out in the Draft Lighting Strategy"</i></p> <p><i>The Draft Lighting Strategy should also be included in Schedule 10 as a certified document."</i></p> <p>Subject to the ExA's consideration of any further submissions made in response to this question, the ExA states that it is minded to recommend the Applicant's and TDC's revised wording to the Secretary of State.</p>

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		<p>Applicant's Response:</p> <p>The Applicant would support the ExA's decision to recommend the revised wording.</p>
DCO.4.19	<p>The Applicant</p> <p>All Interested Parties</p>	<p>New Requirement 10(3) - Landscaping</p> <p>First, the ExA notes that in its Comments following Issue Specific Hearings for Deadline 8 submission [REP8-029] TDC state that:</p> <p><i>"TDC will comment on the Draft Landscaping Plan to be submitted at Deadline 8 by the applicant, to ensure that our previous comments regarding the landscaping along eastern boundary of the site have been taken into account."</i></p> <p>The ExA note that the Applicant has provided two landscape plans at Appendix 1 to Summary of Applicant's Case put Orally - Landscape, Design, Archeology and Heritage hearing and associated appendices [REP-014]</p> <p>TDC goes on to state that:</p> <p><i>"In addition to this, TDC agrees to the inclusion of a new part to Requirement 10, at 10(3), to read:</i></p> <p><i>"A landscaping scheme referred to in sub-paragraph (1) must be substantially in the form of the [draft landscaping plan]."</i></p> <p><i>The Draft Landscaping Plan should also be included in Schedule 10 as a certified document."</i></p> <p>Subject to the ExA's consideration of any further submissions made in response to this question, the ExA states that it is minded to recommend the Applicant's and TDC's revised wording to the Secretary of State.</p> <p>Applicant's Response:</p>

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		<p>The Applicant would support the ExA's decision to recommend that the wording be revised. The draft landscaping plan now forms part of the masterplan submitted at deadline 8. The Applicant therefore suggests the following wording for the requirement:</p> <p>"A landscaping scheme referred to in sub-paragraph (1) must be substantially in the form of the landscaping plan element of the outline masterplan."</p>
DCO.4.20	<p>The Applicant</p> <p>All Interested Parties</p>	<p>Requirement 13(3)</p> <p>In its initial dDCO [PD-015], the ExA proposed an additional subparagraph - Requirement 13(3) - which stated that:</p> <p><i>"No part of the authorised development is to commence until the construction of the entire surface and foul water drainage system is completed."</i></p> <p>In its revised dDCO submitted at Deadline 7a [REP7a-017] the Applicant proposed modifying this provision to substitute <i>"begin operation"</i> for <i>"commence"</i> and add <i>"for that part"</i>, thus:</p> <p><i>"(3) No part of the authorised development is to begin operation until the construction of the entire surface and foul water drainage for that part is completed."</i></p> <p>The ExA has considered the oral submissions made on this issue at the DCO ISH [EV-023] and the submission made in the Applicant's summary of oral evidence given at the DCO Hearing [REP8-016].</p> <p>Subject to the ExA's consideration of any further submissions made in response to the ExA's second dDCO or to this question, the ExA states that it is minded to recommend the Applicant's revised wording to the Secretary of State.</p> <p>Applicant's Response:</p> <p>The Applicant would support the ExA's decision to recommend the revised wording.</p>

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DCO.4.21	The Applicant TDC	<p>Requirement 17 - Amendments to approved details</p> <p>The Agreed (signed) Statement of Common Ground between the Applicant and Thanet District Council [REP6-011] states under matters not agreed between the parties at 4.1.14 that:</p> <p><i>"To avoid confusion, Requirement 17 should also be amended by adding the underlined text (or wording to a similar effect) below.</i></p> <p><i>"With respect to any requirement which requires the authorised development to be carried out in accordance with the details or schemes approved under this Schedule, the approved details or schemes are taken to include any amendments that may subsequently be approved in writing where such amendments are permitted elsewhere in this Order."</i></p> <p>To TDC i. Explain the reason for suggesting this amendment.</p> <p>To the Applicant ii. Comment on the proposed change.</p> <p>Applicant's Response:</p> <p>ii. It is the Applicant's view that the proposed amendment does not add anything to the current drafting and should not be made. Any amendment to a document approved under any of the requirements will also be approved under that requirement. For instance, if a masterplan is approved under Requirement 3 then any approved amendment to that masterplan must also be approved under Requirement 3. There is no mechanism 'elsewhere' in the Order which would permit such approvals to be amended.</p>
DCO.4.22	The Applicant	<p>New Requirement 19c</p> <p>In its second dDCO [PD-018] issued on 14 June 2019, the ExA proposed a new Requirement 19c:</p>

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	All Interested Parties	<p><i>"No passenger air transport departures can take place between the hours of 09.00 and 12.00 and no passenger air transport arrivals can take place between the hours of 07.00 and 08.00."</i></p> <p>With the stated reason for this being that:</p> <p><i>"In order to ensure that vehicle movements associated with passenger arrivals and departures do not impact on the am peak period. This is considered necessary as the original Transport Assessment [APP-61] and the revised Transport Assessment [REP5-021] do not model any vehicle movements associated with passenger flight departures or arrivals in the am peak period."</i></p> <p>The ExA notes that, in the Revised Noise Management Plan [REP8-004] submitted at Deadline 8, the Applicant has proposed additional wording at paragraph 1.6 which states that:</p> <p><i>"In order to minimise the effects of traffic during the am peak hour, there will be no passenger flight departures between the hours of 09.00 and 11.30".</i></p> <p>and Para 2.13 of the summary of oral submissions made at the Traffic and Transport ISH 9 [REP8-017] states that one passenger flight will be permitted at 11.30 and one at 11.45.</p> <p>The ExA is seeking comment on these proposals in its questions on Transport, below.</p> <hr/> <p>Applicant's Response:</p> <p>The Applicant does not agree with the drafting of this requirement.</p> <p>As stated in its revised Noise Mitigation Plan [REP8-004] submitted at Deadline 8 the Applicant is content to commit to a prohibition on passenger flight departures between 0900 and 1130 but not between 0900 and 1200. The extension of this period by half an hour will be detrimental to the expected operation of the passenger offering at the airport. In the absence of a ban on passenger flight departures between the hours of 1130 and 1200 the effects associated with passenger flight departures will not exceed those assessed within the Transport Assessments.</p>

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		The Applicant opposes the imposition of a ban on passenger ATM arrivals between the hours of 0700 and 0800 in its entirety. There is no justification for this prohibition as the effects have been assessed in the Transport Assessments and no significant effects arise.
DCO.4.23	The Applicant TDC	<p>Part 2 - Procedure for discharge of requirements</p> <p>First, the ExA notes that in its Comments following Issue Specific Hearings for Deadline 8 submission [REP8-029] TDC state that:</p> <p><i>"TDC agrees with the revised position of the applicant that Thanet District Council should be the discharging body for the various requirements, with the Secretary of State remaining at Articles 8, 9 and 37 of the Draft DCO."</i></p> <p>Part 2 of the dDCO sets out the procedure for the discharge of requirements including in Requirement 21.(1) time periods for serving notices and at 21.(2) provisions in respect to non-determination. These provisions were drafted before it was proposed that <i>"the relevant planning authority"</i> be substituted for <i>"Secretary of State"</i>.</p> <p>The Agreed (signed) Statement of Common Ground between the Applicant and Thanet District Council [REP6-011] states under matters not agreed between the parties at 4.1.15 that:</p> <p><i>"TDC consider that provisions for discharging requirements at paragraphs 18(2) and 18(3) of dDCO Part 2 allowing automatic approval of requirements submitted but not determined within a period of 8 weeks should be removed."</i></p> <p>i. Have discussions taken place on the draft wording?</p> <p>ii. If not, state where any areas of disagreement exist and suggest alternative wording to overcome these.</p>
		<p>Applicant's Response:</p> <p>i. The Applicant and TDC have discussed the wording of Part 2 of Schedule 2 and have agreed on the draft wording provided at Appendix DCO 4.23 (TR020002/D9/FWQ/Appendices).</p>

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		ii. N/A
DCO.4.24	The Applicant KCC	<p>Requirement 16 - Archaeological remains</p> <p>KCC have proposed additional wording in its response to DCO.2.42 [REP6-045] to cover evaluation and preservation in situ, as follows:</p> <p><i>“(1) Prior to the submission of details of the final design, parameters and quantum of development in:</i></p> <ul style="list-style-type: none"> <i>• The area of development proposed north of Manston Road known as the North Grass Area;</i> <i>• The location of the helicopter facility in the south east of the site</i> <i>• The area proposed for HGV access and earthworks north of the western runway were not tested through trial trenching but had significant geophysical survey results;</i> <p><i>and</i></p> <ul style="list-style-type: none"> <i>• The area proposed for a contractor's compound and later car parking;</i> <p><i>A programme of archaeological field evaluation works shall be carried out in that area and reported in accordance with a specification which has been submitted to and approved by the Secretary of State in consultation with Kent County Council and Historic England.</i></p> <p><i>(2) Where archaeological evaluation works referred to in sub-paragraph (1) identify remains that are of a significance to warrant preservation in situ, as advised to the Secretary of State by Kent County Council and Historic England, the design, parameters and quantum of development in that area will be adjusted to ensure the appropriate preservation in situ of the archaeological remains.”</i></p> <p>KCC adds that:</p> <p><i>“the areas listed above in sub paragraph (1) could be included on a drawing that is referenced in the requirement.”</i></p> <p>In its response to DCO.2.43, KCC stated that the draft wording provided in DCO.2.42 above has not yet been agreed with the Applicant.</p> <p>i. Has agreement been reached on the draft wording?</p> <p>ii. If not, state where any areas of disagreement exist and suggest alternative wording to overcome these.</p>

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		<p>Applicant's Response:</p> <p>i. Agreement has not yet been reached. However, the Applicant is continuing to engage with KCC and Historic England to agree mutually acceptable wording.</p> <p>ii. The Applicant has proposed the following amendments to the wording of sub-paragraph (3) of Requirement 3 to address the issues raised by KCC and is awaiting comments from KCC:</p> <p>a. Sub-paragraph (3)(a) – This sub-paragraph currently provides that the undertaker must carry out an archaeological survey before a masterplan is submitted for approval. However, having reviewed proposed wording from Historic England the Applicant proposes to expand sub-paragraph (3)(a) to provide that the undertaker must also commission a further assessment of the historic character of the airfield and an historic buildings survey and must assess the heritage significance to heritage assets and their settings.</p> <p>b. Sub-paragraph (3)(c) – This sub-paragraph currently provides that before a masterplan is submitted for approval the undertaker must consult Kent County Council and Historic England on the options for minimising the impacts on archaeological assets which the undertaker is required to consider under sub-paragraph 3(b). However, the Applicant proposes to expand this provision to provide that before a masterplan is submitted under sub-paragraph (1) of Requirement 3, the undertaker must consult the relevant planning authority, Kent County Council and Historic England more generally (i.e. not just on the options for minimising the impacts on archaeological assets) and report on the consultees' recommendations when submitting the masterplan for approval.</p> <p>Having carefully considered submissions from KCC and Historic England on the need for a requirement to preserve certain heritage assets in situ, the Applicant continues to consider that such a requirement is inappropriate. As provided for in the WSI, preservation in situ will be considered as part of the response to heritage assets discovered on site. However, the Applicant's position is that it is inappropriate to restrict the potential response to assets of importance by including this wording in the dDCO.</p>

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		<p>This is of particular significance for assets of greater importance where a different response (for example removal to a museum) may be more appropriate. Inclusion of the suggested wording would mean that these assets would have to be preserved in situ even when a different response is preferable.</p> <p>The Applicant's position is that it should be for the body discharging the requirement to decide the most appropriate response to heritage assets when approving the masterplan.</p>
DCO.4.25	The Applicant Defence Infrastructure Organisation	<p>Possible New Requirement - High Resolution Direction Finder (HRDF)</p> <p>Parties should note that there is a series of questions on the High Resolution Direction Finder (HRDF) in questions on Compulsory Acquisition (CA), above, and at OP.4.8.</p> <p>The ExA is considering whether there should be a new Requirement securing that no Works within the safeguarded area shown in the Ministry of Defence (RAF Manston) Technical Site Direction 2017 [REP7a-025] shall commence until the Ministry of Defence confirm in writing to the relevant planning authority that the High Resolution Direction Finder (HRDF) has been relocated from its position within the Order Limits and is fully operational to the satisfaction of the Ministry of Defence following, if required by the Ministry of Defence, a period of dual operation of the existing and the relocated HRDF.</p> <p>Comment.</p> <p>Applicant's Response:</p> <p>The Applicant is totally committed to ensuring that the capability of this critical piece of equipment is both maintained and protected to the satisfaction of the Ministry of Defence (MOD). We would therefore have no issue if such a new requirement were introduced, but suggest that it not be tied to the precise details of the relocation of the HRDF (in case they subsequently change) and simply say:</p> <p>"no works within the safeguarded area shown in the Ministry of Defence (RAF Manston) Technical Site Direction 2017 [REP7a-025] shall commence while the Direction is in force without the consent of the Ministry of Defence in writing."</p>

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NE.4 Natural Environment		
NE.4.1	The Applicant	Water Framework Directive Provide confirmation of any agreement with the Environment Agency regarding the conclusions of the Water Framework Directive assessment provided as Appendix 8.3 of the Environmental Statement [APP-048].
		<p>Applicant's Response:</p> <p>There has been no specific EA approval of the WFD assessment. However, the EA has had opportunity to disagree with assessment via the Statement of Common Ground and through the DCO examination process and has not done so. We, therefore, conclude that the WFD assessment is acceptable to them.</p>

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F.4 Funding		
F.4.1	The Applicant	<p>Article 9 - Guarantees in respect of payment of compensation, etc.</p> <p>The ExA note that the following costs are set out in the further (Deadline 7a) Revised Funding Statement [REP7a-006]:</p> <ul style="list-style-type: none"> • compensation for compulsory acquisition is calculated, as no more than £7.5 million (paragraph 18). • Noise Mitigation Plan (paragraph 20). <ul style="list-style-type: none"> ○ Implementation of insulation policy and Part I claims: £2.75m (up to 275 properties at £10,000 each); and ○ Implementation of relocation policy: £1.6m (up to eight properties). • Blight costs £500,000 (para 28). <p>This totals £12.35m with the sum guaranteed in Article 9 being £13.1m.</p> <p>The ExA notes that this does not allow for a 10 per cent contingency (as used in your business model) and that the sum to be secured has risen from £7.5m to £13.1m over the course of the Examination.</p> <p>Given this, do you consider that the sum secured in Article 9 is adequate?</p>
		Applicant's Response:

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		<p>The figure for blight of £500k is part of the figure for compulsory acquisition of £7.5m - if the Applicant receives a claim for blight, it acquires land it was always going to acquire, but earlier than it was intending to. The £500k is therefore not an additional sum and the total is £11.85m. There is thus a greater than 10% contingency ($£11.85m * 110\% = £13.035m$).</p> <p>The Applicant considers that the sum secured in Article 9 is adequate.</p>
F.4.2	The Applicant	<p>Article 9 - Guarantees in respect of payment of compensation, etc.</p> <p>The ExA have consulted through its second draft ExA's DCO [PD-018] on a suggested new Requirement 9b stating that:</p> <p><i>"Residential properties with habitable rooms within the 60dB LAeq (16 hour) day time contour will be eligible for noise insulation and ventilation detailed in Noise Mitigation Plan."</i></p> <p>The Applicant states in paragraph 2.28 of its Summary of Applicant's Case put Orally at the Biodiversity and Habitats Regulations Assessments hearing and associated appendices [REP8-015] that:</p> <p><i>"The Applicant acknowledged that the Aviation 2050 consultation paper considers whether mitigation in the form of noise insulation and ventilation at 60dB may be appropriate. Nonetheless it was emphasised that a 60dB threshold is not current policy and may not be implemented. It is not for the Applicant or the examination process to pre-empt the outcomes of the current consultation process and, as such, in applying the 63dB threshold the Applicant has therefore correctly reflected current Government policy".</i></p> <p>The Applicant states in the Technical note: Manston Airport: Financial Effects of adopting the 60dB Daytime SOAEL Contour as Qualification for Noise Insulation and Ventilation [REP8-015] that:</p> <p><i>"Should the 60dB daytime contour be adopted as the level at which noise insulation and ventilation is provided to affected properties a total of 833 properties would qualify under the Noise Mitigation Plan (NMP) [APP-009]. In this scenario the total cost of noise insulation and ventilation would be £8,330,000."</i></p>

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Ref No.	Respondent	Question
		<p>Given that the Government is consulting on this change as a Government proposal, state why it would not be prudent to secure the sum of £8.33m in Article 9 instead of the sum of £2.75m.</p> <p>Applicant's Response:</p> <p>The sum of £13.1m guaranteed by Article 9 is both appropriate and adequate.</p> <p>Article 9 is principally concerned with funds for land compensation, not noise mitigation. The costs of noise mitigation measures that have been included because advice received from CBRE is that the land compensation for properties where no land interest was being acquired would not exceed the noise insulation figure being offered for those properties. Thus it is only properties where land compensation is expected to be payable that are included, which remains at 63dB. If the policy were extended to properties within the 60dB contour that would not affect the land compensation threshold.</p> <p>Secondly, current government policy is as follows: 'As a minimum, the Government would expect airport operators to offer financial assistance towards acoustic insulation to residential properties', i.e. it need only cover acoustic insulation and need only be 'financial assistance towards it'. The Applicant is offering a much larger sum than other airports, expected to cover full noise insulation and ventilation. Even if government policy were to change, it would only be to require 'financial assistance towards acoustic insulation', not the greater figure and scope that the Applicant is offering. Furthermore, government policy may not change. Aviation 2050 is only at consultation stage and there is no way of knowing whether the threshold at which noise and ventilation is required will be amended. The Applicant's proposals comply with current government policy.</p>
F.4.3	The Applicant	<p>Article 9 - Guarantees in respect of payment of compensation, etc.</p> <p>Paragraph 2.8 of the Revised Noise Management Plan [REP8-004] states that:</p>

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Ref No.	Respondent	Question
		<p><i>"Any property experiencing permanent noise effects as a result of road traffic noise from the operation of the proposed development will also be offered noise insulation in the event that noise levels exceed 63dB LAeq and the contribution from the development is greater than 3dB."</i></p> <p>i. Show where this commitment is costed; or</p> <p>ii. provide an estimated cost for this commitment; and</p> <p>iii. state why it would not be prudent to secure this sum in Article 9.</p>
		<p>Applicant's Response:</p> <p>ii. £30,000</p> <p>iii. As with the answer to F.4.2, the purpose of article 9 is to cover land compensation costs, not all noise mitigation costs. Only those properties where land compensation is expected to be payable have had their noise insulation costs included in the Article 9 guarantee.</p>
F.4.4	The Applicant	<p>Article 9 - Guarantees in respect of payment of compensation, etc.</p> <p>Paragraph 2.10 of the Revised Noise Management Plan [REP8-004] states that:</p> <p><i>"In the case of permanently occupied moveable buildings such as caravans, an assessment will be carried out to establish the effectiveness of sound insulation. Although unlikely, should it prove impossible to achieve an appropriate level of acoustic performance as defined by BS 3632:2015, relocation will be considered in line with the provisions of Section 5 below."</i></p> <p>i. Show where this commitment is costed; or</p> <p>ii. Provide an estimated cost for this commitment; and</p> <p>iii. state why it would not be prudent to secure this sum in Article 9.</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>ii/iii. As stated in answer Ns.3.6ii, relocation is not considered to be likely to occur so its cost is likely to be zero and it is not included in article 9.</p>
F.4.6	Aldgate Developments	<p>Aldgate Developments</p> <p>Appendix 1 to of Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011] contains a letter from Niall Molloy, Director and Principal, Aldgate Developments dated 10 June 2019 to the Applicant stating that Aldgate Developments:</p> <p><i>"... intends to bring ... the £250m to fund the projected first phase of CAPEX works" and that "It is our intention to allow Rubicon Capital Advisors ... to undertake this fundraise to supplement Aldgate Development's own investment capital. Rubicon have already discussed the project with a range of leading infrastructure funds."</i></p> <p>i. Confirm or otherwise whether this letter constitutes an undertaking to fund "the initial phase of the project, which will bring the airport back into use, estimated to cost about £186 million" (paragraph 17 of the revised Funding Statement [REP7a-006])?</p> <p>ii. Indicate any possible split between your own investment capital and funds gained from other potential investors.</p> <p>Applicant's Response:</p> <p>i. This letter is consistent with discussions that have taken place with multiple parties that have expressed ongoing interests in funding the project and have the financial abilities to do so. Whilst this doesn't constitute a legally binding undertaking, as explained in response to F.3.1, no project will have secured full funding to cover project costs until there is certainty as to the decision on whether to grant the DCO. However the funder has been engaged on the project for two years at this point and is fully committed to bringing forward the funding.</p>

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Ref No.	Respondent	Question
		<p>This letter is indicative of numerous and multiple discussions around funding for the project. Both Aldgate and the Applicant remain highly confident that full funding of the project will be secured following the grant of the DCO.</p> <p>ii. The contribution from Aldgate Developments (and its funding partners) and therefore the possible split between Aldgate and funds gained from other investors is subject to ongoing and constant discussions, and has yet to be finally determined. It is expected to be in the region of 30-50%.</p> <p>As an example of a project being privately funded by several investors, the Thames Tideway Tunnel is being built by Bazalgette Tunnel Ltd, which is owned a consortium of four investors: Allianz, Amber Infrastructure, Dalmore Capital and DIF (source).</p> <p>Aldgate and the Applicant are jointly involved in ongoing dialogue with a number of qualified institutional funders, who are extremely interested in participating in the financial underwriting of Manston. Both parties are highly confident of the ability to secure the requisite funding. To date the Applicant has contributed over GBP15 million to the project, even in advance of the granting of the DCO. It has been willing to expend these sums due to its confidence in its ability to deliver the project. The capital markets today for both equity and debt is extremely liquid for these types of infrastructure projects. As we have indicated we continue to have ongoing and meaningful discussions with numerous parties all of whom are desirous of participating on this project, in connection with the granting of the DCO. The demand for participating in these type of projects continues to grow as the public need for these projects grow with it, as demonstrated by the letters of interest provided from China Silver Asset Management Ltd and Amova GmbH / Unitechnik Systems GmbH at Appendix F.4.6 in TR020002/D9/4WQ/Appendices</p>
F.4.7	The Applicant	<p>Aldgate Developments</p> <p>Appendix 1 to Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011] contains a letter from Niall Mollow, Director and Principal, Aldgate Developments dated 10 June 2019 to the Applicant to stating that Aldgate Developments:</p>

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Ref No.	Respondent	Question
		<p><i>"... intends to bring ... the £250m to fund the projected first phase of CAPEX works" and that "It is our intention to allow Rubicon Capital Advisors ... to undertake this fundraise to supplement Aldgate Development's own investment capital. Rubicon have already discussed the project with a range of leading infrastructure funds."</i></p> <p>i. State whether any agreement has been reached with Aldgate Developments in respect to this intention.</p> <p>ii. Is Aldgate Developments one of the four additional funders indicated in your response to ExA question F.3.2?</p> <p>iii. State whether any agreement has been reached with Rubicon Capital Advisors in respect to fundraising for the Proposed Development.</p> <p>iv. On whose behalf is Rubicon Capital Advisers acting?</p> <p>Applicant's Response:</p> <p>i. Agreement in principle has been reached. The contribution from Aldgate Developments and its partners is expected to be in the region of 30-50%.</p> <p>ii. No, this is an additional funder to those mentioned in Mr. Rothwell's evidence.</p> <p>In light of the ExA's continued interest in the identity of potential funders, Aldgate agreed to provide the letter that was submitted to the ExA. Unfortunately, as predicted the disclosure, this has resulted in a number of hostile telephone calls to the parties mentioned in the letter, from those opposed to the project.</p> <p>Further letters of interest are provided from China Silver Asset Management Ltd and Amova GmbH / Unitechnik Systems GmbH at Appendix F.4.6 in TR020002/D9/4WQ/Appendices.</p> <p>iii. Rubicon is the principal advisor to Aldgate on its infrastructure capital projects and has an ongoing appointment with Aldgate and its affiliate Echelon DC Their agreement provides advisory services for the raising of debt and equity capital to fund these major infrastructure projects. Rubicon is a well-known and successful advisor and fundraiser on a range of global</p>

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		<p>infrastructure projects and has excellent credentials in the transport and aviation sector. See www.rubiconcapitaladvisors.com for details. As explained in the letter, it is Aldgate's intention to allow Rubicon to undertake additional fundraising in due course to supplement capital investment already available.</p> <p>iv. As per the response to iii above, Rubicon acts as Aldgate's advisor. The Applicant has been involved in ongoing discussions with both Aldgate and Rubicon for a considerable period of time. Rubicon has executed NDA's with the Applicant which has allowed the Applicant to share all of the internal materials associated with the future commercial plans and potential financial modelling and phasing scenarios. As stated in their letter relevant to Manston, Rubicon has had very positive communications with the investment community.</p> <p>The Manston project has generated very significant interest and enthusiasm in the market. It is on this basis that the Applicant has been willing to commit to expending over £15m in pursuing this project to date and to deposit a further £13.1m in an escrow account. That £29m has been expended on the back of very positive market feedback. The ExA can have confidence that on the grant of a DCO that interests will crystallise into committed funding.</p>
F.4.8	The Applicant	<p>HMRC</p> <p>Comment on the e-mail correspondence between SHP and HMRC appended after page 18 in the Written Summary of Stone Hill Park Ltd's Oral Submissions made at the Compulsory Acquisition Hearing held on 4 June 2019 [REP8-030].</p> <p>Applicant's Response:</p> <p>The E-Mail correspondence between SHP and HMRC is of a basic general nature and states the broad terms by which BIR can be applied. It does not deal with the specific case of the use of BIR for Manston DCO project in any way. Plainly HMRC would not be able to correspond with SHP regarding specific cases.</p>

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Ref No.	Respondent	Question
		<p>In most cases an applicant does not obtain clearance for BIR from HMRC prior to the utilisation of the relief. All the applicant has to ensure is that the rules are followed and that the applicant reports it fully on their tax return. However, as a prudent applicant, the investors approached HMRC prior to utilising BIR in order to ensure that the scheme was compliant. This was a thorough process in which HMRC scrutinised a number of aspects and were ultimately satisfied that the scheme qualified for BIR.</p> <p>Detailed correspondence by the investors' lawyers, Foot Anstey was entered into prior to obtaining clearance. Due to the complexity of the DCO the investors were particularly thorough with the application to HMRC. HMRC provided the clearances with their usual caveats, copies of which have been submitted to you. The investors have undertaken the proper and full reporting to HMRC, again the ExA has received this confirmation from Foot Anstey.</p> <p>As confirmed by Helix in their letter of 12 July 2018 attached to the Funding Statement submission [APP-013] these particular investors utilise BIR in many of their UK projects. As confirmed by Foot Anstey one investor has been subjected to a BIR audit by HMRC, however, not for this Manston project.</p> <p>It is relevant to note that the last comment by Mr. Wilson of HMRC to Mr. Macnamara of SHP, "Where an assurance letter contains any reservation of qualification on HMRC's part, then the investor should expect that we will check afterwards that any such concern has been addressed" because in the circa three years and two full tax declaration years since obtaining the clearances from HMRC none of the investors have been scrutinised by HMRC with regard to their investments into the Manston project. This is likely to be because of the very thorough application that was submitted to HMRC.</p>
F.4.9	The Applicant	<p>Unencumbered funds</p> <p>The letter from PWC referred to in the Revised Funding Statement [REP7a-006] states that there is a sum of £30 million unencumbered in two bank accounts.</p> <p>i. If the Applicant was to acquire the land owned by SHP voluntarily on commercial terms, how is the ExA to be assured that the funds for the remaining elements of Compulsory Acquisition of land and/ or of rights, for funding the elements of the noise mitigation plan and for blight are likely to be available?</p>

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Ref No.	Respondent	Question
		<p>ii. Have any of these funds been used as a loan to enable RiverOak Fuels Ltd to purchase the Jentex Site?</p> <p>Applicant's Response:</p> <p>i. The sums available in the two accounts continue to exceed £30m as confirmed in the letter from BDB Pitmans and the response to F.3.7. In addition to that sum the Applicant has deposited £13.1m with BDB Pitmans. This is a total of £43.1m. The noise mitigation and blight costs are £6.1m (£5.51 for noise mitigation and £500k for blight). In the event that the Applicant was to acquire the SHP land through voluntary agreement, the Applicant can confirm that there will be more than sufficient capital to cover noise mitigation and blight costs.</p> <p>ii. No, the funds to purchase the Jentex Site are in addition to the funds described above and were provided by the same investor group, including the Swiss investors.</p>
F.4.10	The Applicant	<p>Institutional investors</p> <p>Paragraph 16(h) of the Revised Funding Statement [REP7a-006] states that:</p> <p><i>"RiverOak's directors have, between them, experience of multiple historical airport capital markets infrastructure financings, in the US and elsewhere with these institutional investors."</i></p> <p>i. Outline the experience that RiverOak's directors have had with these institutional investors;</p> <p>ii. Is Aldgate Developments one of these institutional investors?</p> <p>Applicant's Response:</p> <p>i. Between them, the Applicant's directors have experience of structuring, raising and placing in the primary and secondary markets many billions in municipal debt associated with inter alia the following airports:</p>

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Ref No.	Respondent	Question
		<ul style="list-style-type: none"> Newark Liberty International Terminal C passenger terminal expansion programme (approx.\$5bn). Financing of the Jet Blue terminal at JFK International. The financing of a co-op fuel farm, LAX-FUEL at LAX. Multiple financings associated with both Chicago's O'Hare and Midway Airports. The re-financing of outstanding indebtedness associated with SFO International. The structuring and placement of interest rate hedging instruments associated with Miami Dade International. Executed a major secondary market programme associated with Alliance AMR 6.25 of 2028 term bonds. <p>This has included involvement with the institutional investors referred to in the funding statement and including Nuveen, Fidelity Investments, AIG, Goldman Sachs, Citi Group, Deutsche Bank, Franklin Templeton, VanGuard, MLAM, Prudential Life and ORIX.</p> <p>ii. No, Aldgate is not one of the institutional investors identified in the funding statement. However, Aldgate is advised by Rubicon which has significant experience in financing airport infrastructure.</p> <p>The Applicant and their partners, investors and consultants have extensive top-class experience in financing, master-planning and managing environmental effects associated with airports, airspace change and operating aviation infrastructure.</p>
		Possible application for costs

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Ref No.	Respondent	Question
F.4.11	The Applicant	Has the Applicant set any money aside to take account of any possible requests for costs to be awarded against you?
		<p>Applicant's Response:</p> <p>The issue of costs is not relevant to the funding of the project. In any event if there was a successful costs claim then it is likely to be because compulsory acquisition powers had not been granted or the DCO as a whole had not been granted, in which case the money that would have been used to fund compulsory acquisition would be available.</p>
F.4.12	The Applicant	<p>Draft s106 Agreement</p> <p>The Applicant has provided an updated s106 agreement at Deadline 8 [REP8-006]. The draft agreement states that:</p> <p><i>““Stage” means a stage of the Project as defined by the Development Consent Order.”</i></p> <p>The ExA note that 'stage' is not defined in the dDCO.</p> <p><i>““Commencement” means the carrying out of a material operation as defined in section 155 of the 2008 Act comprised in the Project and the words "Commence" and "Commenced" and cognate expressions shall be construed accordingly.”</i></p> <p>The ExA considers that it is not clear whether 'commence' and 'commencement' mean the same thing in the agreement as they do in the dDCO and note that 'construction period' is not defined in the dDCO.</p> <p><i>““Construction Period” means the period between the Commencement Date and the date when the temporary powers in the Development Consent Order to enable the Project to be constructed have ceased”</i></p> <p>The ExA notes that 'construction period' is not defined in the dDCO.</p> <p>Either:</p>

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Ref No.	Respondent	Question
		<p>i. Justify having two sets of partial and overlapping definitions in two related documents; or</p> <p>ii. provide a common set of definitions to be used in both documents.</p>
		<p>Applicant's Response:</p> <p>i. It is not uncommon for there to be different definitions in a s106 and a DCO (as is the case also with planning permissions). The DCO and s.106 agreement are different documents serving different purposes. There is no requirement that they should employ common language. Nonetheless, the Applicant is happy to ensure that the definitions are consistent and replicate those used in the DCO in the s106.</p> <p>ii. The definition of "Stage" can be deleted as it is not used in the s106;</p> <p>The definition of "Commencement" will replicate that defined in the DCO;</p> <p>The definition of "Construction Period" is not defined in the DCO but this doesn't matter as it is a definition peculiar to the s106.</p> <p>The term "Project" is not defined in the DCO but is in the s106.</p>
F.4.13	The Applicant	<p>Draft s106 Agreement</p> <p>The Applicant has provided an updated s106 agreement at Deadline 8 [REP8-006]. The draft Agreement refers to a plan attached to the Deed with document no. NK018417-RPS-MSE-XX-DR-C-2200.</p> <p>Provide a copy of that plan.</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>The Applicant has submitted this as Appendix F.4.13 of TR020002/D9/FWQ/Appendices.</p>
F.4.14	The Applicant	<p>Draft s106 Agreement</p> <p>The Applicant has provided an updated s106 agreement at Deadline 8 [REP8-006]. The draft agreement is between TDC, KCC and RiverOak Fuels Ltd.</p> <p>i. Why is the agreement with RiverOak Fuels Limited and not with RiverOak Strategic Partners, the Applicant?</p> <p>The text of the draft agreement (see, for example, Introduction, paragraphs 2. And 3.) refers to "<i>RiverOak</i>". 'RiverOak' is not defined.</p> <p>ii. Is RiverOak RiverOak Fuels Limited or RiverOak Strategic Partners?</p> <p>If "<i>RiverOak</i>" is 'RiverOak Strategic Partners', it does not appear as a party to the agreement. Paragraph 5.3 states that</p> <p><i>The parties agree that the development consent obligations contained in this Deed will not be enforceable against any other owner of any land interest in the Site who is not a party to this Deed nor against any successors in title to or permitted assigns or any person claiming through or under such other owners (save for RiverOak) unless that person itself undertakes any part of the Project".</i></p> <p>iii. Comment.</p> <p>iv. When do you anticipate the s106 will be signed and dated by all parties?</p> <p>Applicant's Response:</p>

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Ref No.	Respondent	Question
		<p>i. In order to enter into a s.106 obligation a contracting party must be a 'person interested in land'. That interest must be a proprietary interest and the s.106 obligation must state the party's interest in the land (s.106(9)). A party cannot bind land in which it has no interest through a s.106 obligation. In this case, RiverOak Fuels Limited owns land – the Jentex site, whereas the Applicant does not. It is therefore appropriate for RiverOak Fuels Limited to enter into the s.106 obligation.</p> <p>'RiverOak' is defined in the Parties to the Agreement set out on page 3 of the submitted draft s.106 agreement at REP8-006.</p> <p>ii. RiverOak is defined as RiverOak Fuels Limited.</p> <p>iii N/A</p> <p>iv. The Applicant will submit a final draft of the section 106 agreement before the end of examination. The Applicant is keen to convert that final draft to a final signed version of the section 106 agreement as soon as possible. Plainly this will be dependent on the other signatories to the agreement, TDC and KCC.</p>
F.4.15	The Applicant	<p>Draft s106 Agreement</p> <p>The Applicant has provided an updated s106 agreement at Deadline 8 [REP8-006]. Section 6 states that:</p> <p><i>"RiverOak and its successors in title and those deriving title from them shall, upon disposing of the whole or any part of their respective interests in the Site, be released from all obligations in this Deed in relation to that interest or the relevant part thereof (as the case may be) but without prejudice to the rights of the parties in relation to any antecedent breach of those obligations."</i></p> <p>Comment on the effect of this Section should the benefit of the DCO be transferred under Article 8 of the dDCO?</p>

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		<p>Applicant's Response:</p> <p>s106 obligations run with the land to which they apply and would be inherited by the new landowner if RiverOak were to dispose of it; the obligations would remain in force. If any of the powers of the DCO were to be transferred to another party, this would need the consent of the Secretary of State, and if this were to be a successor landowner, the s106 obligations would follow automatically. If any of the obligations in the s106 obligation were to be transferred from the landowner to another party, this would have to be agreed with the relevant local authority by varying the s106 obligation and would remain with the landowner until that happened.</p>
F.4.16	The Applicant	<p>Draft s106 Agreement The Applicant has provided an updated s106 agreement at Deadline 8 [REP8-006].</p> <p>The ExA estimates that the draft s106 as submitted commits RiverOak Fuels Limited to initial contributions totalling a minimum of £6,090,500 and an annual payment of a minimum of £366,267.</p> <p>How and where have you assessed the effect of the s106 on the viability of the proposed scheme?</p>
		<p>Applicant's Response:</p> <p>The contributions to be made through the s.106 agreement have been subject to on-going discussions and the precise figure was not included in the project costs. However, £6m in the context of a project with an overall cost of £306m is a relatively minor additional cost. The Applicant has allowed for a 10% contingency. The total amount of s.106 contributions fall well within this contingency. The s.106 contributions will not affect the viability of the proposed scheme.</p>
		<p>Draft s106 Agreement The Applicant has provided an updated s106 agreement at Deadline 8 [REP8-006].</p>

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F.4.17	The Applicant	<p>In a number of Schedules, the draft Agreement would have the effect of not causing, permitting or allowing the Project to come into Operation unless the Initial Payment has been paid in full to the relevant Council.</p> <p>Explain why this agreement which constrains actions allowed in the DCO should it be consented, should not be secured in the dDCO.</p> <p>Applicant's Response:</p> <p>Section 106 obligations often contain triggers for payments and/or the delivery of mitigation which are not replicated in conditions in the planning permission. The position is no different here. The Applicant has agreed to make certain payments to the relevant Council through the s.106 agreement. The triggers for those payments are included in the s.106 agreement and will be agreed between the parties. That agreement will be binding on the Applicant and can be enforced through injunctive proceedings if necessary. There is no justification for replicating the content of the s.106 agreement into the DCO.</p> <p>Appendix F.4.17 in TR020002/D9/4WQ/Appendices contains examples of other DCOs where similar restrictions in s106 agreements are not secured in the DCO.</p>
F.4.18	The Applicant	<p>Draft s106 Agreement</p> <p>Paragraph 9.4 of the Revised Noise Management Plan [REP8-004] states that:</p> <p><i>"... the Applicant will make an annual contribution of 1% of the annual budgets of each of the 7 schools that exceed are predicted to exceed the 50dB contour. This sum can be spent directly on noise mitigation or, if preferred by the affected schools on other educational materials or facilities."</i></p> <p>The ExA notes that the Seventh Schedule of the draft s106 agreement submitted at Deadline 8 [REP8-006] states that:</p> <p><i>"Schools Contribution" means an annual payment of £139,000.00 (in total) to be paid to the Schools for the Schools Contribution Purposes."</i></p> <p>and that:</p>

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Ref No.	Respondent	Question
		<p><i>"Schools Contribution Purposes means the provision of noise insulation measures at the Schools to ameliorate the noise impact of the operation of Manston Airport and any other measures deemed necessary to benefit the pupils of the Schools against the impact of the operation of Manston Airport."</i></p> <p>i. Show evidence that £139,000 is 1% of the annual budgets of the seven schools listed in the Seventh Schedule.</p> <p>ii. Given that this sum is designed to mitigate the impact of the Proposed Development, state why this mitigation should not be secured in the dDCO.</p>
		<p>Applicant's Response:</p> <p>i. This sum has been arrived at by applying per pupil funding under the National Funding Formula to each of the schools in question. The formula can be found at https://www.gov.uk/government/publications/national-funding-formula-tables-for-schools-and-high-needs-2019-to-2020 .</p> <p>ii. Section 106 agreements are always intended to mitigate the impacts of a development. Indeed, they can only be taken into account by a decision maker if they are, amongst other things, necessary to make the development acceptable in planning terms. The fact that they are intended to mitigate the impacts of the development does not mean that their obligations must always be secured through the principal document (i.e. the planning permission or DCO). Were that to be the case, the use of s.106 obligations would become redundant. The Applicant considers that it is appropriate to include the payment in a s.106 obligation, which will be agreed with the relevant local authorities and will be binding on the Applicant.</p>
F.4.19	The Applicant	<p>Draft s106 Agreement</p> <p>The ExA notes that the Tenth Schedule of the draft s106 agreement submitted at Deadline 8 [REP8-006] allocates a sum of £5,013,600 to works to off-site junctions or other works in order to mitigate the effect of the DCO.</p> <p>Given that this sum is designed to mitigate the impact of the Proposed Development, state why this mitigation should not be secured in the dDCO.</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>As explained in F.4.18 above, s.106 agreements are always intended to mitigate the impacts of a development. Indeed, they can only be taken into account by a decision maker if they are, amongst other things, necessary to make the development acceptable in planning terms. The fact that they are intended to mitigate the impacts of the development does not mean that their obligations must always be secured through the principal document (i.e. the planning permission or DCO). Were that to be the case, the use of s.106 obligations would become redundant. The Applicant considers that it is appropriate to include the payment toward off-site junction works in a s.106 obligation, which will be agreed with the highway authority and will be binding on the Applicant. There is no need or justification for replicating the requirements in the DCO.</p>
F.4.20	The Applicant	<p>P&L Forecast used in the RSP Business Plan for Manston The Applicant has provided an updated s106 agreement at Deadline 8 [REP8-006].</p> <p>The Applicant has provided a RSP Business Plan for Manston submitted at Appendix CAH2 – 15 to the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011].</p> <p>The ExA estimates that the draft s106 as submitted commits RiverOak Fuels Limited an annual payment of a minimum of £366,267.00.</p> <p>Show where this commitment is reflected in the RSP Business Plan for Manston submitted at Appendix CAH2.</p> <p>Applicant's Response:</p> <p>The payments under the S106 will be capitalised at the time of the first payment and a long term liability created to reflect the on-going obligation. The sum referred to above is therefore included in the capital budget. The S106 contributions do not therefore appear in the trading figures in the business plan which does not include capital expenditure.</p>

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Ref No.	Respondent	Question
F.4.21	The Applicant	<p>P&L Forecast used in the RSP Business Plan for Manston</p> <p>The Applicant has provided a more detailed RSP Business Plan for Manston submitted at Appendix CAH2 – 15 to the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 04 June 2019 and associated appendices [REP8-011].</p> <p>Under revenues, this shows revenue derived from “<i>Passenger Revenue</i>” and from “<i>Passenger Commercial Net Income</i>”. Explain the difference between these headings.</p>
		<p>Applicant's Response:</p> <p>“Passenger Revenue” is the revenue collected from the passenger airline in respect of its use of the airport including aeronautical, handling and net fuel charges.</p> <p>“Passenger Commercial Net Income” is the income collected by the airport directly from the passengers and concessionaires including car parking, food & beverage, retailing, car hire etc.</p>
F.4.22	The Applicant	<p>P&L Forecast used in the RSP Business Plan for Manston</p> <p>The Applicant has provided a more detailed RSP Business Plan for Manston submitted at Appendix CAH2 – 15 to the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 04 June 2019 and associated appendices [REP8-011].</p> <p>This uses Earnings Before Interest, Tax, Depreciation and Amortization (EBITDA) margin to show viability.</p> <p>Given that, for example, the Applicant is committed to undertake the initial construction works within one year [REP6-014, Appendix OP.2.6] and that a further revision to the Funding Statement at Deadline 7a on 24th May [REP7a-006] states that the initial phase of the project, which will bring the airport back into use, is estimated to cost about £186 million, show why an EBITDA margin is a better measure than, for example, net-, after tax- or gross profit margin which may include, inter alia, costs of borrowing?</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>The EBITDA numbers have been provided to demonstrate the level of cash generation that the project can deliver. To go into any more detail than that would be somewhat hypothetical and too commercially sensitive to put into the public domain. The ExA is aware that until granting of the DCO is confirmed, absolute commitments by investors and the specific details around the terms of those investments cannot be defined. The point to note is that the operating cashflow eclipses the necessary capital investment by around a factor of two.</p>
F.4.23	The Applicant	<p>P&L Forecast used in the RSP Business Plan for Manston</p> <p>A Written Representation from Iain Mackintosh [REP3-168] uses the Applicant's own stated figures to compare viability with that of comparator airports and states that:</p> <p><i>"The implications of these assumptions for RSP's hypothetical, fully invested, Manston Airport in 2040 would be that, if it delivered its forecasts in full and was as profitable as East Midlands currently is, it would generate an implied Operating Profit of £3.45m (from a turnover of £19.7m). This represents a return of only 1.15% per annum on the £300m of proposed capital investment after 20 years of operation and takes no account of the accumulated losses that would have to have been funded as the airport clawed its way past its breakeven point. This is not a commercially viable position".</i></p> <p>Comment on Mr Mackintosh's analysis including explaining why the RSP business plan as submitted to the examination does not use rate of return on investment as a measure of viability.</p> <p>Applicant's Response:</p> <p>With respect, the figures being referred to in Mr Mackintosh's analysis have been created by Mr Mackintosh; he states <i>"For the avoidance of doubt the only numbers within this analysis that have been provided by RSP in their DCO submissions are the estimated capital cost of the development and the forecast ATM numbers. All other numbers are derived from the profitability of airport comparators."</i></p>

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		<p>The quoted turnover of £19.7m in 2040 is Mr Mackintosh's estimate of the Manston revenue in 2040 by referencing from East Midlands; his figure for the same year is £32.6m when he uses Stansted as a basis. The Applicant's revenue figure for year 20 is £90.6m. The Applicant does not recognise the figures suggested by Mr Mackintosh which are not based on information specific to this project. Setting aside the questionable methodology of how Mr Mackintosh arrived at his estimated numbers, the principle of using pre-tax profit to demonstrate viability with reference to capital expenditure is in itself flawed as this does not take any account of the costs of financing as has already been covered elsewhere in these written questions.</p>
F.4.24	<p>The Applicant</p> <p>KCC</p> <p>TDC</p>	<p>P&L Forecast used in the RSP Business Plan for Manston</p> <p>The Applicant has provided a more detailed RSP Business Plan for Manston submitted at Appendix CAH2 – 15 to the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011].</p> <p>Given that the EBITDA margin is the only measure used to demonstrate viability indicate what status you consider should be afforded to this document by the ExA in coming to any related recommendation to the Secretary of State.</p> <p>Applicant's Response:</p> <p>The absolute EBITDA (as distinct from the margin) shows a cash generation from trading of £603m by year 20 which is close to double the anticipated capital expenditure. The funding of the project is likely to be predominantly equity and of a long term investment nature as per institutional pension fund investors, rather than short-term opportunistic capital investors. It is therefore clear (and by a sizable margin) that the operating cash generation set in the context of the required capital investment demonstrates a strong viability.</p>

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F.4.25	The Applicant	<p>Article 21</p> <p>You proposed a change to Article 21 in the draft Development Consent Order submitted at Deadline 6 on 3 May 2019 [REP6-018] to read that:</p> <p><i>“(1) After the end of the period of 1 year beginning on the day on which this Order is made— (a) no notice to treat is to be served under Part 1 of the 1965 Act; and (b) no declaration is to be executed under section 4 of the 1981 Act as applied by article 26 (application of the Compulsory Purchase (Vesting Declarations) Act 1981).”</i></p> <p>This has the effect of bringing the time period from five years to one year.</p> <p>Does this mean that you have had to make any amendments to the arrangements for making the funds for Compulsory Acquisition available in a timely manner?</p> <p>Applicant's Response:</p> <p>It has not been necessary to make any amendments to the funding arrangements. As the Applicant has made clear from the outset, it has access to unencumbered funds of £30m and in addition to that sum has also deposited £13.1m in a BDB Pitmans client account. In addition, the Applicant has expended a further £15.2m in the DCO process and the acquisition of the Jentex site. Access to capital for this project has never been an issue, and there is no reason to imagine that it will be in the future in light of the significant market interests in the project as referred to in F.4.7.</p>
F.4.26	The Applicant	<p>Financial viability</p> <p>In the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 04 June 2019 and associated appendices [REP8-011] the Applicant quotes paragraph 17 of DCLG Guidance related to procedures for the compulsory acquisition of land stating that:</p> <p>“It may be that the project is not intended to be independently financially viable...”</p>

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		<p>Confirm whether or not the project is intended to be independently financially viable.</p> <p>Applicant's Response:</p> <p>As the Applicant has made it clear throughout, the project is intended to be independently viable. The guidance refers to the possibility of some projects requiring public funding. This is not such a project.</p>
F.4.27	The Applicant	<p>Regulation 5(2)(f) Paragraph 2.1 of the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 04 June 2019 and associated appendices [REP8-011] sets out the actions taken to provide what it can to the ExA in order to satisfy it for its purposes. Regulation 5(2)(f) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 states that, if the proposed order would authorise the Compulsory Acquisition of land or an interest in land or right over land, the application must be accompanied by a statement to indicate how an order that contains the authorisation of compulsory acquisition is proposed to be funded.</p> <p>Show which of these actions set out in paragraph 2.1 fulfil regulation 5(2)(f) in demonstrating how the order is to be funded.</p> <p>Applicant's Response:</p> <p>Paragraph 2.1 of the Applicant's summary of case made at the compulsory acquisition hearing on 4 June is not part of its funding statement, which is the statement issued pursuant to regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.</p> <p>The Applicant's funding statement satisfies the requirement of regulation 5(2)(f) by indicating how the compulsory acquisition is proposed to be funded. As explained in response to F.3.11 the funding statement, together with the letter from PwC and</p>

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		<p>the Joint Venture Agreement show that the Applicant has access to sufficient funds to meet compulsory acquisition costs and that those funds are committed to funding the compulsory acquisition.</p> <p>Furthermore, 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 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>
F.4.28	The Applicant	<p>HLX Nominees Ltd</p> <p>Paragraph 3.2 of the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 04 June 2019 and associated appendices [REP8-011] sets out the purpose of MIO Investments.</p> <p>What is the purpose of HLX Nominees Ltd?</p> <p>Applicant's Response:</p> <p>The purpose of HLX Nominees Ltd is to act as a registered shareholder on the public register of onshore and offshore companies. This has the benefit of protecting the identity of investors and beneficial owners and is standard market practice of banks and fiduciaries onshore and offshore e.g. Deloitte, Barclays, CIBC, Julius Bear, UBS, Credit Suisse, Goldman Sachs.</p> <p>It is important to note that all transaction carried out by Helix and HLX Nominees (e.g. opening bank accounts, third party transactions) are subject to regulatory oversight. Full disclosure is made to the regulator and all transactions are subject to appropriate checks e.g. to prevent money laundering.</p>

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F.4.29	The Applicant	<p>HLX Nominees Ltd</p> <p>Appendix CAH2-10 of the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011] contains a letter setting out the framework under which Helix Fiduciary AG is regulated.</p> <p>Set out the regulatory regime under which HLX Nominees Ltd operates.</p>
		<p>Applicant's Response:</p> <p>HLX Nominees Ltd is a wholly owned subsidiary of Helix Fiduciary AG. It is therefore subject to the same regulatory regime that applies to Helix Fiduciary AG and is set out in the letter at REP8-011.</p>
F.4.30	The Applicant	<p>Unaudited financial statements for the period ended 31 May 2019</p> <p>Appendix CAH2-9 of the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011] provides unaudited financial statements for the period ended 31 May 2019 for RiverOak Strategic Partners Limited, RiverOak Fuels Ltd, RiverOak Manston Ltd, RiverOak AL Ltd, RiverOak Operations Limited, RiverOak MSE Limited and RiverOak Investments (UK) Limited.</p> <p>The financial statements for RiverOak Strategic Partners Limited show cash at bank and in hand being £13,100,000 made up of loans falling due after more than 5 years.</p> <p>i. Is this the funding that is secured through Article 9 of the dDCO?</p> <p>The financial statements for RiverOak Fuels Ltd show tangible fixed assets as being a freehold property at a valuation of £2,416,500.</p> <p>ii. Is this freehold property the land comprising the fuel farm?</p>

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		<p>The financial statements for RiverOak AL Ltd showed that the Company had future minimum lease payments under non-cancellable operating leases of £717,300.</p> <p>iii. Do the leases relate to the Proposed Development?</p> <p>The financial statements for RiverOak Operations Limited show net liabilities of £12,840,533.</p> <p>iv. Is this related to and/or part of the “£15.2 million which has been expended on the DCO process” [REP7a-006, para 15].</p> <p>Applicant's Response:</p> <p>i. Yes, the cash at bank of £13,100,000 shown in the financial statements for RiverOak Strategic Partners Ltd is the sum secured by Article 9. That sum was transferred on 24 May 2019 to a BDB Pitmans account.</p> <p>ii. Yes, the fixed asset valued at £2,416,500 in RiverOak Fuels Ltd's financial statements is the land comprised in the fuel farm/Jentex site.</p> <p>iii. Yes. The “AL” in the name RiverOak AL stands for approach lights and the lease payments in question are in respect of the land accommodating the approach lights at the eastern end of the runway which are located on land belonging to the Steed Family Trust.</p> <p>iv. Yes. This is part of the £15.2 million referred to that has been expended on the DCO process to date.</p>

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HE.4 Historic Environment		
HE.4.1	The Applicant Historic England	<p>Non-designated heritage assets</p> <p>In their response to third written question HE.3.2, Historic England [REP7a-032] refer to the Airports National Policy Statement, considering that no clear and convincing justification has been offered for the removal of the T2 Hangar and WWII Dispersal Bay as part of the proposed development, including demonstration that harm has been avoided as far as possible in order to conserve and enhance heritage significance, and little consideration appears to have been given to the contribution the conservation of the assets could make to the character of the place and public appreciation.</p> <p>This matter was discussed at the Landscape, Design, Archaeology and Heritage (LDAH) ISH [EV-019] on 3 June 2019, and in their Deadline 8 submissions, Historic England [REP8-026] acknowledge that the buildings that are proposed for demolition might not be sufficiently well preserved to have heritage significance worth preserving but note that the survey and assessment has not yet been undertaken to demonstrate whether this is the case.</p> <p>i. Comment on the above, providing an update on latest discussions/negotiations</p> <p>The Supporters of Manston Airport [AS-200] also raise concerns over the potential loss of non-designated heritage assets on the Proposed Development site. They note that the dispersal bay used to have at least five bays and consider that the structure could provide opportunities for rebuilding or part rebuilding to illustrate their use and to be included in the wider story of the site.</p> <p>ii. Respond to the representation made by the Supporters of Manston Airport referred to above.</p> <p>Applicant's Response:</p> <p>i. There has been further engagement with Historic England, and the Applicant will provide for further survey of the T2 Hangar and the Dispersal Pen to inform masterplanning proposals following the granting of the DCO.</p>

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		<p>ii. Final decisions on the preservation and/or reuse of the dispersal pen will be made in the light of the recommendations of further survey, having regard to the significance of the asset, the practicability of any proposed preservation and the viability of proposals for reuse.</p> <p>In this respect, the Applicant notes that:</p> <ul style="list-style-type: none"> • The siting of the dispersal pen means that retention of this feature would significantly constrain the ability to deliver a functional airport layout; • It would not be practicable to provide regular visitor access to this feature within the context of an active airfield; and • The design of the Proposed Development has focused efforts to preserve heritage assets within a safeguarded museums/historic area, where they can be effectively used to contribute to the ongoing display and interpretation of the story of Manston Airport and allow for effective separation of public and operational areas for safe and secure airfield operations. • The dispersal pen is separated from other related heritage assets and even if it were possible to reconstruct the south-western arm, it would be viewed in isolation, minimising its value for interpretation or display.
HE.4.2	The Applicant Historic England	<p>Draft Written Scheme of Investigation</p> <p>Discussion took place at the LDAH ISH [EV-019] over the latest version of the draft Written Scheme of Investigation (WSI).</p> <p>Provide an update on discussions relating to the draft WSI, including the provision of a new WSI, if required.</p>
	KCC	<p>Applicant's Response:</p> <p>Comments have been received from Kent County Council (KCC). In general, the Applicant is content to accept the changes proposed by KCC but are seeking confirmation via continued discussion with KCC of whether some form of expedited reporting</p>

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		of geophysical survey and trial trenching would be acceptable (comments re 5.5.8-5.5.10). An updated WSI confirming changes requested by KCC is submitted at Deadline 9.
HE.4.3	The Applicant	<p>Military remains</p> <p>The Supporters of Manston Airport [AS-200] indicate an apparent discrepancy in two of the Applicant's documents regarding military remains.</p> <p>Paragraph 5.4.6 of the Draft WSI [REP4-019] states that:</p> <p><i>"... there are no records of military vessels or aircraft having been lost within the site boundary."</i></p> <p>However, the subsequent paragraph (5.4.7) states that:</p> <p><i>"There are records of military aircraft crash site (sic) within the site boundary"</i></p> <p>These paragraphs are maintained in the revised WSI [Appendix HE.3.3 to REP7a-003] and paragraph 4.6.33 of Environmental Statement Volume 8: Appendices 8.2 – 9.1, Part 1 [APP-049], the Archaeological Desk Based Assessment states that:</p> <p><i>"... there are 14 potential protected military remains within the study area, 11 of which are located within the limits of the site."</i></p> <p>i. Are there or are there not records of military aircraft having been lost within the site boundary?</p> <p>ii. If yes, provide a plan showing the locations of these.</p> <p>The 1986 Protection of Military Remains Act makes it an offence to tamper with, damage, move, remove or unearth the remains if believing or having reasonable grounds for suspecting that any place comprises any remains of an aircraft ... which has crashed ... while in military service (s2(2)(a) and 2(1)(b)).</p> <p>iii. Given that crash sites are listed in Table 4.4. of Environmental Statement Volume 8: Appendices 8.2 – 9.1, Part 1 [APP-049], does the 1986 Protection of Military Remains Act apply?</p> <p>iv. Show how and where the Masterplan [APP-079] and Design Guide [REP8-009] take account of the location of any remains of military aircraft that has crashed on military service.</p>

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		<p>The ExA is considering altering Requirement 3 to the recommendation dDCO to the effect that alters this requirement to take account of the above. This would add the following text to that included within the dDCO [PD-018] as follows:</p> <p>An additional paragraph, (4), stating: (4) Before the Master Plan is submitted the applicant shall confirm the location of any crash sites falling under the provisions of the 1986 Protection of Military Remains Act and provide for protecting such sites in accordance with said Act</p> <p>And in the alternative first scenario under the requirement ('OR'), an additional paragraph: (4) confirm the location of any crash sites falling under the provisions of the 1986 Protection of Military Remains Act and provide for protecting such sites in accordance with said Act, including the recommended option; and</p> <p>And in the alternative second scenario under the requirement ('OR'), an additional paragraph: (7) The relevant approved masterplan shall confirm the location of any crash sites falling under the provisions of the 1986 Protection of Military Remains Act and provide for protecting such sites in accordance with said Act.</p> <p>v. Comment.</p> <p>Applicant's Response:</p> <p>i. It is not possible to definitively identify the locations of Protected Military Remains. As noted within the Desk Based Assessment [APP-049] at Table 4.4, the Kent HER identifies the location of 11 military aircraft crash sites within the site boundary. The locations provided by the KCC HER are indicative, and of these 11 records, four are recorded as having crash sites 'near' Manston or 'short of' the airfield, leaving seven losses recorded on or 'over' the airfield.</p> <p>Of the remaining seven recorded crashes, four aircraft are recorded as having been recovered, leaving only three aircraft unaccounted for. These are two Spitfires and a Bf110D lost 'over Manston' in August 1940. In none of these three cases is the location of the crash site recorded, and therefore there is no certainty that these are located within the site. The fastidious management of military airfields and the records of recovery mean that the likelihood of military remains being recovered from within the site is very limited.</p>

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		<p>No evidence for any crash sites has been identified in the Stone Hill Park Ltd geophysical surveys or evaluation, again suggesting an absence of identifiable crash sites, either because these crashes were not located within the site or reflecting a high standard of recovery consistent with standard operational practice and the circumstances of the crashes.</p> <p>ii. The indicative locations of Protected Military Remains, as identified by KCC are presented on Figure 4 of the Desk Based Assessment [APP-049], Figure 9.2 of Chapter 9 of the ES [APP-040] and the DCO Heritage Plan Sheets 2 and 3. For clarity, these locations are provided again on a figure at Appendix HE.4.3 (in TR020002/D9/FWQ/Appendices).</p> <p>iii. Yes, the Military Remains Act 1986 would prevent any tampering with or damage, movement, removal or unearthing of military aircraft without licence from the Secretary of State. However, as noted in HE4.3(ii), the location of the losses recorded on the Kent HER are indicative and do not provide definitive locations of aircraft crashes. The fastidious management of military airfields and the records of recovery also mean that the likelihood of coherent military remains being recovered from within the site is very limited. Where aircraft crashes occurred within an active airfield, these were recovered as soon as possible to ensure that aviation operations were not disrupted and to allow for any human remains to be recovered for burial, for ordnance to be made safe, and to allow spare parts, scrap or intelligence to be recovered.</p> <p>Grave sites are recorded for all aircrew who died in these crashes, and in the majority of cases, the airframes were recovered. It is, however, acknowledged that the recovery of human remains and smaller elements of airframes was often partial, particularly in more severe crashes, and it is possible that the types of remains protected by Military Remains Act 1986 may be present within the site boundary, although this survival is likely to be limited to the presence of scattered remains which were too small or too dissociated with identifiable crash sites to be recovered at the time.</p> <p>iv. Reflecting the respect warranted by these remains, this potential has been considered and mitigated for. The provisions of the WSI [REP7a-003, Appendix HE.3.3] at section 5.4 ensure that appropriate controls are in place where such remains are encountered. The absence of reliable information on the location of remains of crashed aircraft and the high rates of recorded recovery means that it has not been possible to reliably establish the presence or location of protected remains.</p> <p>v. The Applicant's understanding is that the provisions of the Military Remains Act 1986 will apply to relevant crash sites discovered within the site boundary. Therefore, on the basis that the Applicant will already need to comply with the provisions</p>

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		of the Act and respond to any relevant crash sites in accordance with its provisions, the Applicant considers it is unnecessary to include the proposed additional requirement – DCOs do not need to confirm that existing enactments apply.

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LV.4 Landscape and Visual		
LV.4.1	The Applicant	<p>Landscape buffer</p> <p>Paragraph 2.2 of the Eight Schedule of the revised draft s106 agreement [REP8-006] states that:</p> <p>“RiverOak covenants with the County Council:</p> <p><i>Not to cause permit or allow any development of any kind whether or not connected with the Development Consent Order save for landscaping works to take part on that part of the Northern Grass Area which may be required for the provision of the Manston – Haine Link Road for a period of 10 years following the date of grant of the Development Consent Order or until the County Council has obtained funding and planning permission for the Manston – Haine Link Road whichever is the earlier.”</i></p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix ISH7 – 38 includes maps showing a wider corridor to be safeguarded for the alternative route than previously submitted.</p> <p>Show where the effects of (a) safeguarding the line of the link road and (b) the possible construction and operation of the link road on the landscape buffer at the northern tip of the Northern Grass have been assessed in terms of the purpose of that buffer in shielding views of the Proposed Development.</p>
		<p>Applicant's Response:</p> <p>There are no effects associated with the safeguarding of the link road. The link road is proposed by KCC and not the applicant. The safeguarding of land does not directly affect the measures assessed within the ES. The landscape mitigation proposed in the ES will still be delivered as anticipated. The safeguarded area is an undertaking on the part of the applicant not to build any physical infrastructure and to gift an area of land to KCC in the event that the Thanet Transport Strategy including the Manston-Haine Link is taken forward. This is far from certain at this time, not least because the local plan examination has not yet concluded. As the ExA is aware, the proposal to safeguard the link road is something that has been suggested to KCC post application. The Applicant undertakes to implement the landscape buffer proposed as mitigation in the ES and as such the</p>

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		<p>effects reported in the application are robust and neither the construction or operation of the KCC highway scheme need to be assessed as part of the ES for this project.</p> <p>The ExA is referred to TR 3.1 parts v, vi and vii and the Applicants summaries of ISH 4 and ISH 7 which explain that it will be for KCC to develop appropriate mitigation for the Manston-Haine Link at such time that an application is made for the highway proposals.</p>
LV.4.2	The Applicant	<p>Article 6 – Limits to Deviation</p> <p>Article 6(1)(b) of Article 6 states that:</p> <p><i>“In carrying out the authorised development the undertaker may deviate vertically upwards from the levels of the authorised development shown on the engineering drawings and sections to a maximum of 2 metres”</i></p> <p>and the table in this Article shows maximum heights of deviation for specific works.</p> <p>The Updated NSIP Justification document [REP1-005] submitted at Deadline 1 sets out a list of the types of uses that it is intended to attract including radar equipment and its accompanying safeguarding clearances stating that: “... these also limit the building heights across the remainder of the Northern Grass”.</p> <p>i. State whether the upward deviations allowed in this Article would potentially impinge on the safeguarding clearances for the proposed radar equipment.</p> <p>The revised Design Guide submitted at Deadline 8 [REP8-009] sets out an approach to building form in Section 4.</p> <p>ii. Show where possible deviations to the height and, thus, the potential form and massing of buildings have been allowed for in the Design Guide.</p> <p>iii. Comment on the robustness of the Design Guide in the light of Article 6.</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>i. The upward deviations permitted by Article 6 would not result in any building development impeding on the clearances required for the radar safeguarding area. The general requirements are taken from CAP 670 <i>ATS Safety Requirements</i> (Part B, Section 4 of GEN 02).CAP 670.</p> <p>ii. The height parameters are secured in the Design Guide in section 4.2 (B-35). This sets the maximum roof level of each building proposed and height parameters for zones within the airport site. A key principle of the Design Guide is reducing the visual impact of the larger buildings (i.e. cargo sheds) by reducing their visual mass. This has been proposed by curving the roof profile of the cargo sheds and also through proposing variations in cladding and colour to break up the elevation. Since the Design Guide's approach to form and massing is based on the absolute maximum height of the buildings a deviation in height resulting in a roof height below the maximum roof height will only serve to aid the key design principle of reducing the visual impact of the building's mass.</p> <p>iii. Article 6 reflects the maximum heights stated in drawing NK018417 RPS-MSE-XX-DR-C-2060 and secured in the DCO. The maximum height of any buildings on the Northern Grass is 18m AGL. There is no upward deviation permitted for the height of the Northern Grass buildings. As explained in Tr.3.5 the safeguarding radar system does not preclude development below the height of the radar disc, which is approximately 27m AGL. As such, there is no risk of the development impinging into the radar safeguard area.</p>
LV.4.3	The Applicant	<p>Revised Design Guide</p> <p>The revised Design Guide submitted at Deadline 8 appears to remove, amongst other things Landscape Principle C-24:</p>

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Ref No.	Respondent	Question
		<p><i>"Buffer planting will be provided along key boundaries to provide visual containment to the development and mitigate the impact of neighbouring properties"</i></p> <p>i. Explain why this important purpose no longer a principle.</p> <p>ii. Show how the value of landscaping in mitigating visual impact used in assessing impact can be relied upon if this principle has been deleted.</p> <p>iii. Set out the reasons for all the changes in the landscape principles.</p>
		<p>Applicant's Response:</p> <p>i. This principle is still secured in the Design Guide [REP8-009].</p> <p>Landscape Principle C-24 has been removed because the same principle appears in Landscape Principle C-26. Thanet District Council requested the unnecessary duplication of Landscaping Principles was corrected. Landscape Principle C-26 ensures that the important purpose repeated previously in C-24 is still secured as a principle within the Design Guide.</p> <p>ii. The principle hasn't been deleted and is still secured through Landscape Principle C-26 and can still be relied upon.</p> <p>iii. Thanet District Council [TDC] requested that duplicated or similar landscaping principles be removed or moved to pages where they were more relevant e.g.:</p> <p>Page 36 – Landscape Principle C-24 removed as it is a duplication of Landscape Principle 26</p> <p>Page 36 – Landscape Principle C-29 moved from Page 37 and becomes new Landscape Principle 24 as it is more relevant to this Page than Page 37 which deals with buffer zones.</p> <p>Page 37 - Landscape Principle C-27 removed as it is a duplication of Principle C-21</p> <p>Page 37 – Landscape Principle C-28 removed as it is a duplication of Principle C-22</p> <p>Page 37 - Landscape Principle C-29 moved to become C-24 as above.</p> <p>Page 37 – Landscape Principle C-30 renumbered to account for changes in order</p>

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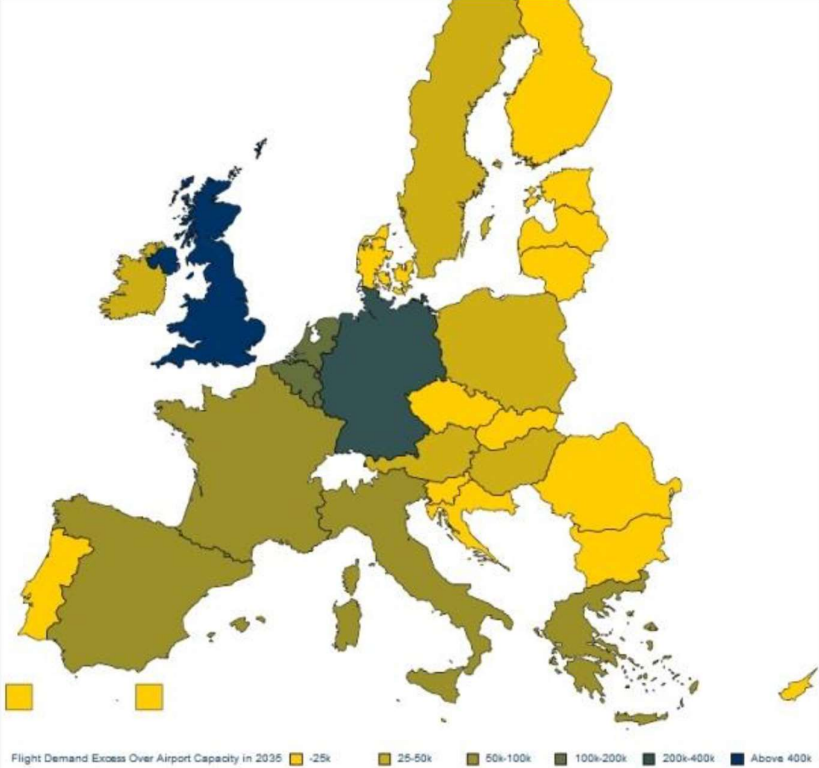
Ref No.	Respondent	Question
		<p>Page 37 Cross-Sections:</p> <p>As a request from Thanet District Council [TDC] Section A was amended to show a tree, making the landscape buffer more robust and consistent with the Landscape Strategy Drawing. This was requested by TDC to ensure the hedgerow buffer around the car park also had trees in it.</p> <p>The north eastern boundary section to the Northern Grass was changed to be an example C (previously example B). This was done to ensure accuracy of the document -. The EIA remains unaffected</p>

Ref No.	Respondent	Question
ND.4 Need		
ND.4.1	The Applicant	<p>European airports</p> <p>The Applicant's answer to question ND.3.10 [REP7a-002] acknowledges that there is a concentration of airports with substantive air cargo capability in the golden triangle in NW Europe, but goes on to state that it does not mean that concentrated capacity means spare capacity.</p> <p>With reference to Paris Charles de Gaulle, Frankfurt, Frankfurt Hahn, Amsterdam, Liege, Brussels, Luxembourg, Maastricht, and Leipzig airports, provide evidence on the freight capacity available within such airports and any consented or planned capacity increases (where known).</p> <p>Applicant's Response:</p> <p>The Applicant stands by its previous analysis. Furthermore, even if capacity were to exist at the airports identified by the question, it is not in the interests of UK businesses to allow those airports identified to absorb market demand irrespective of the efficiencies that would be offered through the operation of a UK freight airport to the benefit of the UK economy.</p> <p>It is important to recognise that capacity is a nuanced concept. It can mean scheduled capacity (i.e. declared slots available based on current infrastructure and operations), or theoretical capacity (i.e. the number of ATMs that the established runway configuration and supporting infrastructure could potentially achieve) in circumstances where the consented infrastructure is maximised. The latter is unlikely to ever occur for the reasons discussed below.</p> <p>In real terms usable capacity depends on the extent of delays and resilience that are deemed acceptable by the airport operator and its airline customers, and the mix of aircraft looking to use the airport at time suited to market demand and operational constraints. An airport can also be capacity constrained if the surface access systems supporting it are not adequate. Airports such as Dublin and Bristol are limited as a result of surface access capacity constraints and the current consultation for Heathrow</p>

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Ref No.	Respondent	Question
		<p>Airport recognises the need to provide major surface access improvements to deliver the planned growth. The proposals for Manston Airport are not subject to the same constraints.</p> <p>Given the complexities associated with capacity analysis, for these purposes readily available sources of data have been used to establish an overview of the capacity position at the airports listed. Maastricht, Frankfurt Hahn and Liege do not appear to have sufficient passenger or freight volumes to be likely to face a short or long term runway capacity problem and so are not considered further (although stand and processing capacity will need to keep up with demand).</p> <p>In relation to the other airports Appendix: IATA World Slot Guidance - Annex 11.6 for Europe provides the May 2019 assessment of which airports are sufficiently busy to require either slot facilitation (Level 2) or Slot Co-ordination (Level 3). The other 6 airports listed in the question all fall into one of these two categories (as does Cologne – UPS main base in Europe). Amsterdam, Paris, Frankfurt and Brussels are all Level 3 suggesting high levels of slot utilisation and therefore some constraints on capacity; while Leipzig, Luxembourg and Cologne all fall into Level 2, suggesting that some slot co-ordination is required in peak periods or to allocate limited night-time slots.</p> <p>To look at theoretical or potential capacity we have drawn from a combination of other sources:</p> <p>At a macro-level the European Observatory on Airport Capacity & Quality - Final Report of TASK FORCE ('Learning from national, regional and local strategies on airport capacity' Airport capacity in the EU: a strategic perspective) May 2015 provides a map projecting where airport demand will exceed capacity most in 2035. It is notable than in addition to the UK the greatest capacity shortages are forecast to be in the Golden Triangle area. See below:</p>

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Ref No.	Respondent	Question
		 <p>Flight Demand Excess Over Airport Capacity in 2035 -25k 25-50k 50k-100k 100k-200k 200k-400k Above 400k</p> <p>CODA Digest for 2018 looks at delays in the European aviation system; the top 20 airports for delays are shown below</p>

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Ref No.	Respondent	Question																																																																																																																																																																								
		<div><p>Figure 22. All-Causes Delay. Top 20 Affected Departure Airports 2018</p><table><tr><th>Rank</th><th>Departure airport</th><th>ICAO Code</th><th>Average delay per departure (mins)</th><th>Delay Change</th><th>Average delay per delayed departure</th><th>Percentage delayed departures</th><th>Average Reactionary Delay Per Departure (Mins)</th></tr><tr><td>1</td><td>LONDON STANSTED</td><td>EGSS</td><td>24.4</td><td>67%</td><td>36.0</td><td>67.7%</td><td>8.4</td></tr><tr><td>2</td><td>COLOGNE-BONN</td><td>EDDK</td><td>23.0</td><td>56%</td><td>39.3</td><td>58.4%</td><td>9.5</td></tr><tr><td>3</td><td>LISBON</td><td>LPPT</td><td>22.8</td><td>32%</td><td>33.3</td><td>68.6%</td><td>10.3</td></tr><tr><td>4</td><td>PALMA DE MALLORCA</td><td>LEPA</td><td>21.5</td><td>28%</td><td>39.4</td><td>54.5%</td><td>11.3</td></tr><tr><td>5</td><td>BARCELONA</td><td>LEBL</td><td>20.1</td><td>57%</td><td>36.7</td><td>54.6%</td><td>8.6</td></tr><tr><td>6</td><td>LONDON LUTON</td><td>EGGW</td><td>19.9</td><td>16%</td><td>32.1</td><td>62.1%</td><td>9.3</td></tr><tr><td>7</td><td>BRISTOL</td><td>EGGD</td><td>18.8</td><td>.</td><td>34.7</td><td>54.3%</td><td>7.1</td></tr><tr><td>8</td><td>TEL AVIV BEN GURION</td><td>LLBG</td><td>18.3</td><td>15%</td><td>31.8</td><td>57.6%</td><td>6.7</td></tr><tr><td>9</td><td>PORTO</td><td>LPPR</td><td>18.3</td><td>50%</td><td>36.2</td><td>50.5%</td><td>11.4</td></tr><tr><td>10</td><td>PRAGUE</td><td>LKPR</td><td>18.2</td><td>44%</td><td>32.6</td><td>55.8%</td><td>8.7</td></tr><tr><td>11</td><td>NICE</td><td>LFMN</td><td>17.7</td><td>25%</td><td>35.0</td><td>50.6%</td><td>9.0</td></tr><tr><td>12</td><td>BUDAPEST</td><td>LHBP</td><td>17.5</td><td>32%</td><td>31.2</td><td>55.9%</td><td>8.3</td></tr><tr><td>13</td><td>BRUSSELS NATIONAL</td><td>EBBR</td><td>17.4</td><td>23%</td><td>27.5</td><td>63.4%</td><td>6.4</td></tr><tr><td>14</td><td>LONDON GATWICK</td><td>EGKK</td><td>17.3</td><td>9%</td><td>32.7</td><td>52.8%</td><td>7.5</td></tr><tr><td>15</td><td>BIRMINGHAM</td><td>EGBB</td><td>17.2</td><td>13%</td><td>33.7</td><td>51.2%</td><td>7.5</td></tr><tr><td>16</td><td>MANCHESTER</td><td>EGCC</td><td>17.2</td><td>6%</td><td>31.5</td><td>54.6%</td><td>7.0</td></tr><tr><td>17</td><td>WARSAW</td><td>EPWA</td><td>17.2</td><td>.</td><td>30.3</td><td>56.6%</td><td>8.2</td></tr><tr><td>18</td><td>CATANIA</td><td>LICC</td><td>17.1</td><td>.</td><td>33.0</td><td>51.9%</td><td>9.8</td></tr><tr><td>19</td><td>PARIS CH DE GAULLE</td><td>LFPG</td><td>17.0</td><td>18%</td><td>29.0</td><td>58.7%</td><td>3.6</td></tr><tr><td>20</td><td>MILAN MALPENSA</td><td>LIMC</td><td>17.0</td><td>18%</td><td>33.7</td><td>50.3%</td><td>8.4</td></tr></table></div> <p>Delays are another indicator of capacity shortages and in this official Eurocontrol generated assessment for 2018, Paris, Brussels and Cologne all appear in the top 20. Scrutiny of other websites like Flight Stats will regularly show Frankfurt and Amsterdam as having the highest delays in Europe.</p>	Rank	Departure airport	ICAO Code	Average delay per departure (mins)	Delay Change	Average delay per delayed departure	Percentage delayed departures	Average Reactionary Delay Per Departure (Mins)	1	LONDON STANSTED	EGSS	24.4	67%	36.0	67.7%	8.4	2	COLOGNE-BONN	EDDK	23.0	56%	39.3	58.4%	9.5	3	LISBON	LPPT	22.8	32%	33.3	68.6%	10.3	4	PALMA DE MALLORCA	LEPA	21.5	28%	39.4	54.5%	11.3	5	BARCELONA	LEBL	20.1	57%	36.7	54.6%	8.6	6	LONDON LUTON	EGGW	19.9	16%	32.1	62.1%	9.3	7	BRISTOL	EGGD	18.8	.	34.7	54.3%	7.1	8	TEL AVIV BEN GURION	LLBG	18.3	15%	31.8	57.6%	6.7	9	PORTO	LPPR	18.3	50%	36.2	50.5%	11.4	10	PRAGUE	LKPR	18.2	44%	32.6	55.8%	8.7	11	NICE	LFMN	17.7	25%	35.0	50.6%	9.0	12	BUDAPEST	LHBP	17.5	32%	31.2	55.9%	8.3	13	BRUSSELS NATIONAL	EBBR	17.4	23%	27.5	63.4%	6.4	14	LONDON GATWICK	EGKK	17.3	9%	32.7	52.8%	7.5	15	BIRMINGHAM	EGBB	17.2	13%	33.7	51.2%	7.5	16	MANCHESTER	EGCC	17.2	6%	31.5	54.6%	7.0	17	WARSAW	EPWA	17.2	.	30.3	56.6%	8.2	18	CATANIA	LICC	17.1	.	33.0	51.9%	9.8	19	PARIS CH DE GAULLE	LFPG	17.0	18%	29.0	58.7%	3.6	20	MILAN MALPENSA	LIMC	17.0	18%	33.7	50.3%	8.4
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		<p>If we then look at comparative analysis at a more disaggregated scale of Heathrow’s main hub competitors in the Final report of the National Connectivity Task Force 2015, Table’s 5.1 and 5.2 both point to capacity shortages with capacity being imminent at Amsterdam and in the medium-term c 2010 in 2030.</p> <div><p>Table 5.1: Capacity position at other hub airports</p><table><tr><th>Airport</th><th>Movement Cap</th><th>2013 Utilisation</th><th>Capacity Reached</th></tr><tr><td>Amsterdam - Schiphol Airport</td><td>510,000</td><td>86.3%</td><td>2018</td></tr><tr><td>Paris - Charles De Gaulle Airport</td><td>700,000</td><td>68.3%</td><td>2032</td></tr><tr><td>Frankfurt International Airport</td><td>700,000</td><td>67.6%</td><td>2032</td></tr></table></div> <div><p>Table 5.2</p><p>Runway utilisation between 7am and 9am at Amsterdam, Paris and Frankfurt Source: RDC Analysis of published passenger schedules for a typical day in August 2014</p><table><tr><th>Airport</th><th>Annual Movement capacity</th><th>Average daily movement capacity</th><th>Average hourly movement capacity (assuming 18 hour operation)</th><th>Movements between 7am and 9am</th><th>Actual hourly movements between 7am and 9am</th><th>% Utilisation</th></tr><tr><td>Amsterdam</td><td>510,000</td><td>1,397</td><td>78</td><td>143</td><td>72</td><td>92%</td></tr><tr><td>Paris</td><td>700,000</td><td>1,918</td><td>107</td><td>186</td><td>93</td><td>87%</td></tr><tr><td>Frankfurt</td><td>700,000</td><td>1,918</td><td>107</td><td>203</td><td>102</td><td>95%</td></tr></table><p>Key <div>High Utilisation/Capacity</div><div>Lower Utilisation/Capacity</div></p></div> <p>Overall, therefore, there is substantial evidence of capacity constraints which may affect current or future freight capacities at six of the nine airports listed including the four main passenger hubs in the nearest part of the Golden Triangle. The four main passenger hubs cater primarily for bellyhold freight and are therefore not directly comparable with Manston Airport. Based on</p>	Airport	Movement Cap	2013 Utilisation	Capacity Reached	Amsterdam - Schiphol Airport	510,000	86.3%	2018	Paris - Charles De Gaulle Airport	700,000	68.3%	2032	Frankfurt International Airport	700,000	67.6%	2032	Airport	Annual Movement capacity	Average daily movement capacity	Average hourly movement capacity (assuming 18 hour operation)	Movements between 7am and 9am	Actual hourly movements between 7am and 9am	% Utilisation	Amsterdam	510,000	1,397	78	143	72	92%	Paris	700,000	1,918	107	186	93	87%	Frankfurt	700,000	1,918	107	203	102	95%
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		<p>the above, the Applicant maintains that there can be a lot of theoretical capacity concentrated within a defined area, without it necessarily meaning there “spare” capacity that is competitive and useable.</p> <p>At the main airports with large passenger and therefore bellyhold operations, capacity is either already constrained (Amsterdam) or like to become so in the medium term (Frankfurt, Paris and Brussels), and hence cannot be relied upon as a long-term source of overspill capacity.. The Applicant has previously explained the capacity constraints that exist for freight activity at other South East airports, and that although Heathrow may bring some new capacity to the market it will be not be sufficient to support the level of growth expected as a result of transformational factors such as e-commerce and will not necessarily deliver the unique facilities planned at Manston.</p>
ND.4.2	The Applicant	<p>European airports</p> <p>The Applicant’s answer to question ND.3.10 [REP7a-002] states “<i>why is there any logic in using freighters flying from Liege, Luxembourg and 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</i>”.</p> <p>The same answer notes earlier on the concentration of people and economic activity within 3-4 hours trucking time of the north west European airports. The Steer Report notes the amount of air freight transported in customs-bonded trucks between the UK and continental Europe as there is often more available air freight capacity than at UK airports and also notes goods often trucked the other way (from Northern mainland Europe to Heathrow) to fly to the US.</p> <ol style="list-style-type: none"> i. Do UK goods travelling to north European airports assist in making more frequent cargo services (whether bellyhold or pure freight) more viable? ii. Do UK goods too fall within the catchment for the golden triangle in NW Europe? iii. Conversely would UK goods provide the numbers and tonnage alone to make regular pure freight services viable to, for instance, SW Asia?

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>i. It is reasonable to assume that UK freight travelling to North European airports is aiming to take advantage of spare capacity available on flights leaving those airports, rather than have to wait for capacity to become free in the more constrained capacity environment at Heathrow, Gatwick, Luton and Stansted. To wait for slots at the existing UK airports would result in delays to the speed of shipment for consignments or would result in higher payments to 'bump' other cargo at those UK airports.</p> <p>Were capacity available to allow more combination and scheduled and chartered general cargo carriers to operate from South East airports, then at least some of the cargo currently being trucked to Europe could be put on flights leaving a UK airport. Manston would provide capacity for just such flights. It is therefore the push effects of capacity shortages in the UK and the availability of capacity elsewhere which is driving the cross-channel traffic and Manston is intended to help address this unsatisfactory situation created by slot constraints at South East airports. This constraint will get progressively worse as freight demand grows, rather than simply accept what in effect amounts to a major market failure that economically disadvantages UK plc and its shippers.</p> <p>ii. In the Applicant's view, UK goods do <u>not</u> fall within the catchment for the golden triangle in NW Europe. For express freight truck times (collection/delivery) are typically 3hrs (max 4 hrs) from an airport and none of the northern European airports offer that for London and the South East, let alone the rest of the UK.</p> <p>For general freight, where delivery times are less strict, there is more scope for longer journey times by truck. However once they go beyond 6 hrs (Paris and Brussels) in the case of Amsterdam and Frankfurt 8-12 hours typically this will result in a 24 hour delay versus departure from Heathrow.</p> <p>It is for this reason that the vast majority of freight flown from Golden Triangle airports originates in the triangle itself or 4-6 hours truck time from one of its airports.</p> <p>It is also worth noting that SHP's consultants have not sourced any robust and verifiable data to suggest that bellyhold capacity (where it can be used in place of a freighter - and of course for many types of goods it cannot), would be 'offered' to UK shippers</p>

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		<p>at a lower price than by using a freighter from Manston or another dedicated freighter airport in Europe, as trucking, channel crossing and transshipment costs amongst other factors are typically covered by the freight forwarder rather than passed on to the customer, who would otherwise probably prefer to accept a delay at a South East airport rather than a higher price in Europe.</p> <p>iii. Yes, the Applicant considers that UK goods provide sufficient tonnage to make regular pure freight services viable to South West Asia. This is supported by the various submissions to the ExA, including the market analysis in the Azimuth Report.</p>
ND.4.3	The Applicant	<p>Steer Report</p> <p>As referenced in question ND.3.10 [REP7a-002], the Steer Report identifies four major sub-markets within air freight; General Cargo, Express, Specialist and niche products and Mail.</p> <p>Do you agree with this categorisation of the air freight market?</p>
		<p>This categorisation does not include the 'new' integrators who specialise in e-commerce. Whilst this may be considered to fall under the Express category, the Applicant considers that it will be preferable to treat it as a separate category because of its particular needs and mode of operation.</p>
ND.4.4	The Applicant	<p>Costs</p> <p>The Applicant's answer to question ND.3.10 [REP7a-002] states that the Applicant is confident that the time and costs associated with double and triple handling of goods required to use those airports [in NW Europe] will be greater and far less reliable than the cost of coming to Manston Airport.</p> <p>i. Elaborate on this answer; how would more handling of customs bonded trucks/ goods be required at NW Europe airports than at Manston?</p> <p>ii. What knowledge of such costs do you base this confidence upon?</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>i. It is clear that the risks associated with a 1.5hr truck journey, in one country (i.e. without having to cross a state border, have suitable licensing and other permissions to be allowed to do so or communicate in other languages) and without the need to use another mode of transport, are substantially lower than one which takes 12 hours, involves border crossings and having all requisite permits etc. and means dependence on the reliable functioning of a ferry or shuttle train.</p> <p>The loading of the truck on to said ferry or Euroshuttle is an additional handling process not needed on a journey to Manston; the Border crossing may require inspections of goods at the ports, weigh stations on route and the paperwork associated with said journey and with having permits to travel all add to the overall handling costs that need to be absorbed. In addition, goods that are switched from Heathrow to Frankfurt are likely to have to pass through two airport systems [Shipper to LHR to FKT to airline] rather than simply shipper to Manston. Where the shipment is a part load to take advantage of consolidation at the end destination airport (more probable for cross channel rather than internal UK freight), this is even more likely to be the case.</p> <p>Therefore, even if goods were not loaded and un-loaded from a truck more than once, or subject to only one custom/bonding inspection, there will still be far more handling required on a journey to Manston than any EU airport.</p> <p>ii. The Applicant and its advisors are familiar with the typical trucking costs: the handling processes involved (as outlined above) and handling charges at other airports. This knowledge is embedded in the Applicant's analysis of the business case for the scheme. The scheme, informed by that business case has generated significant interest from potential funders (Appendix F.4.7) who are also confident of the ability to run a viable and successful airport from Manston. The Applicant's assessment must remain commercially confidential, although it remains clear that such interest would not be generated if the business case was not sound.</p>
ND.4.5	The Applicant	<p>Business Plan</p> <p>The Business Plan summary submitted at Deadline 8 [REP8-011] contains figures for Aeronautical Yield (£/WLU), with figures ranging from £4.48 in year 2 to £3.18 in year 20. Appendix 3 of the Summary of Applicant's Oral Submissions at the Compulsory</p>

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		<p>Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011] states that a similar figure for East Midlands Airport (EMA) in 2017-2018 equates to £2.75. For the second year of operation therefore the figure for Manston is considerably higher than that at EMA, an established airport.</p> <p>i. How would the Proposed Development establish a foothold in the industry, given the above figures?</p> <p>ii. Given the established nature of EMA and the facilities available there, wouldn't the applicant need to provide rates lower than EMA to attract much of the business it seeks?</p>
		<p>Applicant's Response:</p> <p>i. The intention is to use the period from DCO consent to commencement of operations to secure business for Manston rather than what appears to be being implied that sales efforts could only commence once the airport is open for business. Based on its conversations with a wide range of potential users, the Applicant believes it will sign contracts with a significant number of users prior to the airport's opening. The opportunity to market our modern, cargo-centric facility on an 18-month construction run-up is an enormous benefit to the project.</p> <p>The SHP supplied chart referenced at ND.4.6 clearly shows that EMA is at the bottom of the market and that the median is £5.07 which is more than the £4.48 for Manston in year 2 and 60% higher than the £3.18 for year 20 at Manston. It should also be noted that, again, in the chart York have used revenues for Manston that include Handling and Fuel margin and are therefore not a valid or relevant comparison. Another factor rendering this EMA comparison by York misleadingly simplistic is EMA's "business mix" which includes 5 million passengers. That level of passengers inherently drags down EMA's WLU, rendering the basis of York's comparison deeply flawed.</p> <p>ii. The Applicant (as per (i)) is proposing rates lower than the median cited by SHP, i.e. £4.48 for Manston I less than the median of £5.07. EMA does not efficiently serve the London market. It is this geographical area that clearly has the greatest need. The Applicant has provided its rationale on why Manston is a superior location to EMA in its answers provided in Nd.1.8, Nd.2.8 and ND.2.25.</p>

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ND.4.6	The Applicant	<p>Business Plan</p> <p>Appendix 3 of the Applicant's CAH2 Summary and associated appendices [REP8-011] considers the comparison of the forecasts of the proposed development and the actual performance of EMA in relation to aeronautical yield. Stone Hill Park (SHP) [REP8-030] consider that the levels of revenue stated by the Applicant are double the levels achieved at Stansted and four times that achieved at EMA. The chart submitted by SHP also shows that the revenue would be significantly higher than achieved at Prestwick. The Applicant's Appendix 3 states that once freight handling revenue and fuel sales are excluded from the aeronautical yield that that this would be closer to EMA at £3.18. This appears therefore to show that roughly 70-75% of aeronautical revenue would be from freight handling and fuel.</p> <p>i. How much revenue would be generated from freight handling?</p> <p>ii. Would the charges for freight handling be comparable to what is charged at Heathrow or the Northern European airports, either by the airports themselves or by third parties?</p> <p>iii. A substantial proportion of the forecast freight for the proposed development would be handled directly by an integrator. Is the proposed forecast revenue for handling other forms of freight realistic?</p> <p>iv. How much revenue would be generated from fuel sales?</p> <p>v. What are the options for operators if they consider the fuel costs to be too high? Could they, for instance, overfill at the 'other' airport thus reducing the need to fill up at Manston?</p> <p>At the CA Hearing [EV-025] it was stated that Glasgow Prestwick provided its own freight handling and aviation fuel.</p> <p>vi. How profitable/ how much revenue did or does this produce for Prestwick in terms of £ per WLU?</p> <p>vii. How profitable is Prestwick?</p> <p>viii. Given the profitability of such services, how many other airports offer handling and fuel theManstonlves?</p>

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		<p>Applicant's Response:</p> <p>i. The Applicant is not able to disclose the revenue that will be generated from freight handling as this would reveal the fuel costs and therefore fuel margins which the Applicant is not able to disclose for reasons of commercial sensitivity.</p> <p>ii. Specific handling charges are negotiated between the provider and the airline and are not therefore something that is generally published and thus in the public domain. However, there is some evidence around the Prestwick numbers at point vi.</p> <p>iii. The calculated handling revenues take into account that it is assumed that Integrator/e-Commerce operators will self-handle. The Applicant considers that the proposed revenue for handling all levels of freight is realistic.</p> <p>iv. The revenue generated from fuel sales is commercially sensitive and cannot be revealed in the public domain.</p> <p>v. "Tankering" as it colloquially referred to does happen in the industry and the fuel uplifts would be monitored and compared to the expected fuel burn on the next sector to ensure that, if tankering is evident, the price can be adjusted. However, operators will generally negotiate a price with the provider (the airport in this case) in advance to avoid tankering as the process itself causes the aircraft to be heavier in flight and burn more fuel.</p> <p>vi. The published accounts to March 2018 for Prestwick Airport show that the freight yield (which we assume includes handling but excludes fuel) is £240.25 per MT. The projection for Manston including fuel margin ranges from £172.78 in year 2 down to £149.57 in year 20.</p> <p>vii. Prestwick is loss making but the issue there does not appear to be yield related (based on the published accounts) but one of volume. Much of the freight volume that flowed through Prestwick when it was profitable was dependent on industries that no longer exist in the catchment.</p> <p>viii. The answer appears to relate to legacy issues and how things have been done traditionally. In the case of fuel, many airports have had fuel companies make the investment and enter into long term arrangements to recover the cost of capital. Historically</p>

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		airlines will have self-handled and then opted to outsource to third party handlers who may handle a number of airlines at any particular airport and gain benefit from economies of scale around labour and equipment.
ND.4.7	The Applicant	<p>Business Plan</p> <p>The Business Plan summary submitted at Deadline 8 [REP8-011] contains figures for passenger revenue, considering that the Aeronautical Yield for passengers would be £0.50 per passenger. This figure appears to be independent of passenger commercial net income. The ExA have heard in evidence of the competitive market for attracting passenger income from low cost carriers, and notes the loss made by Southend Airport in SHP's evidence [REP7-014] of some £6.5 million [REP7a-002, ND.2.35].</p> <p>Given such a competitive market place in attracting passenger traffic, do you consider your business model to be realistic in this regard?</p> <p>Applicant's Response:</p> <p>The £0.50 per passenger is indeed separate from the assumed £3.00 commercial income per passenger. Turning to Prestwick as an example, from the March 2018 published accounts, aeronautical income per passenger appears to £1.21 (which is likely to include handling) and commercial of £4.09 per passenger (totalling £5.30 per passenger). The forecast for Manston is £0.50 aeronautical, an average of £1.95 for handling (and fuel) and £3.00 for commercial totalling £5.45. So, £5.45 at Manston including fuel and £5.30 at Prestwick excluding fuel. On that basis alone, it is not only realistic but conservative.</p>
ND.4.8	The Applicant	<p>Forecasts – exports</p> <p>Questions ND.2.3 and ND.3.2 [REP7a-002] referred to fish and shellfish exports. Question ND.3.2 referred to the dominant country for export to is France. The ExA note the evidence relating to landings and the Kent ports.</p> <p>i. What percentage of the catches shown in the Kent area would be for export, and to where?</p>

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		<p>ii. If France is the dominant country for fish exports, would it be simpler and cheaper to serve this market from Kent ports via truck rather than air?</p>
		<p>Applicant's Response:</p> <p>i. The Applicant does not have this level of information. The provision of export capabilities for fish and shellfish is not dependent upon catch in the waters around Kent. Indeed, there are no waters around East Midlands or Heathrow, and yet these airports export seafood.</p> <p>ii. The following table taken from HMRC 2017 data as reported by seafish.org shows the top 20 export countries for seafood from the UK. France is the biggest importer of UK seafood, followed by the USA and Spain. As the recent article in Air Cargo World [ref], explained, increasingly seafood is being transported by aircraft.</p> <p>"One of the more unusual revelations of the e-commerce boom has been the dramatic rise in shipments of fresh seafood by air. With recent advances in thermal packaging, what was once flash frozen at sea and shipped to markets weeks later is now being kept chilled at the perfect temperature, ordered online and flown to markets in mere days or hours. Air Cargo World looks behind the mechanics of the global seafood supply chain to see whether our insatiable demand is putting too much pressure on our already fragile fish distribution networks."</p>

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		<div><h3>Top 20 export countries ranked by value 2016 - 2017</h3><table><tr><th rowspan="2">Country</th><th colspan="3">Exports YE August 2016</th><th colspan="3">Exports YE August 2017</th><th colspan="3">% Change 2017 v 2016</th></tr><tr><th>Value (£000's)</th><th>Volume (tonnes)</th><th>Ave £ per Kg</th><th>Value (£000's)</th><th>Volume (tonnes)</th><th>Ave £ per Kg</th><th>Value</th><th>Volume</th><th>Ave £ per Kg</th></tr><tr><td>France</td><td>£410,183</td><td>88,065</td><td>£4.66</td><td>£517,099</td><td>90,733</td><td>£5.70</td><td>26.1%</td><td>3.0%</td><td>22.4%</td></tr><tr><td>U.S.A.</td><td>£190,130</td><td>32,732</td><td>£5.81</td><td>£267,587</td><td>37,391</td><td>£7.16</td><td>40.7%</td><td>14.2%</td><td>23.2%</td></tr><tr><td>Spain</td><td>£151,122</td><td>33,815</td><td>£4.47</td><td>£192,392</td><td>41,199</td><td>£4.67</td><td>27.3%</td><td>21.8%</td><td>4.5%</td></tr><tr><td>Irish Republic</td><td>£138,538</td><td>40,869</td><td>£3.39</td><td>£152,533</td><td>30,438</td><td>£5.01</td><td>10.1%</td><td>-25.5%</td><td>47.8%</td></tr><tr><td>China</td><td>£79,895</td><td>19,161</td><td>£4.17</td><td>£120,157</td><td>21,329</td><td>£5.63</td><td>50.4%</td><td>11.3%</td><td>35.1%</td></tr><tr><td>Italy</td><td>£103,545</td><td>18,557</td><td>£5.58</td><td>£118,150</td><td>17,743</td><td>£6.66</td><td>14.1%</td><td>-4.4%</td><td>19.3%</td></tr><tr><td>Netherlands</td><td>£68,014</td><td>70,526</td><td>£0.96</td><td>£82,188</td><td>65,772</td><td>£1.25</td><td>20.8%</td><td>-6.7%</td><td>29.6%</td></tr><tr><td>Germany</td><td>£60,134</td><td>20,401</td><td>£2.95</td><td>£72,141</td><td>19,213</td><td>£3.75</td><td>20.0%</td><td>-5.8%</td><td>27.4%</td></tr><tr><td>South Korea</td><td>£27,681</td><td>3,748</td><td>£7.39</td><td>£39,075</td><td>5,006</td><td>£7.81</td><td>41.2%</td><td>33.6%</td><td>5.7%</td></tr><tr><td>Belgium</td><td>£23,269</td><td>4,294</td><td>£5.42</td><td>£31,742</td><td>4,912</td><td>£6.46</td><td>36.4%</td><td>14.4%</td><td>19.3%</td></tr><tr><td>Denmark</td><td>£30,999</td><td>18,523</td><td>£1.67</td><td>£29,996</td><td>9,711</td><td>£3.09</td><td>-3.2%</td><td>-47.6%</td><td>84.6%</td></tr><tr><td>Poland</td><td>£23,786</td><td>14,560</td><td>£1.63</td><td>£28,421</td><td>11,996</td><td>£2.37</td><td>19.5%</td><td>-17.6%</td><td>45.0%</td></tr><tr><td>Vietnam</td><td>£18,193</td><td>10,505</td><td>£1.73</td><td>£24,765</td><td>8,059</td><td>£3.07</td><td>36.1%</td><td>-23.3%</td><td>77.4%</td></tr><tr><td>Taiwan</td><td>£8,044</td><td>2,224</td><td>£3.62</td><td>£18,621</td><td>3,224</td><td>£5.78</td><td>131.5%</td><td>45.0%</td><td>59.7%</td></tr><tr><td>Canada</td><td>£7,346</td><td>1,629</td><td>£4.51</td><td>£17,054</td><td>3,002</td><td>£5.68</td><td>132.1%</td><td>84.3%</td><td>26.0%</td></tr><tr><td>Hong Kong</td><td>£12,346</td><td>1,763</td><td>£7.00</td><td>£13,124</td><td>1,729</td><td>£7.59</td><td>6.3%</td><td>-1.9%</td><td>8.4%</td></tr><tr><td>Nigeria</td><td>£19,108</td><td>22,098</td><td>£0.86</td><td>£11,890</td><td>9,592</td><td>£1.24</td><td>-37.8%</td><td>-56.6%</td><td>43.4%</td></tr><tr><td>Portugal</td><td>£9,243</td><td>3,783</td><td>£2.44</td><td>£11,573</td><td>4,278</td><td>£2.71</td><td>25.2%</td><td>13.1%</td><td>10.7%</td></tr><tr><td>United Arab Emirates</td><td>£10,022</td><td>1,303</td><td>£7.69</td><td>£11,352</td><td>1,210</td><td>£9.38</td><td>13.3%</td><td>-7.1%</td><td>22.0%</td></tr><tr><td>Romania</td><td>£8,247</td><td>10,092</td><td>£0.82</td><td>£11,100</td><td>11,590</td><td>£0.96</td><td>34.6%</td><td>14.8%</td><td>17.2%</td></tr><tr><td>Top 20 total</td><td>£1,399,843</td><td>418,646</td><td>£3.34</td><td>£1,770,960</td><td>398,127</td><td>£4.45</td><td>26.5%</td><td>-4.9%</td><td>33.0%</td></tr><tr><td>Top 20 share of total exports</td><td>93.6%</td><td>91.8%</td><td></td><td>93.7%</td><td>89.2%</td><td></td><td></td><td></td><td></td></tr></table><p>Key: YE - Year Ending</p><p>Source: HMRC via British Trade Statistics August 2017</p></div>	Country	Exports YE August 2016			Exports YE August 2017			% Change 2017 v 2016			Value (£000's)	Volume (tonnes)	Ave £ per Kg	Value (£000's)	Volume (tonnes)	Ave £ per Kg	Value	Volume	Ave £ per Kg	France	£410,183	88,065	£4.66	£517,099	90,733	£5.70	26.1%	3.0%	22.4%	U.S.A.	£190,130	32,732	£5.81	£267,587	37,391	£7.16	40.7%	14.2%	23.2%	Spain	£151,122	33,815	£4.47	£192,392	41,199	£4.67	27.3%	21.8%	4.5%	Irish Republic	£138,538	40,869	£3.39	£152,533	30,438	£5.01	10.1%	-25.5%	47.8%	China	£79,895	19,161	£4.17	£120,157	21,329	£5.63	50.4%	11.3%	35.1%	Italy	£103,545	18,557	£5.58	£118,150	17,743	£6.66	14.1%	-4.4%	19.3%	Netherlands	£68,014	70,526	£0.96	£82,188	65,772	£1.25	20.8%	-6.7%	29.6%	Germany	£60,134	20,401	£2.95	£72,141	19,213	£3.75	20.0%	-5.8%	27.4%	South Korea	£27,681	3,748	£7.39	£39,075	5,006	£7.81	41.2%	33.6%	5.7%	Belgium	£23,269	4,294	£5.42	£31,742	4,912	£6.46	36.4%	14.4%	19.3%	Denmark	£30,999	18,523	£1.67	£29,996	9,711	£3.09	-3.2%	-47.6%	84.6%	Poland	£23,786	14,560	£1.63	£28,421	11,996	£2.37	19.5%	-17.6%	45.0%	Vietnam	£18,193	10,505	£1.73	£24,765	8,059	£3.07	36.1%	-23.3%	77.4%	Taiwan	£8,044	2,224	£3.62	£18,621	3,224	£5.78	131.5%	45.0%	59.7%	Canada	£7,346	1,629	£4.51	£17,054	3,002	£5.68	132.1%	84.3%	26.0%	Hong Kong	£12,346	1,763	£7.00	£13,124	1,729	£7.59	6.3%	-1.9%	8.4%	Nigeria	£19,108	22,098	£0.86	£11,890	9,592	£1.24	-37.8%	-56.6%	43.4%	Portugal	£9,243	3,783	£2.44	£11,573	4,278	£2.71	25.2%	13.1%	10.7%	United Arab Emirates	£10,022	1,303	£7.69	£11,352	1,210	£9.38	13.3%	-7.1%	22.0%	Romania	£8,247	10,092	£0.82	£11,100	11,590	£0.96	34.6%	14.8%	17.2%	Top 20 total	£1,399,843	418,646	£3.34	£1,770,960	398,127	£4.45	26.5%	-4.9%	33.0%	Top 20 share of total exports	93.6%	91.8%		93.7%	89.2%				
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ND.4.9	The Applicant	<p>Forecasts Question ND.3.3 [REP7a-002] concerned pharmaceuticals. The Applicant's answer refers to a study for IAG Cargo noting that 57% of all temperature deviations for such goods in transit occurred during transportation, noting that the planned facilities at Manston would resolve such issues. However, the attached appendix [Appendix ND.3.3] contains a reference to the findings of the World Health Organisation who state that the greatest and most frequent vulnerability to temperature exposure occurs on the airport tarmac when goods are exposed to the elements before aircraft loading or during unloading.</p> <p>How would the proposed facilities at Manston alleviate such issues from occurring on the 'airport tarmac'?</p> <p>Applicant's Response:</p> <p>The WHO's view is that the greatest and most frequent vulnerability to temperature exposure occurs on the airport tarmac when goods are exposed to the elements before aircraft loading or during unloading. This is most likely to happen at congested hub airports like Heathrow or Amsterdam where temperature sensitive cargo will either have to be transported across large areas of tarmac in airside cargo trains to relevant passenger gates or stored close to stands waiting for in-bound aircraft. At Manston, trucked consignments will either be delivered direct to aircraft and loaded from one straight into the other, or via modern temperature-controlled facilities that will sit adjacent to gates meaning there will be no dwell time between shed and aircraft.</p> <p>Waiting on tarmac at most airports is usually associated with delays. If an aircraft is delayed at Heathrow, then the problems arising with consignments as a result of delays is likely to be much more significant than at Manston. At hub airports such as Heathrow and Amsterdam delays are often magnified due to the more extreme consequences of missing a slot at an already capacity constrained airport. The facilities planned at Manston airport are designed to ensure substantial flexibility to respond quickly in the event of delay and allow rescheduling close to the original slot time.</p> <p>For all these reasons the handling of temperature sensitive goods will be far more efficient at Manston.</p>
		Forecasts

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ND.4.10	The Applicant	<p>An Interested Party [REP7a-046] submits details of the IATA Air Freight Market Analysis from April 2019 detailing a reduction in freight tonne kilometres for April compared with their level of a year ago, together with a growth in air freight capacity</p> <p>Comment on this IATA analysis, with reference to the proposed development.</p>
		<p>Applicant's Response:</p> <p>Air freight volumes have a very strong correlation with trade volumes; the effect of trade disputes between the US and China, the EU and a number of other important trading markets, was covered-up by underlying growth in 2018 which was the tail of a period of re-stocking and strong economic performance in major global economies (e.g. US, Europe, China, Far East) between 2015-17. However, it is now beginning to affect investor confidence, trade volumes and economic performance and the trendline for airfreight began to turn downwards around the beginning of the year, although the global picture is variable with some intercontinental markets remaining positive while others have declined less Y-o-Y than others.</p> <p>The position in the UK, and to some extent Europe is made worse by uncertainties associated with Brexit and the stock-piling that took place last year and which will therefore not be required this. We see this, as does most of the industry, as a short term correction and that the longer term trends from 2014-18 and as set out by Boeing and Airbus in their Global Forecasts, will eventually resume the upward trend in air freight tonne kilometres.</p>
ND.4.11	The Applicant	<p>East Midlands Airport</p> <p>The Applicant's answer to Question ND. 3.6 [REP7a-002] states that there is 'substantial circumstantial evidence' that in the busy overnight period for cargo operations there is likely to be little if any scope for general cargo operators to overnight at EMA.</p> <p>Would the construction of 3 new stands outside the new UPS cargo handling facility at EMA not be evidence of the need for new stands for UPS adjacent to their new facility to serve new UPS needs, as opposed to 'substantial circumstantial evidence' that there is little if any scope for general cargo operators to overnight at EMA?</p>

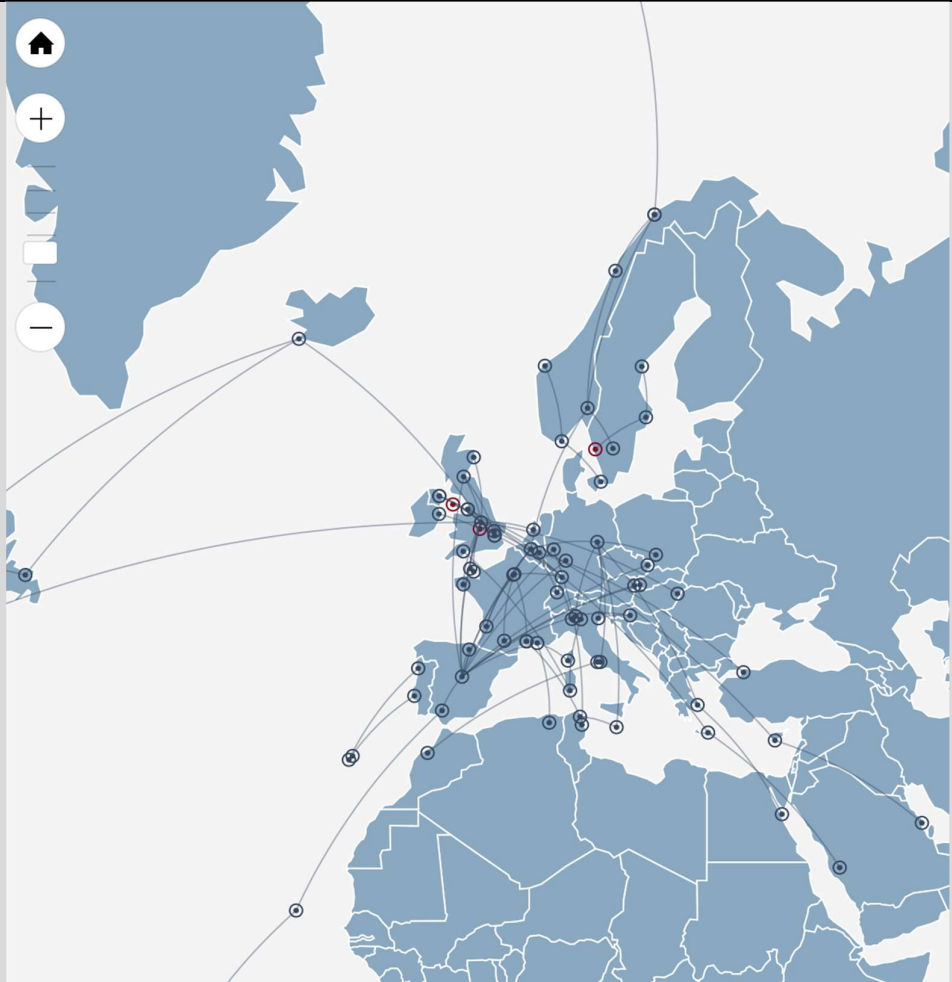
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		<p>Applicant's Response:</p> <p>The Applicant's response to ND.3.6 that the 3 new stands for UPS were likely to indicate constraints in capacity and were likely to be occupied by UPS based aircraft overnight. This means that there is likely to be little, if any, scope for general cargo operators to overnight at EMA. There is no evidence to suggest any change in the nature of operations at EMA. In fact the evidence suggests the contrary:</p> <ul style="list-style-type: none"> • The nature of integrator operations at East Midlands where there is a lot of transshipment between aircraft means that inbound and outbound planes are both on the ground at once in the night period, concurrent with passenger aircraft being parked overnights; • Visual observation by the project team; • Slot congestion assessment from IATA which has East Midlands as a Level 2 Amber airport; and • DfT recording East Midlands as at 79% utilisation in 2016 in its 2017 forecast report. <p>The foregoing all points to heavy stand utilisation at night and therefore minimal scope for General Cargo aircraft wishing to base at East Midlands and park overnight.</p>
ND.4.12	The Applicant	<p>East Midlands Airport</p> <p>Appendix 3 of the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011] includes a copy of the Manchester Airport Group Annual Report and Accounts for the Year Ended 31 March 2018. This document states that in the year covered by the report "<i>West Atlantic, a major air cargo company</i>" was welcomed to the Airport, as well as referring to the development of the Segro East Midlands Gateway, a "<i>big new rail freight hub just north of the airport</i>", which in their view will "<i>encourage further synergies and growth</i>". Question ND.2.12 [PD-010b] referred to evidence regarding the construction of a 500,000ft² warehouse and sorting centre for Amazon on this site.</p> <p>i. What freight services do West Atlantic provide and at what scale?</p>

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		<p>ii. Provide any comments on the construction of the SEGRO rail freight close to the Airport [https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/east-midlands-gateway-rail-freight-interchange/], and how this may or may not consolidate logistics and assist air freight in the Midlands.</p>
		<p>Applicant's Response:</p> <p>i. West Atlantic Group is a holding company for two European cargo airlines, West Air Sweden and West Atlantic UK. It has its head office in Gothenburg and 4 principal European bases, one of which is East Midlands airport.</p> <p>West Atlantic UK Limited, (Formerly Atlantic Airlines Ltd) is the UK component of the Group. It operates contract and ad hoc cargo flights worldwide, using a fleet composed of Boeing 737 aircraft. The airline specialises in the transport of dangerous goods and radioactive products and other specialist aerial work, including oil spill response, dispersant spraying and icing trials, but the prime activity of the business is the supply and operating of aircraft to night-time freight integrators and consolidators and the operation of ad hoc air charters on behalf of other airlines, freight brokers and forwarders. It serves up to 50 European destinations daily using its fleet consists of 24 B737 737-300 / 400 / 800 Freighter Aircraft (see map below).</p>

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		<p>The extent of the services they provide at East Midlands is unknown, but they also represent the kind of operator Manston will be seeking to attract.</p> <p>ii. The SEGRO development is being marketed as a strategic and 'multi-modal' logistics hub; it would be logical therefore, especially for a facility of its size for it to have a rail connection as well as good road access. The modal transfer most typical of airfreight is aircraft to truck or van; air cargo to rail is unusual and not undertaken in substantial volumes anywhere. Where air and rail come together as part of a freight hub it is so that users of the facility can choose the most suitable mode for them rather than because they want to tranship between modes.</p> <p>Interestingly, there is no direct access from the SEGRO site to the airport land or airside and thus no scope for either aircraft to pull onto apron from which they could be unloaded directly into adjacent cargo sheds, nor even trucked from one side of the airfield to access landside in its vicinity. Therefore, if the large logistics operations are to have any integration with freight movements through the airport it will be unloaded on the south side of the airfield, taken landside and trucked round on the adjacent trunk road network. This all suggests that SEGRO did not envisage air freight forming a sufficiently large part of the goods being moved through its development to require direct access and neither do its occupiers, including Khune and Nagel and Amazon. It also appears that there would be insufficient space to develop a full taxiway and apron system between the runway and the Segro development.</p>
ND.4.13	The Applicant	<p>East Midlands/ Stansted Airports</p> <p>An IP [REP3-168] presents an analysis of the seasonality of airport usage in the UK, considering that East Midlands and Stansted (and to a lesser extent, Heathrow) have available capacity at the point of peak cargo ATM's and that their usage by freighters is not restricted by capacity, it is restricted by demand. Appendix A provides the full breakdown of their calculations.</p> <p>Comment on the above representation.</p>
		Applicant's Response:

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		<p>The representation itself is long and rambling and replicates lots of evidence offered elsewhere; it is full of misunderstandings about the industry, misplaced assumptions and shows a lack of critical discernment by relying heavily on other sources that are themselves unreliable and have already been debated on an unqualified basis.</p> <ul style="list-style-type: none"> • A good example of this is the respondent's assertion that the dedicated freighter market in the UK is in long term permanent decline, even though this relies on • Extrapolation of a short sequence of data relating to a period when slots have been scarce and prioritised for passenger aircraft • The evidence from other benchmark countries which shows the freighter share of the UK market is well below European levels because of the capacity issue and the cross-channel trucking of freight as a result because there is no alternative to take freighters on the South East. <p>The core issue from the representation that the question focuses on, is the seasonality argument the respondent has put forward, notably that at EMA and Stansted during the winter season there is lower slot utilisation for other purposes (mainly passenger services) than during the summer and that this represents a potential capacity resource that can be used for freight obviating the need for some or all of the capacity that Manston might provide. However this suggestions ignores the fact that:</p> <p>Freight is not as seasonal as passenger markets at some smaller airports like EMA or those larger airports where seasonal distribution has yet to flat line like at Heathrow and to a lesser extent Gatwick. Freight carriers will need capacity in the summer when passenger traffic peaks and fewer slots are available as well as in winter. Airports want year-round operations to maximise their efficiency and prefer operators who will bring continuity of service across seasons.</p> <p>Scheduled freight operators therefore need year-round slots because they will not want to duplicate facilities by operating from two different airports at different times of the year; similarly, new and express integrators. There may be some flex in the freight charter market but that is smaller in size and is already happening to some extent.</p>

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		<p>Given the growing level of passenger demand, it is likely seasonality will decrease over time at Stansted as it has at Gatwick and Heathrow as spare slots will get used for other purposes (e.g. ski, summer sun, long haul and short haul routes to other scheduled destinations)</p> <p>There may be less of these kind of pressures at EMA but Manston is aimed at serving freighter operations in London and the South East where the airports are full of filling for freighters, not for the Midlands and North of England which East Midlands is better suited geographically to serve</p> <p>Slots are a precious commodity; if freight carriers could use them at STN and East Midlands they would be already; and as freight volumes continue to grow, such seasonal variations will not meet the industries core needs or the opportunity, and national economic need, to re-capture leaking cross-channel traffic – and only capacity in the right location will do that and Manston is better suited to that than EMA, and Stansted will fill up it winter and shoulder season profiles, and so will be willing to offer even fewer opportunities for increased freighter movements as time goes by.</p>
ND.4.14	The Applicant	<p>Glasgow Prestwick Airport</p> <p>In Deadline 8 responses various Interested Parties note that Prestwick Airport is up for sale by the Scottish Government. Submitted evidence from the Herald newspaper notes that in 2017/18 the Airport made a £7.6m loss and has total liabilities of £46.5m. The ExA understand that Prestwick offers its own handling and fuel sales, as the Applicant plans to do at the Proposed Development.</p> <p>Comment on the above, including on any relevance or similarities between the proposed development and Prestwick Airport.</p>
		Applicant's Response:

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		<p>As noted above, Prestwick is loss making but the issue there does not appear to be yield related (based on the published accounts) but one of volume. Much of the freight volume that flowed through Prestwick when it was profitable was dependent on industries that no longer exist in the catchment.</p> <p>The accounts for Prestwick to March 2018 show that aeronautical revenues (including handling, excluding fuel) were £4.49 per WLU but on closer examination these are £24.03/WLU for freight and £1.21/WLU for passengers. As with Manston's forecast, the value of a freight WLU is much more than that of passenger.</p> <p>Reviewing the published accounts for Prestwick to March 2004, EBITDA was around £4m on revenues of £23m. CAA statistics for calendar year 2003 (skewed by 3 months c.f. the financial year) show passengers at 1,859k and freight at 40k MT thus 2,259k WLU. There is probably no relevance in a detailed analysis/comparison using 15 year old numbers but the key point to be made is that Prestwick was profitable. Furthermore the balance of WLU freight vs. passenger was 18% freight to 82% passenger and, as above, the freight WLU is much more valuable. The forecast for Manston shows an average of 69% freight and 31% passengers once passenger operations commence. One would therefore expect the profitability forecast for Manston to be higher than that achieved by Prestwick due to the differing traffic mix.</p>
ND.4.15	The Applicant	<p>Sustainability</p> <p>The ExA note the Applicant's answer to question ND.3.7 [REP7a-002] concerning the report of the Independent Transport Commission (ITC) and the subject matter of this report, concerning environmental efficiency and not financial efficiency. The report states, in paragraph 4.23 that traditionally:</p> <p><i>"...freight has been carried in the bellies of large passenger aircraft, particularly those operating in and out of hub airports (as these offer opportunities for onward connections and therefore economies of scale). This 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. The use of dedicated freighters is not necessarily inefficient in itself if the loads are high for both the outbound and return legs (demand for freight can often be mono-directional), however these aircraft are usually either conversions of older passenger aircraft or the last aircraft from a given aircraft production line. This means that the rates of technology implementation for dedicated freighter airlines are among the lowest in the industry".</i></p> <p>Do you agree with this statement concerning the environmental efficiency of differing types of freight movements?</p>

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		<p>Applicant's Response:</p> <p>No. The Applicant does not agree with the statement concerning the environmental efficiency of different types of freight. There are a number of assumptions that undermine the report's conclusion in that respect:</p> <p>For example:</p> <ul style="list-style-type: none"> • Adding cargo to a passenger aircraft increases weight and therefore the need for additional fuel and therefore overall fuel burn; • The key comparison required is CO2 per freight tonne per Kilometre and whether 100 tonnes of freight carried in a B777F burns more per KM per unit of freight carried than the marginal additional fuel burn of 10-15 tonnes in the passenger variant. There is no such analysis in the report, which means it is speculation to assume which is favoured. • It is true that in some instances return legs of freighters are empty or underloaded, but it is equally true that the bellies of some passenger planes will also not be fully loaded. • Bellyhold cargo follows the passenger and so may not be taking the most direct route or mix of modes. • The final sentence implies that all cargo aircraft are old and therefore inefficient and '<i>that the rates of technology implementation for dedicated freighter airlines are among the lowest in the industry</i>'; that may be true in some markets (e.g. internally within Africa, Asia and South America), but not for integrators and the leading general cargo and combination carriers flying inter-continently. They are constantly up-grading aircraft to maximise fuel efficiency and minimise maintenance and other operating costs – and for leading carriers like UPS, DHL, Cargolux, Atlas, Amazon Air etc an increasing proportion of their fleet are purpose built and those that aren't are equipped with the latest most fuel-efficient engines, winglets etc when they are converted. <p>There is much in the report which is of value, but its findings need to be treated with care, taking into account context and relevant evidence, the report should not be treated as doctrine or guidance.</p>

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ND.4.16	The Applicant	<p>Sustainability</p> <p>Paragraph 4.24 of the ITC report referred to in question ND.3.7 [REP7a-002] states that:</p> <p><i>“Sustainability for air freight is most likely to be achieved through the use of existing passenger airline hub networks supplemented by large-scale freight aggregators with dedicated aircraft fleets linking logistics hubs. This will minimise the need for extra flights, ensure economies of scale from larger aircraft, and utilise the most modern and efficient technologies available”.</i></p> <p>While acknowledging that the report concerns environmental efficiency and not financial efficiency, in this sense do the terms not overlap? ie does sustainability for air freight not encompass viability?</p> <p>Applicant's Response:</p> <p>No, the report is plainly focuses on environmental efficiency and not financial efficiency. The Applicant recognises that in some contexts the term “sustainability” can encompass environmental, social and economic factors. However, that will not always be the case. The context of the report is key to understanding the scope of the term used by the author.</p> <p>In the context of this report, it is plain that the term sustainability does not include financial efficiency. There are two different issues - one is focused in trying to minimise CO2 emissions, the other is focused on the profitability of which the industry's resources are deployed.</p> <p>The Applicant would agree that a future freight market will likely consist of bellyhold operations to major passenger airports and dedicated freighter fleets congregated at large freight hubs. The Applicant considers that Manston will be one of these.</p>
ND.4.17		<p>Bellyhold and pure freight</p> <p>The Applicant's answer to question ND.3.7 [REP7a-002] states that, with reference to costs of bellyhold versus pure freighters:</p>

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	The Applicant	<p><i>“the Applicant has been pro-actively seeking third party opinions from industry experts who have confirmed two very important points”, that is that “Freighter operators do not differentiate between bellyhold and cargo and hence the impact of belly vs freighter price on decision-making is marginal” and that “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”.</i></p> <p>Provide more evidence on this point, including, if possible, the evidence of the industry experts cited and evidence on the relative cost of freight transport by bellyhold or freighter aircraft.</p>
		<p>Applicant's Response:</p> <p>The Applicant has previously made it clear that it is difficult to obtain direct verifiable empirical evidence on a sufficient scale, over a long enough timescale and at a level of disaggregation to be meaningful. SHP/York appear to have experienced the same difficulty. Charges to consignees is highly sensitive commercial information whose confidentiality is guarded jealously. Only by being a freight forwarder or airline can you have access to the key data base which is controlled by IATA. Data bought even at great cost by third parties is of a form and level of aggregation that does not allow this question to be answered definitively.</p> <p>Rather than try to back work the answer based on unsuitable and not directly relevant data, using assumptions which give answers that are self-fulfilling, as SHP/York have done – and with which we fundamentally disagree, we determined to adopt an approach which focused:</p> <ul style="list-style-type: none"> (a) on obtaining relevant data that we could access and verify – in our case comparative airport charges (which we have made available to the ExA in answering other questions (but can do again if needed), as these are rather than the cost of freight per kilo, are they key to our competitiveness and business plan; and (b) to use Delphic analysis by interviewing key industry figures and experts confidentially to validate our understanding of the key metrics which drive the industries commercial operation. This is sometimes referred to as Primary or

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		<p>Professional Insight and is commonly used in private investing as a way of capturing expert knowledge and insight quickly.</p> <p>For (b) to be effective it is essential that confidentiality is maintained. It was through this process the Applicant learnt that prices offered to consignees tend not to differ substantially if at all per se between space in the bellyhold of a passenger aircraft and on a freighter for the same journey. This is especially the case for combination carriers but also applies to other players in the market (non-combination passenger carriers and general cargo operators), while integrators do charge more for the security and reliability of the vertical handling system (i.e. all within one company) and speed. So while some major disjunction between demand and available capacity could encourage some form of price signal, rather it is the core product offer including: scheduling, speed and efficiency of the transport process, reliability, security, the size of the consignment or the need for specialist handling, global connectivity and the efficiency of ground handling and trucking operations which are the big drivers of choice between bellyhold and dedicated freighters. Price is a secondary and marginal consideration, something which seems to fit the much more balanced bellyhold vs freighter markets in other EU countries. The UK is the outlier here because of its capacity shortage, not because it is cheaper to truck cargo to other hubs.</p>
ND.4.19	The Applicant	<p>Forecasts</p> <p>The Applicant's answer to question ND.3.9 [REP7a-002] states that, in answer to a point made by SHP concerning information contained within the Azimuth report on tonnage on integrator flights as 100% outbound with return of 20%, that York Aviation [on behalf of SHP] are incorrect, with the Azimuth report [REP-085] showing the primary leg as inbound and the 20% figure applied to outbound tonnage.</p> <p>Paragraph 3.2.3 of Volume III of the Azimuth Report states that in terms of imports/exports and backloads, the following assumptions and calculations have been used:</p> <p><i>"- Integrator movements – 100% outbound with a backload (import) calculation of 20% included in Years 2 and 3, rising by an additional 5% every two years</i> <i>- Integrator feeders – 100% inbound (import) traffic with 10% backload possibility added to Year 5, 15% to Year 9, and 20% thereafter"</i></p>

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		<p>SHP also state that the integrator feeder aircraft, assumed to be ATR-72s are the smallest and lightest aircraft included in the proposed fleet mix, and these would be unsuitable for the e-commerce integrator use now proposed.</p> <p>i. Does paragraph 3.2.3 of Volume 3 of the Azimuth Report state that integrator movements are 100% outbound, with imports of 20% for years 2 and 3, rising by 5% every two years?</p> <p>100% import traffic on integrator feeders with 100% outbound on integrator movements implies a hub model is proposed.</p> <p>ii. Is this correct?</p> <p>The use of the proposed development as a centre for an e-commerce integrator for pre-labelled packages or to fulfilment centres for re-stocking appears to show a different business model to a hub, with primarily imports being proposed.</p> <p>iii. Would you agree with this view?</p> <p>iv. Would ATR-72s be suitable for importing to an e-commerce integrators of the type proposed?</p> <p>v. Comment on any changes to the assessment of any effects in the Environmental Statement your above answers may prompt.</p>
		<p>Applicant's Response:</p> <p>i. Yes</p> <p>ii. There is an error in the narrative in the Azimuth Report. This should read:</p> <p><i>100% inbound with a backload (export) calculation of 20% included in Years 2 and 3, rising by an additional 5% every two years.</i></p> <p>It should be noted that the figures provided are for inbound loads with smaller outbound loads.</p> <p>iii. Yes</p>

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		<p>iv. This is an indicative aircraft. Clearly a smaller type aircraft would be used as a feeder for long haul e-commerce integrators and this is considered a suitable type for modelling purposes.</p> <p>v. No changes are required. In any event, the noise mitigation plan now includes a noise contour area cap which limits the effects of noise to those assessed in the environmental statement.</p>
ND.4.20	The Applicant	<p>Forecasts</p> <p>The Applicant's answer to question ND.3.11 states that 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. SHP state in relation to this that "<i>Insofar as the ExA has been told that the ES forecasts are directly taken from the Azimuth Report, the 'forecasts' are entirely dependent on the assumed types and number of aircraft and the carriers as set out. If, as is now clear, the carriers, aircraft types and routes would be different, the 'bottom up' forecasts would need to be completely reworked from first principles.</i>"</p> <p>Comment on the above.</p> <p>Applicant's Response:</p> <p>The Applicant does not accept that the carriers, aircraft types and routes are different from the forecasts originally presented. In any event, the noise mitigation plan now includes a noise contour area cap which limits the effects of noise to those assessed in the environmental statement.</p>
ND.4.21	The Applicant	<p>Freight and trucking</p> <p>At Compulsory Acquisition Hearing 2 [EV-018] held on 4 June 2019, it was stated by the Applicant that information sourced from Securitas considered that 2 million tonnes of freight is currently flown to northern European airports which is then trucked to the UK, of which variously 40% or 20% could be attracted to fly to Manston instead.</p> <p>Provide further information and evidence on this point, including evidence from Securitas.</p>

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		<p>Applicant's Response:</p> <p>On the 16th June, Azimuth Interviewed the Securitas Operations Manager - Aviation. The findings from this meeting are reported in Volume II of the Azimuth Report. Subsequent meetings between the Applicant and Securitas were held, including a visit to Liège Airport. During the Azimuth interview, Securitas talked about delays and the transfer of freight to European airports due to security checking issues in the UK. They estimated that between 30 and 120 trucks were dispatched from Swissport Manchester and Heathrow each day (at the time of the interview in 2016) for security checking outsized freight. They estimated that if this situation is repeated at other airports, the number of truck movements per year involved is substantial, potentially in the region of 50,000 per year. The Securitas interviewee also stated that in the season, 14 pallets of fish are air freighted to Dubai per fortnight as well as twice-daily flights for spider crabs</p>
ND.4.23	The Applicant	<p>Forecasts</p> <p>Paragraphs 67-68 of the Northpoint Report [REP4-031] states that the model used for the report has functional limitations, namely that it does not use differential rates for bellyhold, express and ordinary freight, it does not examine aircraft movements, it does not look at the scope for migrating between type of carrier (eg bellyhold to freighter) and therefore between airports pairs; and it does not examine the impact of price because it is primarily interested in the issue of capacity. It states that the Applicant is building a more complex model capable of examining the impact of these factors as part of its ongoing business and financial modelling, but it incorporates a range of commercially sensitive assumptions which it is not appropriate to publish during this stage of the project's development.</p> <p>York Aviation on behalf of SHP [Appendix NOPS.5.1 to REP5-029] state that the functional limitations of the Northpoint model outlined above are the reasons why the proposed development would struggle to penetrate the market to any material extent.</p> <p>Comment on the above.</p>

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		<p>Applicant's Response:</p> <p>The Applicant completely disagrees with York Aviation. The purpose of outlining the limitations of the model used was not to suggest it was unsuitable or did not offer clear insights, but so as to explain the limitations of the assessment, as is normal practice for any assessment. The model was designed to be robust and transparent:</p> <ul style="list-style-type: none"> • it looks solely at the core issue of the emerging demand-capacity gap over time, • it provides simple rather than complex black box calculations which provide less verifiable inputs and sets out with clear, sourced input assumptions, • it is transparent so that it is clear what changes to which variables have the most significant effects relative to key thresholds • it is capable of examining multiple scenarios and years <p>As to the specific criticisms named by York aviation:</p> <ul style="list-style-type: none"> • The Applicant does not accept that there are materially differential rates for bellyhold vs freighters per se (other factors than price alone determine their relative use) – price is less important than capacity. • Manston is not looking to major in the express market, so there is no need for differentiation. • Aircraft movements are not relevant when there are capacity constraints at existing airports, and no such constraints at Manston and when average loads per freighter ATM have not changed radically over a long period. • Migrating between type of carrier (e.g. bellyhold to freighter) and therefore between airports pairs is theoretical, with no clear evidence that it is a plausible outcome in a constrained market; and even if it were it could of course work both ways. <p>The Applicant has developed a very transparent and useful tool, which clearly highlights the circumstances in which there will be a significant capacity gap that can only partially be filled by EMA and other airports outside the South East and which reveals that there is a demonstrable demand at or above the level forecast by Azimuth. The more complicated commercial model will</p>

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		allow the Applicant to investigate more complex variables that impact on the airport's business plan; pricing and marketing strategies, but it will not materially change the Applicant's conclusions and would not be appropriate or necessary at this stage of the process.
ND.4.24	The Applicant	<p>Chicago Rockford Airport</p> <p>The Applicant's answer to question ND.3.20 [REP7a-002] notes that its analysis of airport charges at Chicago Rockford Airport (RFD) demonstrates that the airport is charging its customers at well below comparable rates in the UK, Europe and Canada, with reasons cited for this including local competition with airports with capacity, the public ownership of the airport and unknown subsidy/tax break issues.</p> <p>i. Do you have more information over this 'analysis of airport charges' available?</p> <p>ii. At least initially, would the Proposed Development also not be required to ensure that costs at Manston were well below comparable rates, to attract both freight and passenger traffic?</p> <p>Applicant's Response:</p> <p>i. Yes, the Applicant has the underlying data to the chart and similar data for other aircraft types.</p> <p>ii. This is too one dimensional of a reading of the position. In a competitive market where there is no shortage of capacity (as in the US, places like Rockford have needed to be relatively low pricing). Similarly, were that the position in the UK Manston, as a new entrant, might indeed need to price to attract traffic from incumbents. But in the current market where there are few if any freighter slots, little additional bellyhold capacity, large amounts of traffic leaking across the channel, that may not reflect the appropriate pricing strategy for Manston which will be offering a cost effective premium service offering easily accessible capacity, flexibility to scheduling, modern and efficient handling, time savings relative to the EU and EMA for leaking traffic etc. With this in mind the Applicant does not envisage having to offer bargain basement prices to attract freight carriers.</p>

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		In terms of passenger markets the aim is to secure a niche serving the local market; incentives will be needed to secure commitment by interested airlines, but as Southend and Southampton have found not at very low costs, because the charges at the bigger South East airports are so high. The Applicant believes we can secure effective rates which will increase over time.
ND.4.25	The Applicant	<p>Heathrow</p> <p>The Applicant's answer to question ND.3.21 [REP7a-002] states that Heathrow's 2018 Scheme Development Report makes it clear that 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.</p> <p>York Aviation on behalf of SHP [REP8-035] state that whilst Heathrow did identify closure of Terminal 4 as an option considered for accommodating freight growth, the document setting out 'Our Emerging Plans' made clear that this was not the preferred option, with the Terminal 4 site not required for expansion of cargo facilities per se but, should the Terminal close for other reasons, the site might be suitable for a rail interchange to create a multimodal freight hub. They state therefore that this is an additional option but not a core requirement to enable the increased cargo volumes to be handled.</p> <p>Comment on the above.</p> <p>Applicant's Response:</p> <p>York Aviation's response refers to a summary document not the detailed option analysis which underpins it in the Scheme Development Plan. The Jan 2018 version of that document made clear that Heathrow had not yet reached a conclusion on how their target throughput of 3MT could be accommodated as they had not yet found options that would achieve that level other than if terminal 4 were demolished.</p> <p>As this now seems unlikely before 2040, if at all, according to LHRs latest plans published for consultation, it would be wrong to say that HAL have yet to definitively determine how to handle the target throughput. As the latest version of the Scheme Development Plan makes clear, Heathrow are still consulting on options that would get them to between 2.8 and 3.2MT theoretical capacity, of which a maximum of 85% would be used. This implies a throughput capability of 2.38MT to 2.72MT; and</p>

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		<p>while it may be with scheme optimisation they can improve on this, it is very clear that 3MT throughput of cargo at LHR is not by any means guaranteed.</p> <p>Furthermore, LHR will take some time to reach that level of throughput as slots will be released gradually over a 15-year period (i.e. beyond 2040) not all at once. This means that the demand gap in the South East between 2026 and 2040 will be much larger than even the Applicant had hitherto anticipated and the window of opportunity for Manston to mature into its complementary freight hub role for the region will be substantially longer than previously stated.</p>
ND.4.26	The Applicant	<p>Forecasts</p> <p>The Applicant's answer to question ND.2.15 includes a graphic produced by Wells Fargo considering the accuracy of Boeing's forecasts in the long term. This graphic appears to show that the 1997 forecast of 2017 total fleet in use to actual figures and traffic growth has been fairly accurate, but that the 1997 forecast for freighters overstated the actual 2017 numbers by a considerable number. York Aviation on behalf of SHP [REP6-053] state that the Boeing 2018 forecasts show a predicted reduction in freight tonne kilometres on freighters.</p> <p>Comment on the above with reference to the proposed development.</p> <p>Applicant's Response:</p> <p>The graphic shows 1,810 in the fleet vs 2,359 projected. However, their new forecasts are re-based to reflect this historic under-performance and in this case will need to reflect the arrival of the e-commerce integrators who have already started to operate an additional 150 freighters since 2017, with the same number on order/being converted for introduction over the next two years. The Applicant does not think that the accuracy of Boeings forecasts in this one segment of the market indicate that their re-based forecasts will be anything other than accurate.</p>

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		<p>SHP have predicted a reduction, but as a percentage of total freight tonne kilometres, it is very small (i.e. no more than 2%, from 53% to 51%) see below. This needs to be seen in the context of a predicted 70% increase in freighters overall – i.e much bigger volumes than now. As such, the predicted reduction is insignificant.</p> <p>DEDICATED FREIGHTERS CARRY—AND WILL CONTINUE TO CARRY—MORE THAN HALF OF AIR CARGO TRAFFIC</p> <p>World RTKs carried on freighters</p> <p>The chart displays the percentage of World RTKs carried on freighters from 2000 to 2037. The y-axis ranges from 0% to 100% in 10% increments. The x-axis shows years from 2000 to 2016, with a forecast for 2037. A horizontal line is drawn at 50%. The bars show a steady increase from approximately 55% in 2000 to 60% in 2016. The forecast for 2037 is approximately 51%.</p> <p>Source: Boeing</p>
ND.4.27	The Applicant	<p>Jet fuel</p> <p>The Applicant's answer to question ND.3.13 [REP7a-002] details the differences in jet fuel price since 1999, considering that this shows considerable fluctuations which do not seem to correspond to either increases or decreases in trucking or air freight, indicating that the fuel price is not the primary reason for the propensity to truck freight to or from non-UK airports. However, the graph provided, while showing considerable fluctuations, appears to show that the price of jet fuel has, in general, not been as</p>

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		<p>low as the period from April 1999 to around April 2003 since then, with only a drop around early 2016 being close to this price range. The scale on the 'y' axis of the graph shows that these price differences are substantial – from a low of around \$0.39 per Gallon in April 1999 to a high of some \$3.85 in April 2008, and around \$1.87 in April 2019; considerably higher than the price of some \$0.76 in April 2000.</p> <p>i. Do you agree with the ExA's interpretation above? If not, provide reasons why.</p> <p>ii. Is there a threshold fuel price at which trucking is more likely to take place than air freighting goods?</p>
		<p>Applicant's Response:</p> <p>i. The position is more complex than the analysis put forward because diesel costs will vary with tax rates and refining costs within and across Europe (it is regularly possible to see 10-15% price differences in fuel costs in different parts of the UK and far higher if Motorway Service Areas are taken into account); the graph that has been analysed does not take into account changes in currency rates or other price of travel costs like vignettes and tolls. According to the source used by the Applicant [https://thetruckexpert.co.uk/truck-operating-costs-report-for-2018/], which does not include costs associated with international travel to and from Europe. The cost per KM for a larger truck is c £1/km. For a run to another airport in Europe, the cost is £500-800, plus cross-channel costs (say a further (£300-600) making £800-1400 in total (handling excluded)). With a 25-tonne load that makes a cost of £3.25-4.75 a tonne or between 3-5 pence per kilo. Even with a variation of the kind the graph show, with that being a 20% or less of overall costs, the change in oil price is likely to have such marginal impact on the per kilo price that it will not be responsible for major behavioural changes such as trucking vs air.</p> <p>As ND3.13 indicated the choice between modes is much more related to factors such as speed, security, reliability, journey distance, perishability of product etc.</p> <p>ii. There is known to be a relationship between marine and air pricing depending on capacity and routing, but that is because with the exception of express or integrator freight (which is more time sensitive) most air freight is usually associated with long haul routes, whereas trucks tend to be competitive on shorter journeys of 300-1500 miles. On those routes, if it isn't</p>

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		urgent/perishable, or requiring special handling it is almost certainly already on a truck. A shift from air to truck is not going to be determined by truck prices.
ND.4.28	The Applicant	<p>Stansted Airport</p> <p>The Applicant's answer to question ND.2.22 [REP6-013] counts 3 dedicated stands for Code E aircraft and three for Code E aircraft at Stansted Airport, based on the information provided by SHP in their DL4 response [REP4-065].</p> <p>Has your calculation taken account of the additional cargo apron shown to the east of the cargo warehouses?</p> <p>Applicant's Response:</p> <p>The Applicant's comments were in relation to the dedicated stands associated with the World Cargo Centre, where there is scope for three Code E and three Code C. The Applicant was not referring to the stands associated with Fedex Station which appear to offer 4 Code D stands dedicated to FedEx (who operate B767-300's and B737-800F's into and out of Stansted). The Applicant's N2.22 answer clearly discusses these different facilities separately.</p> <p>As such, the Applicant's response to ND.2.22 took account of the additional cargo apron shown to the east of the cargo warehouse.</p>
ND.4.29	The Applicant	<p>Permitted Development</p> <p>Question ND2.28 [REP6-013] referred to permitted development rights (PDRs) for airports. The Applicant's answer to this question referred to 15% increments. Question ND.3.16 [REP7a-002] stated that the 15% exceedance limit solely relates to passenger terminals, and therefore not operational buildings and asked if the Applicant wished to add to or amend their previous answer. The Applicant's answer to ND.3.16 acknowledges that the 15% limit only applies to passenger terminals, but states that PDRs do not apply to operational buildings greater than four metres in height or 200m³ in capacity. However, the reference in The Town and Country Planning (General Permitted Development) (England) Order 2015 to 4 metres in height or 200m³ in capacity only applies to development which is urgently required for the efficient running of the airport and</p>

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		<p>for which no consultation is required with the local planning authority. PDRs remain for other operational buildings not urgently required for the efficient running of the airport, subject to the condition that the airport operator consults the local planning authority prior to carrying out the development. The form of such consultation is not described in the Order.</p> <p>Given this, do you wish to add to or amend your response on this matter?</p>
		<p>Applicant's Response:</p> <p>The Applicant agrees with the ExA's interpretation of Class F (Development at an Airport), Part 8, Schedule 2 of The Town and Country Planning (General Permitted Development)(England) Order 2015. However, they maintain that other UK airports could not simply take advantage of PDRs to accommodate pure freight flights by creating new capacity that would allow them to cater for the same throughput as is proposed at Manston for those other reasons set out in the Applicant's response to the ExA's question ND.3.16 (that do not relate to the need for buildings) including the length of runways at other airports which could not be extended using PDRs.</p>
ND.4.30	The Applicant	<p>Forecasts</p> <p>The Applicant's answer to question ND.3.16 states that growth at Doncaster Sheffield has been factored into the Applicant's forecasts.</p> <p>Was growth at Doncaster Sheffield, Stansted, East Midlands Airport and the effect of the third runway at Heathrow taken into account in the Azimuth forecasts?</p>
		<p>Applicant's Response:</p> <p>The Azimuth Report looked particularly at demand in the South East and therefore considered growth at Stansted particularly. Growth at East Midlands was also included but not growth (in terms of infrastructure) at Doncaster Sheffield. The Applicant had some evidence that Doncaster is being used when no slots (landing/take off as well as suitable warehousing capacity etc.) were available in the South East, particularly evidence provided by Sound Moves who stated that they would have preferred to land</p>

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		in the South East if capacity had been available but used Doncaster instead. The Applicant's forecasts are therefore inclusive of demand throughout the UK. This growth does not undermine the Applicant's forecast.
ND.4.31	The Applicant	<p>Passenger forecasts</p> <p>The Applicant's answer to question ND.2.35 [REP6-013] compares the passenger forecasts for the proposed development to those produced by Avia Solutions in September 2016. York Aviation on behalf of SHP [REP7-014] consider that the Avia Solutions forecast did not take account of greater infrastructure at Gatwick and Luton, which would largely remove, in their view, the 'spill' component of the forecasts. They are also of the view that the proposed night restrictions would deter passenger airlines being based at the proposed development, citing the lack of based Ryanair aircraft at Exeter in support of this view. Further restrictions on passenger flights are now proposed between 9am and 11.30am by the Applicant.</p> <p>i. Respond to the above points.</p> <p>ii. Have the proposed restrictions on flight times at the Proposed Development been communicated to potential airlines?</p> <p>Applicant's Response:</p> <p>i. The air passenger forecasts already anticipated a new runway at Heathrow and expansion of other South East airports (including Southend), within the limits of their core infrastructure capacity (in line with Davies Commission and DfT forecasts), before the Government's making best use policy announcement in 2018. The focus of this scheme is on serving the East and mid-Kent catchment, which is the most remote in the home counties from other substantive airports. Southend provides the same complementary role to Stansted in the Essex and North East London that Manston will play to Gatwick in the Kent and South East London market. The same complimentary function is played by Southampton and Bournemouth in relation to Heathrow for South Coast catchment.</p> <p>On that basis, the Applicant examined a number of business, VFR and outbound leisure routes that might be viable based on the core catchment with small contributions from the floating and extended London catchments, if flown by airlines with the right</p>

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		<p>regional turbo-prop, narrow-bodied low cost and charter equipment. We also considered the market for inbound Kent, London and South East regional visitors and niche markets like Dover Cruise ships and came to a view on what a route build-up and based aircraft proposition would like before having initial indicative high-level discussions with key carriers.</p> <p>In that sense the co-incidence of the Applicant's anticipated outturn market with Avia Solutions passenger forecasts, drawn up using a different methodology, is co-incidental, but points to a broadly consistent view of the size of the market. In a geographically segmented market for air core destinations that exists in the South East (i.e. the same routes are replicated at airports serving different parts of London and the South East), the Applicant believes it will be largely independent of additional incremental capacity added elsewhere. An additional 12 million passengers at Luton and Gatwick respectively, most of which will be on routes that are currently under or un-served, will not be competing with routes to core destinations accessible from an airport within 45 minutes of where its users live. This is on the assumption that the Luton and Gatwick DCOs (a) actually come forward and (b) are approved, neither of which is guaranteed.</p> <p>ii. The Applicant does not agree with SHP's view that the proposed night restrictions will impact on the ability to attract carriers to Manston. The assumption does not bear close scrutiny. Manston is 45-50 minutes flying time closer to many European low cost markets than Exeter (domestic flights tend to start later and finish earlier), which would make equivalent operating windows half an hour later in the morning and earlier in the evening. It will also be outside the London TMA meaning that air traffic delays are less likely and will not need to fit around a long-standing airline on a poorly designed airport. The Applicant's contacts with the airlines concerned remain positive, but confidential.</p>

Ns.4 Noise and Vibration		
Ns.4.1	The Applicant	<p>Noise Contour Area Cap</p> <p>i. What is the “noise contour area cap”?</p> <p>ii. Where is this “noise contour area cap” set out, described or drawn?</p> <p>iii. How would the Applicant know if this “noise contour area cap” were ever to be breached given it plans to install just a few noise monitors, several kilometres away from the airport?</p> <p>iv. What would happen if this “noise contour area cap” were breached – what would be the consequential penalty?</p> <hr/> <p>Applicant's Response:</p> <p>Before answering the ExA's questions it is necessary to explain the way contour caps work.</p> <p>Para 2.5 of CAA CAP1506 (Survey of Noise Attitudes: Aircraft - 'the SONA report') states that:</p> <p><i>“LAeq,16h was adopted in 1990 on the basis of the 1982 Aircraft Noise Index Study, ANIS1. <u>The reference time period is an average summer day, from June 16th to September 15th inclusive and from 7am to 11pm.</u> The summer day period dates back to the recommendations in the 1963 Wilson Committee report on aircraft noise, which recommended measuring noise exposure during the summer months because people were more likely to have windows open, be outdoors, and aviation activity is at its most intense. In addition to these reasons, warmer summer temperatures adversely affect aircraft performance and lead to increased noise exposure compared to other times of the year. The time period of 7am to 11pm, recognises that daytime and night-time noise exposure can lead to quite different reactions in people (principally daytime annoyance and night-time sleep disturbance) and thus it is better to define day and night noise exposure separately.”</i>(emphasis added)</p> <p>Thus noise contours are derived for the 'average summer day'; that average being based on the aircraft flown during the 92 day summer period (mid-June to mid-September). For Manston as a cargo airport the whole year is proposed to be used because</p>

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	<p>the summer period is not necessarily the peak given that it is to be a predominantly cargo airport. It is also important to recognise that there is also an annual ATM limit in operation.</p> <p>There are, therefore, two types of contour that can be calculated using the relevant noise model (ANCOM / INM, now replaced by AEDT), being a 'prospective contour' of the aircraft expected to be flown, and the 'actual contour' of the aircraft that actually flew.</p> <p>A prospective contour allows an airport operator to know beforehand whether the airport will comply with a noise contour cap and, if not, adjust its proposed 'movements' (i.e. number and type of aircraft) accordingly.</p> <p>The airport operator will forecast a 'prospective contour' each year and report that to TDC in order to demonstrate that it will comply with the noise contour cap requirement. It is that 'prospective contour' that will be the control mechanism and the airport operator would have to operate within its forecast of numbers and types of aircraft, reflected in paragraph 1.12 of the Noise Mitigation Plan TR020002/D9/2.4. In addition, the airport operator should report the 'actual contour' after the event. If this exceeded either contour then a fine would be paid to the Community Trust Fund proportionate to the level of the exceedance, as set out in paragraph 7.1.5 of the Noise Mitigation Plan.</p> <p>Thus in response to the ExA's questions:</p> <p>i. Based on the above, the 'noise contour area cap' would be the area within which a 'prospective contour' for the proposed movements (i.e. number and type of aircraft) for the next year. If it didn't, then the airport operator would have to adjust the proposed movements until it did. This 'prospective contour' would be based on a standard easterly / westerly mode split (i.e. the average for the last (say) 5 years). This prospective contour would be produced by the airport operator using a specified noise model (ANCON or AEDT) and the output reported to TDC a specified period before the start of the year to demonstrate compliance with the requirement. In addition, the 'actual contours' would also reported to TDC within three months after the year.</p>
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		<p>ii. The contour cap area is not “described” or “drawn” as it has to be flexible to allow for changing circumstances; including prevailing wind direction in any year, which affects the easterly / westerly split and, therefore, the shape of a contour.</p> <p>The ‘area’ of the contour cap at para 1.11 of the Noise Mitigation Plan (REP6-021) is 35.8 sq km for the 50 dBA LAeq 16hr (daytime) contour and is 47.4 sq km for the 40 dBA LAeq 8hr (night-time) contour. This is an ‘area’ that is intended to be used as an ‘area cap’ for any ‘prospective contour’ produced under the mechanism described above.</p> <p>iii. A noise contour cap mechanism is not controlled by monitors; it is controlled by running an air noise model with the proposed movements for the year to produce a ‘prospective contour’ and then checking that the ‘area’ of that contour is less than the number of square kilometres in the noise contour cap (in this case 35.8 sq km for the 50 dBA LAeq 16hr contour and 47.4 sq km for the 40 dBA LAeq 8hr contour); similarly with the actual movements.</p> <p>This cannot be checked or verified by ‘monitors’ because it is a statistical average contour, which can be calculated from the flights that are proposed to be or actually were flown. A monitor can only measure discrete individual noise events; not a theoretical average.</p> <p>iv. The advantage of a ‘prospective contour’, rather than just relying on an ‘actual contour’, is that you prevent any breach in advance. In other words, if your proposed movements for the year produce a ‘prospective contour’ that is larger than the square kilometres in the cap, then you cannot fly that many / type of aircraft. It would then be necessary to adjust the number / type of aircraft to be flown.</p> <p>If the ‘prospective contour’ was compliant but the ‘actual contour’ was nevertheless greater than the cap, then that would result in a fine being paid into the Community Trust Fund, by virtue of the Noise Mitigation Plan submitted at this deadline (TR020002/D9/2.4).</p>
Ns.4.2		<p>Noise insulation and ventilation for schools</p> <p>In the Applicant’s submission at Deadline 8 it states at page 5:</p>

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	<p>The Applicant</p> <p>KCC</p> <p>TDC</p>	<p><i>"...The Applicant noted the clarifications requested surrounding uncertainties in the noise modelling. The Applicant confirmed that if a 2dB increase was applied to predicted levels as a result of uncertainties, then a number of schools could exceed the 60dB threshold that would require the Applicant to provide noise insulation and mitigation. Such an exceedance would only be likely to occur approximately 20 years after the project commences operations.</i></p> <p><i>2.35 The ExA questioned whether there would be adequate funds available within the Community Fund (CF) to provide noise insulation and ventilation to affected schools. The Applicant highlighted that all schools should be assessed on a case-by-case basis in order that the needs of individual schools can be taken into account rather than offering a one size-fits-all solution. Nonetheless, the Applicant has now committed to providing £139,000 per year for affected schools for 20 years, to be spent on noise insulation or other measures to benefit pupils, based on 1% of the per-pupil funding of the schools concerned and to be distributed to each one annually, as reflected in the revised s106 agreement.</i></p> <p><i>2.36 The Applicant emphasised that it does not underestimate the importance of noise control for schools and the school's liaison committee will be a further means of engaging with schools that have not taken the opportunity to comment during the DCO examination process."</i></p> <p>i. Given the +/-1dB uncertainty for measurements and for calculations which schools are likely to be eligible for the insulation/ ventilation scheme?</p> <p>ii. If schools became eligible what would the cost implications be?</p> <p>iii. What is KCC's and TDC's view?</p> <p>Applicant's Response:</p> <p>i. The Examining Authority is referred to the Applicant's answer to Ns.2.16 which considered a distorted timetable where an increased number of flights immediately after the night-time ban expires. In this scenario, the Chatham & Clarendon Grammar School and the Elms Nursery School may reach the 60dB_{L_{Aeq}} precautionary level and therefore be eligible for noise insulation, if a +/-1dB uncertainty is considered (although this is at 2200-2300, when the schools will be closed).</p> <p>ii. In the event that a school does exceed 60dB, it will automatically become eligible for noise insulation and ventilation under the noise mitigation plan however this is not predicted to occur. However, as noted in the Applicant's written summary of oral submission put at ISH6 [REP8-015], all schools should be assessed on a case-by-case basis in order that the needs of individual schools can be taken into account rather than offering a one-size-fits-all solution. Nonetheless, the Applicant has now committed</p>
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		to providing £139,000 per year for affected schools for 20 years, to be spent on noise insulation or other measures to benefit pupils, based on 1% of the per-pupil funding of the schools concerned and to be distributed to each one annually, as reflected in the revised Section 106 agreement. As the noise effects will not occur until many years after the airport commences its operations, the build-up in funding during this time should be sufficient to provide the necessary mitigation.
Ns.4.3	The Applicant	<p>Noise contours commissioned from the Civil Aviation Authority by No Night Flights (NNF) 14th June 2019</p> <p>Comment on these contours submitted by NNF at Deadline 8.</p>
		<p>Applicant's Response:</p> <p>An updated version of the Applicant's technical note provided at Deadline 8 [REP8-005] (in response to Clarification Item 27) has been prepared to address differences between the NNF and Applicant's approach and is included in the Appendices to this submission at Appendix Ns.4.3 in TR020002/D9/4WQ/Appendices.</p> <p>In broad terms, the assumptions used by NNF (and Five10Twelve) are not consistent with those used for the ES. The approach used in the ES was based on detailed analysis of likely flight path options and detailed consideration of numerous other factors. The crude approaches adopted by NNF and Five10Twelve are not truly comparable with the approach adopted in the ES which is considered appropriate and robust, as described in chapter 12.6 of the Environmental Statement [APP-034]</p>
Ns.4.4	The Applicant	<p>Noise Mitigation Plan (NMP) and wildlife</p> <p>The REAC [REP7a-012] states at page 48 that the NMP [REP6-021] will control noise on impacts on species.</p> <p>Where is wildlife mentioned in the revised NMP?</p>
		<p>Applicant's Response:</p> <p>The NMP does not specifically mention wildlife however the measures contained within the NMP such as bans on certain aircraft and limitations on flight numbers and noise contours will mitigate noise impacts on ecological receptors. This matter has recently been discussed with Natural England in the context of disturbance at Pegwell Bay where it has been agreed that the noise</p>

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		mitigation plan and the community trust fund, together with the contribution to TDC in respect of biodiversity are all factors in mitigating potential effects on biodiversity interests.
Ns.4.5	The Applicant TDC	<p>Smugglers Leap Caravan Park</p> <p>i. Confirm whether the caravan park homes at Smugglers Leap will be relocated if noise insulation and ventilation cannot be effectively applied?</p> <p>ii. What would be the cost implications of this relocation?</p> <p>iii. Do TDC believe the dDCO should secure this relocation?</p>
		<p>Applicant's Response:</p> <p>i. Yes. As stated in the NMP at paragraph 2.10, in the case of permanently occupied moveable buildings, such as caravans, an assessment will be undertaken to establish the effectiveness of sound insulation. Although unlikely, should it prove impossible to achieve an appropriate level of acoustic performance, the relocation policy in Section 5 of the NMP will apply.</p> <p>ii. Given that the Applicant considers it highly unlikely that residents will need to be relocated a detailed costing exercise has not been undertaken. The cost implications would be, for each caravan park home, the cost of a new such home less the residual value of the existing home. Using the same principle for the relocation of dwellings, the most recent listing of a property on Zoopla was £45,000 in October 2018 (although no sale took place), and the residual value is considered to be half of this.</p>
Ns.4.6	The Applicant TDC KCC	<p>ATM limits during the school day</p> <p>i. Should the DCO secure the limits of ATMs during the school day periods based on the analysis in Table 1 of NS.2.16 to ensure that the potential impacts are not worse than modelled?</p> <p>ii. Can KCC confirm school day hours for primary and secondary schools?</p>
		Applicant's Response:

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		<p>i. No. There will be sufficient controls in place with the noise contour cap, limit of ATMs and the provision of noise insulation and ventilation for schools within the 60dBLAeq, 16hr contour, as set out in the NMP [REP8-004]. A number of additional mitigation measures have also been proposed for schools including a schools' liaison committee, noise insulation fund for seven potentially affected schools (ie. those considered at Ns 2.16) and access to the community trust fund should any other school feel that measures may be required to improve indoor or outdoor environments. The latter fund will be available to schools whether or not they fall within the 60dB contour. It would be disproportionate to impose further restrictions on the operation of the airport given the assessment of noise impacts on schools set out in the ES.</p>
Ns.4.7	The Applicant	<p>Noise Contours</p> <p>Produce a full set of contours for easterly and westerly operations.</p> <p>Applicant's Response:</p> <p>The applicant is not clear on what the ExA means by a 'full' set of contours. The Applicant has already provided the ExA with single mode contours for easterly and westerly operations as part of the following submissions:</p> <ul style="list-style-type: none"> • Applicant's Response to Third Written Questions (Ns.3.2) regarding the potential impact on schools; 50dB LAeq,16Hr single mode noise contours were produced. These are Figures 12.29, 12.30 in Appendix Ns3.2 in the document 'Appendices to Answers to Third Written Questions' [REP7a-003]; • Applicant's Response to Third Written Questions (Ns.3.7) – with respect to identifying respective number of residential properties eligible for noise insulation and ventilation; 63 dB LAeq,16Hr and 55 dB LAeq,8Hr single mode noise contours were produced. These are Figures 12.31, 12.32 in Appendix Ns3.7 in the document 'Appendices to Answers to Third Written Questions' [REP7a-003]. <p>As noted previously, the ES is required to assess the likely significant effects resulting from the operation of the proposed development. Single mode operation is highly unlikely and as such does not form part of the consideration of likely significant effects.</p>

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Ns.4.8	The Applicant	<p>QC2 Limit in NMP</p> <p>Provide a QC2 limit for night time movements, in line with other airports operations at night, rather than a QC4 limit as currently proposed in the NMP.</p> <p>Applicant's Response:</p> <p>This has been added to the revised NMP at TR020002/D9/2.4 (paragraph 1.7).</p>
Ns.4.9	The Applicant TDC	<p>Demarcated Engine Test Area</p> <p>Provide a demarcated engine test area to be set out in a plan attached with the NMP and demonstrate that this is to be located away from noise sensitive receptors and at a location to be agreed with TDC.</p> <p>Applicant's Response:</p> <p>A plan showing the engine testing area is attached to the NMP at TR020002/D9/2.4. This will be at the western end of the runway, with the aeroplane facing east as included in the noise model. Testing will not be part of normal airport operations and is only expected to occur at times where routine maintenance has taken place. It will be for short periods of time and only during daytime hours.</p>
Ns.4.10	The Applicant	<p>Quota Count Night Time</p> <p>The Applicant states in its Deadline 8 submission on page 6 states:</p> <p><i>"The Applicant has considered the night time quota count of 3028 that it is proposing in the light of night time flights now only consisting of late-arriving flights plus, emergency and humanitarian flights and departing flights between 0600 and 0700. It is unlikely that there would be more than five passenger flights departing during that hour, and unlikely that any aircraft with a quota count of greater than 1 would be used. The applicant is therefore willing to reduce the quota count to 2000 (365*5 being</i></p>

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		<p><i>1825), but this would be on the basis that late-arriving, emergency and humanitarian flights would be excluded from that total. If they are to be included as at present, then the Applicant would wish to keep the original figure of 3028."</i></p> <p>Will the Applicant secure this commitment in the dDCO?</p>
		<p>Applicant's Response:</p> <p>The NMP (at TR020002/D9/2.4) has been amended to reflect this, at paragraph 1.8.</p>
Ns.4.11	<p>The Applicant</p> <p>Cogent Land LLP</p>	<p>Manston Green Development</p> <p>The Applicant states in its Deadline 8 submission at page 6:</p> <p><i>"2.47 It should be noted that no properties in the current Manston Green development masterplan fall within the 63dBLAeq,16hr (daytime) or 55d BLAeq,8hr contour (night time) for aircraft noise, as demonstrated by Ns.2.12 Appendix to 2WQ [REP6-014]. Properties do however lie between LOAEL and SOAEL. The Applicant highlighted that Cogent Land LLP is required by its planning permission to provide noise insulation within the building design."</i></p> <p>Would any of the properties fall within the 60 dBLAeq,16hr (daytime) contour?</p>
		<p>Applicant's Response:</p> <p>Small parts of the proposed footprints of blocks '3a' and '3e' fall within the 60 dBL_{Aeq,16hr} contour. This is illustrated in the Figure below.</p>

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Ns.4.12	The Applicant	<p>Five10Twelve Ltd Noise Contours Produced by ERCD</p> <p>The Applicant in its Deadline 8 submission states at Clarification Item 27:</p> <p><i>“Five10Twelve Ltd commissioned a study which suggests slightly different noise levels than those reported in the Environmental Statement (ES) (APP-034). This Technical Note has been prepared to provide clarity regarding this situation. Five10Twelve have employed CAA’s Environmental Research and Consultancy Department (ERCD) section to produce noise contours for Manston Airport. These contours result in a difference area exposed to the Significant Observed Adverse Effect Level (SOAEL) and hence have a different conclusion with respect to the population exposed above the SOAEL presented in the ES. It should be noted that the operation of Manston Airport will be limited to the noise effects reported in the ES via a noise contour cap imposed via the Noise Mitigation Plan.”</i></p> <p>i. How many additional households are exposed to the 63dB LAeq 16hr contour with the ERCD modelling compared to the Applicant’s modelling?</p> <p>ii. Are the flightpaths used in ERCD modelling potential options that could arise from the CAAs Airspace Change Process?</p> <p>The Applicant goes on to state:</p> <p><i>“In this regard any variations in factors such as flight paths and fleet mix such as those reported below would not affect the outcomes of the assessments carried out on behalf of the Applicant.”</i></p> <p>iii. How has the Applicant confirmed the above assertion? Has the Applicant done additional modelling with INM using ERCD’s flight paths and fleet mix?</p> <p>Applicant’s Response:</p> <p>i. The Applicant has presented a significant amount of information with respect to potential flight paths and their outcomes in respect to the populations exposed and the potential costs (in terms of annoyance and sleep disturbance) in ES Appendix 12.3, specifically the Options Appraisal Approach section [APP-057]. None of the options assessed exactly aligns with Five10Twelves flight path as this is based on historic data. To provide a comparison of outcomes, the Table below compares ES values above SOAEL to Five10Twelve’s outcomes. The following may be noted from the table:</p> <ul style="list-style-type: none"> ○ Based on the 63dB LAeq 16hr contour, ES identifies 115 eligible properties, versus 200 from ERCD;
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- ERCD values are rounded to nearest 50, so the value 200 could be as low as 151 or as high as 249;
- Eligibility for noise mitigation is proposed by the Applicant to be determined based on Day-time or Night-time SOAEL. Considering the night time SOAEL, 225 properties are eligible for insulation, i.e. more than the (maximum) 200 suggested by the ERCD.

	ES Year 20	Five10Twelve Year 20
Daytime (07:00-23:00)		
50 dB LAeq,16hr (LOAEL)	13,046	
>63 dB LAeq,16hr (SOAEL)	115	200*
>69 dB LAeq,16hr (UAEL)	8	
Night-time (23:00 to 07:00)		
>40 dB LAeq,8hr (LOAEL)	16,465	
>55 dB LAeq,8hr (SOAEL)	225**	

* rounded to nearest 50, so could be 151

** 225 properties eligible for insulation

ii. It is at the discretion of the CAA to confirm the positioning of flightpaths during the Airspace Change Process however CAP 1616 seeks to ensure that environmental effects are minimised and as such it is unlikely that the scenario suggested by Five10Twelve and NNF will be adopted by the CAA, who must consider environmental impacts as part of their deliberations.

Additionally, the ERCD modelling has taken account of some obsolescent flightpaths which will not be used in the CAA's Airspace Change Process, to align with Future Airspace Strategy Implementation - South (FASI(S) expectations.

iii. The Applicant is confident that the fleet mix used for the ES combined with measures to restrict noise from aviation, in particular the noise contour cap are sufficient to ensure that effects will be limited to those assessed in the ES. For this reason (and the fact that both NNF and Five10Twelve approach have not been subject to analysis or scrutiny) it is not necessary to model the fleet mix suggested by Five10Twelve.

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OP.4 Operational issues		
OP.4.1	The Applicant	<p>Scale and capacity</p> <p>The Applicant's answer to question OP.3.7 concerns stand usage. York Aviation on behalf of SHP consider that, in response to question OP.2.3 [REP7-014] a multiple apron ramp system (MARS) could be used, stating that multiple centreline operations take place at virtually all major airports with a mix of Code C and Code E operations so as to ensure that the efficient use of valuable apron space is maintained. Information is provided of multiple centrelines and stands at East Midlands Airport as an example. They also state [REP8-035] that in their experience across a range of busy airports, stands are seldom dedicated to a particular aircraft or even airline as this creates an inefficiency and inflexibility in stand allocation which would require more apron to be provided than is strictly necessary when there is flexible use. In their summary of the CAH [REP8-030] they note that the design drawings for the scheme show an apron designed to operate on a MARS basis.</p> <p>i. Comment on the above; and</p> <p>ii. respond to whether MARS is proposed or could be used at the proposed development.</p> <p>Applicant's Response:</p> <p>i. It is understood that MARS operations do exist at some UK airports; to be able to be effective, these rely on known traffic patterns. Given the relatively early nature of the Manston project, it would be too high a risk to assume any significant level of MARS ability as actual traffic patterns could well mean that aircraft stand requirement conflicts would arise resulting in delays and an unacceptably low service level to airlines.</p> <p>ii. A MARS layout is proposed to afford flexibility but, for the reasons stated above, we cannot assume any significant benefits from actual MARS operations.</p>
		Scale and capacity

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OP.4.2	The Applicant	<p>The Applicant's answer to question OP.2.5 [REP6-013] and associated appendix considers airport associated uses for the Northern Grass site and provides plans for various other airports. York Aviation, on behalf of SHP provide a critique of this answer and appendix in their [REP7-014], including a detailed examination of the figures provided for East Midlands.</p> <p>Respond to the points raised by York Aviation referred to above.</p> <p>Applicant's Response:</p> <p>SHP misunderstand the nature of the Applicant's proposals for the Northern Grass site, claiming that we are unable to explain when:</p> <ul style="list-style-type: none"> • The proposals for the museums, balancing ponds, radar clearance, landscape bunding and access are very clear; • We have repeatedly emphasised that the proposal for the remainder of the site is for a maximum <u>footprint</u> of up to 105,100sqm of mainly B1, B8 style development; • To facilitate a better understanding of how this might look and what type of activity/associated uses might be located there we developed an '<u>illustrative</u>' layout plan and assigned '<u>potential</u>' uses to the buildings <p>The Applicant is not able to confirm final uses of the Northern Grass at this stage. However it has sought to identify the types of users that are likely to occupy the Northern Grass.</p> <p>The Applicant further explained the uses associated with other freight led airports in order to show how they accommodated associated uses (i.e. inside and outside the operating fence, the scale of those operations and the nature of the uses) – and then taking into account Manston's unique circumstances why those examples provide broad confirmation of the need for a development of the kind proposed for the Northern Grass.</p> <p>York Aviation for SHP may not like the Applicant's proposals but to say that:</p>

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		<p><i>"... many of the listed Associated Uses for the Northern Grass are not related at all to the principal development as they are passenger not cargo related or related to the maintenance/recycling of aircraft", is untrue.</i></p> <p>As explained in CA.4.2 and the Applicant's Summary of the DCO Hearing [REP], Work No. 12 (passenger terminal) formed part of the 'nationally significant infrastructure project'. The reason for this is that section 23 of the PA2008 provides that 'airport-related development' will constitute an NSIP if its effect is to increase the capacity of the airport above certain specified thresholds. The starting point is to consider the physical airport infrastructure and ask whether it constitutes the construction or alteration of an airport. If it does, then the next question is whether it meets the locational and capacity thresholds set out in section 23. If it does the airport related development will constitute an NSIP. The passenger terminal facility within the proposed airport boundary is airport-related development and, together with the other airside development it constitutes part of the NSIP. The Applicant does not agree with SHP that it is only those parts of the development that actually serve to increase capacity to the relevant PA2008 thresholds than can be classified as part of the NSIP. Passenger related uses and the maintenance and recycling of aircraft on the Northern Grass therefore constitute associated development.</p> <p>The issue of what the development under consideration by the DCO has been discussed at hearings and elsewhere – it is not just cargo, but other activities (including MRO and Passengers) and many of the associated uses are related to these activities not just cargo. It is the cargo/ATM threshold that has determined that the DCO process is being used, but the development under consideration includes all element of the proposals for the airport not just cargo.</p> <p>The Applicant rejects the assertion that:</p> <p><i>"... the response provides no justification for the proposed scale (floor area) of these uses and why they are needed, e.g. how is an Aviation Academy in any way associated development related to a cargo airport and surely this would be more likely to be located at a local college."</i></p> <p>The Applicant has fully justified the scale and type of uses proposed on the Northern Grass in its evidence to the ExA. It is entirely proportionate to the proposed NSIP. It is not credible to suggest that an Aviation Academy cannot constitute</p>

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		<p>associated development. It is plainly associated with the airport related development comprised in the NSIP and indeed there are numerous examples of such academies (or equivalents) at other airports.</p> <p>The Applicant rejects the following statement from SHP:</p> <p><i>“Even in relation to those uses which are freight related, the largest of these is a Logistics Centre for the new integrator. Such a Logistics Centre would need airside access, as is the case with the DHL facility and the new UPS facility at East Midlands and so would not be able to locate on the Northern Grass. Manston is simply in the wrong location for a Fulfillment or Distribution Centre, which would necessarily need to be located closer to major urban areas and not on the Northern Grass.”</i></p> <p>It is not correct to suggest that a ‘logistics centre’ must necessarily be like those operated by DHL and UPS at EMA. The Applicant has made it clear that the cargo sheds inside the fence are intended to be associated with cargo handling, either to or from the aircraft, or to facilitate breakdown and reconfiguration of loads for landside transport. They are not intended to be for ‘storing’ cargo awaiting pick-up for an indeterminate amount of time, or necessarily for customs bonding clearance. These functions can take place outside the airport perimeter but should be located as close to the airport as possible as is apparent at many other airports in the UK, EU and US.</p> <p>The Applicant remains of the view that Manston may operate a ‘fulfilment centre’. It will be a suitable location because there are 1.5m people in Kent and 3-4m within 2.5 hours drive. The Northern Grass provides a European ‘gateway’ location with access to Dover Port (30mins), Ramsgate Port (10 mins), the Channel Tunnel (45-50 mins) an Airport (5 mins) and 0.75-1.0m people (45-60 mins) and London and the M25 (90 mins).</p> <p>SHP/York Aviation’s examination of our evidence on EMA associated uses adopts unreasonable assumptions which result in inaccurate conclusions. For example if passenger handling operations and non-airport related uses are removed from the calculation, SHP allege that this would result in the loss of 85,000sqm of development from the EMA comparator. Even if that were the case, there would still be 110,000sqm of airport related development at EMA. If hotels were also to be removed from the calculation (notwithstanding that they may be needed by passengers, cabin crew or visitors to the site) there would still be circa 100,000sqm of aviation related development at EMA, which is comparable to that proposed on the Northern</p>


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		<p>Grass. And that is before account is taken of the fact that the land within the airport boundary of Manston is smaller than many of the comparator airports meaning that some activities that might otherwise have remained within the airport perimeter may need to be located on adjacent sites.</p> <p>SHP/York appear to have ignored the scale of airport associated activities at Liege (logistics) and Stansted. Instead they have sought to distract from that evidence by reference to poultry farms and terminals. The inclusion of those buildings in the list of buildings provided at each airport, did not imply that the Applicant proposed similar facilities. They were simply included to provide a comprehensive picture of the development around EMA/Stansted.</p> <p>In summary the Applicant does not accept the criticisms made by SHP in response to OP.2.5.</p>
OP.4.3	The Applicant	<p>Scale and capacity</p> <p>The Applicant's answer to question OP.3.9 [REP7a-002] provides a detailed response to the questions raised over the Northern Grass site, including details on the likely siting of integrator uses as well as information on catering and public transport centres. The answer also states that for one type of integrator and operation it may be easier and cheaper to transfer inbound freight from plane to an offsite facility that can take up more space and require less secure facilities and procedures.</p> <p>i. Do Amazon/ Ali Baba or other e-commerce integrators have facilities which straddle the operational boundaries at existing airports?</p> <p>ii. Would it be likely that an off-site centre for an integrator (if required) would be away from the airport, in a cheaper location closer to population centres?</p> <p>iii. Would catering operations primarily be for passenger airlines, and if so would one be required to be on site or could supplies be brought in from centralised suppliers?</p> <p>iv. Provide details and examples of the travel and information centre envisaged for the Proposed Development which are 'common at key gateways at most towns and cities in the UK and Canada, and increasingly in Europe'.</p>

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		<p>v. Is it still common for travel agents to be located in airports, particularly those of a similar size to the Proposed Development?</p> <p>vi. Would a computer service supplier and servers still be required on site given modern day access to Cloud computing?</p> <p>Applicant's Response:</p> <p>i. Not in Europe yet; Alibaba are awaiting buildings being built at Liege and Budapest; Amazon have not yet announced definitive plans. In the US some Amazon operational buildings appear to be inside the fence and others to straddle the airport boundary and others still are located outside. It will depend on the configuration of the airport, whether facilities used are their own or shared, the buildings and plots available, the function of said buildings and security procedures used to get product landside to airside and vice versa. In other words, there is no definitive answer currently, it is still only 2-3 years since Amazon committed to their own airline and in the Applicant's view, it is likely they are still evaluating what works best at each site. The Applicant has no information about how Ali Baba operates in China.</p> <p>ii. The Applicant considers that an offsite location away from the airport would be sub-optimal. Freight forwarders involved in handling air freight like to operate from buildings that are located on airport, adjacent or very close by. The evidence from the Amazon sites the Applicant has considered at Rockford, Allentown, Cincinnati/North Kentucky and Riverside confirm this.</p> <p>iii. Catering would be required for passenger services, FBOs, the terminal buildings and potentially other buildings on the site. Depending on the contracting arrangement some of this capability could be supplied from offsite, but the Applicant considers it is far more likely and efficient that the catering provider (s) will want to be able to hold stock and make up product close to the airport rather than rely on substantive road based access, so that they are not subject to the vagaries of traffic conditions and can be responsive to any changes in client needs.</p> <p>iv. Area Somme Bay Service Station on A16 in France has a visitor exhibition about the Somme in the motorway service centre; this kind of facility is replicated on trunk roads into other popular tourism areas in France. Tebay Services on the M6 in Cumbria has an example. Vancouver Airport has a significant cultural exhibition and visitor information centre; Shannon airport has</p>

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		<p>something similar to introduce visitors to the local heritage and the history of the airport (early transatlantic flights, JFK visit etc) California Welcome Centre Oceanside on I5 is a very good example of what many US cities and French towns operate:</p>  <p>v. Travel agents can still be found at some airports although this is becoming less common. There used to be a travel agent based at Manston Airport and in Blackpool Airport. Airport Travel is based in the Terminal of Humberside Airport. Bristol Airport still has its own travel agency</p> <p>vi. Not everyone will want to use Cloud Based computing given its potential to be hacked. Some airport operations may require secure dedicated servers and the same may be the case for airport tenants.</p> <p>In conclusion the uses suggested for the Northern Grass site were illustrative rather than definitive but were all functions and activities that need or would benefit from being close to an airport. These are possible and feasible uses. The Applicant does not want to make Manston identical to existing other airport, but unique and different.</p>
OP.4.4	The Applicant	<p>Scale and capacity</p> <p>Question OP.2.4 referred to the use by York Aviation of an IATA ratio for processing capability. The answer provided did not refer to this ratio.</p>

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		<p>Provide further justification for the proposed quantum of cargo terminals deemed to be required, with reference to the stated IATA ratio.</p> <p>Applicant's Response:</p> <p>York Aviation point to an IATA document which provides guidance by way of a ratio of annual tonnes per square metre of warehouse and with that ratio ranging from 5 (low automation) to 17 (high automation). In all of the 20 years forecast, the ratio is within the margins of what IATA suggest (ranging between 5.25 and 10.0). York's assertion that the warehousing could be a third of the size proposed seems to rely on the high automation density ratio. At this early point in the project, it is much too big a risk to assume the high automation density ratio.</p>
OP.4.5	The Applicant	<p>Airspace Change Process</p> <p>The Applicant's answer to question OP.3.1 [REP7a-002] states that the airspace change process commenced on 14 January 2019, with the answer to question OP.3.4 stating that an Assessment Meeting took place on 9 May 2019. The Applicant's answer to question OP.2.2 [REP6-013] states, in relation to the Future Airspace Strategy Implementation South (FASI South) proposal for air traffic route structures that FASI South will not be an impediment on the Manston Airport project due to its 'non core' nature.</p> <p>The CAA airspace change portal states that:</p> <p><i>"Due to the airport's location, the IFP (routes into and out of the airport) should align with Future Airspace Strategy Implementation - South (FASI(S)) and the London Airspace Management Programme (LAMP). The airspace solution aims to provide an appropriate degree of protection to aircraft during the critical stages of flight; take-off and landing."</i></p> <p>Given this, confirm that your answer to the above quoted questions remain valid, or update if necessary.</p>

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		<p>Applicant's Response:</p> <p>The Applicant confirms that, following FASI(S) Technical Group and Programme Group meetings, the answer remains valid. The 'new Manston IFPs', submitted as part of the CAA ACP, will not be designed in isolation but, will align with the requirements and ethos for FASI(S). The Applicant considers, following these FASI(S) meetings, that this airspace modernisation programme will initially act as an 'enabler' for the Manston ACP; then, as it begins to run ahead of the 'core' airport and systemisation ACPs it will remain harmonised to the overall FASI(S) programme. The Manston ACP will remain fully engaged though with FASI(S), as coordinated 'routes' and 'structures' are optimised through individual consultations, technical evaluation and CAA / DfT oversight.</p>
OP.4.6	The Applicant	<p>Public Safety Zones (PSZs)</p> <p>The Applicant considers in their response to question OP.3.10 [REP7a-002] that PSZs would not need to be produced by year 4 of operation, stating that 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, but noting that the guidance does not state how far ahead the 2,500 per month expectation should be. The answer goes on to state that it unlikely that a PSZ may need to be introduced before year 15, but it is possible by year 20.</p> <p>In their Deadline 7 responses, York Aviation on behalf of SHP [REP7-014] append an email from the Department for Transport (DfT) which states that PSZs are based upon risk contours modelled looking fifteen years ahead and are generally re-modelled every seven years. The email goes on to state that, as a matter of policy, the DfT applies PSZs at aerodromes that have more than 1,500 movements a month and which are likely in due course to exceed 2,500 movements, and that this criteria applies to PSZs for new and enlarged airports.</p> <p>TDC [REP7a-045] consider that the designation of a 1 in 100,000 PSZ would have significant implications for planning policy, with potentially two housing sites in the draft local plan affected by the PSZ, as well as the potential to affect a significant number of windfall sites provided for in the plan.</p> <p>i. Given the submitted evidence are you still of the view that a PSZ would not be needed until years 15-20 of operation?</p>

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		<p>ii. If yes, provide evidence to counter that provided by the DfT.</p> <p>iii. If you accept that a PSZ would be needed as a matter of policy once the Airport has more than 1,500 movements a month, consider how this should be addressed within the application and ES, including any assessment of scale, geographical coverage of the PSZ based on the proposed fleet mix and effects on consented and future developments within the PSZs.</p>
		<p>Applicant's Response:</p> <p>i. The Applicant agrees that PSZs are based upon risk contours modelled looking fifteen years ahead and are generally re-modelled every seven years. The DfT applies PSZs at aerodromes that have more than 1,500 movements a month and which are likely in due course to exceed 2,500 movements, and that this criteria applies to PSZs for new and enlarged airports. The Applicant's forecast is for 26,468 ATMs by year 20 and 5,840 general aviation movements (which are not technically ATMs but still affect the decision to create a PSZ). The decision on whether to declare a PSZ does not lie with the Applicant. It will ultimately be a decision for the DfT, Thanet DC and the CAA outside of this DCO process.</p> <p>ii. The Noise Mitigation Plan contains a cap of 26,468 ATMs and 38,000 general aviation movements. It is therefore unlikely that a PSZ may need to be introduced before year 15; but possible by year 20. However, a forecast, on updated information, post the initial operational date, might indicate to the DfT that an earlier assessment of any PSZ might be made.</p> <p>iii. The Applicant has provided PSZs 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>

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		<p>An addendum to the ES considering the potential effects of a PSZ was submitted at Deadline 6 and this concluded that there would be no significant effects as a result of such an intervention. Due to the range of factors affecting the size of a PSZ, a worst-case scenario was adopted for assessment purposes. In this case the worst case was established using the largest PSZ currently in operation in the UK, Stanstead Airport. Existing and reasonably foreseeable land uses were considered in the context of the application of the PSZ based on the guidance described in DfT Circular 01/2010, 'Control of Development in Airport Public Safety Zones'. Whilst the ES addendum acknowledges that the application of local planning policy in relation to a PSZ will be a matter for Thanet District Council and the DfT, the above referenced document provides sufficient information to consider the likely effects of a PSZ in the context of an Environmental Statement.</p>
OP.4.7	The Applicant	<p>Public Safety Zones</p> <p>In the Applicant's ISH5 Summary and associated appendices [REP8-013], it is stated that "<i>TDC has not notified the Applicant of any employment zones within a potential PSZ and in the case of Manston Airport, development tends to be north and south of the runway as opposed to being positioned at either end</i>".</p> <p>Justify this statement with particular reference to the eastern end of the runway.</p> <p>Applicant's Response:</p> <p>The Addendum to the ES referred to in OP 4.6 above considered employment uses both to the East and the West of the runway based on both the Proposals Map for the adopted Thanet Local Plan 2006 and the Policies Map for the draft Thanet Local Plan (Regulation 19 version)(October 2018). Whilst it is acknowledged that certain existing employment sites partially fall within the largest extent of the PSZ, in common with similar sites close to other airports in the UK it is unlikely that the local authority would apply an extreme interpretation of DfT Circular 01/2010, 'Control of Development in Airport Public Safety Zones' and operate a blanket policy of 'no growth' of employment in these zones. Indeed the DfT circular does not require this. Employment uses close to airports in the UK are common and one of the major benefits of aviation is the employment growth that is generated.</p>

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		<p>In this case, whilst exposure to risk within the 1:100,000 PSZ should be minimised there is no reason to excessively limit growth where employment already exists or where extant planning policy promotes growth.</p> <p>In addition to the PSZ addendum itself, the Environmental Statement submitted with the application had already carried out a robust risk assessment within the Major Accidents and Disasters Chapter of the ES. On the basis that aviation is a highly regulated industry and the risk of an aviation related accidents is very low indeed, the ES Major Accidents and Disasters chapter concluded that the risk presented by overflying aircraft does not constitute a significant impact on the existing population. This conclusion lends further weight to the conclusion that an extreme application of DfT <i>Circular 01/2010</i> on the part of the local authority would be disproportionate to the risk presented by overflying aircraft.</p>
OP.4.8	<p>The Applicant</p> <p>MoD (Defence Infrastructure Organisation)</p>	<p>High Resolution Direction Finder (HRDF) and construction timetable</p> <p>The ExA notes the contents of Appendix CAH2-14 of the Applicant's CAH2 Summary and associated appendices [REP8-011]. This states that two sites for the possible relocation of the HRDF are being considered with technical assessment due to be completed by 26 June 2019, and that alternative solutions with different safeguarding requirements are being considered. A map accompanying the appendix identifies one site but not seemingly the other.</p> <p>SHP note in their written summary of their oral submissions put at the second draft development consent order Hearing held on 7 June 2019 [REP8-034] that Works No. 1 (Airside Cargo Facilities) and Works No. 3 (the construction of a new air traffic control centre) are within safeguarded areas, and could not be developed until a new HRDF Beacon was operational and it had been demonstrated that there was no technical degradation compared to the existing HRDF Beacon. At the CA hearing the DIO stated that a period of 2 years had been discussed for an overlap period to ensure that the new HRDF site provided the same coverage as the existing one.</p> <p>i. Provide further details of the second possible relocation site for the HRDF, if proposed to be taken forward.</p> <p>ii. Provide an update on the current latest situation re the HRDF, with reference to the timetable of this Examination.</p> <p>iii. How will the need for the existing HRDF to be in place for 2 years after the siting of the new HRDF affect the construction timetable and the opening date for the Proposed Development?</p>

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		<p>iv. Provide any further comments on the safeguarding impact or otherwise of the Ministry of Defence (RAF Manston) Technical Site Direction 2017 [REP7a-025] for the HRDF in its current and proposed position in terms of the construction of the Proposed Development.</p> <p>Applicant's Response:</p> <p>i. As part of the Technical Assessment (expected 28 Jun 2019), Aquila is understood to be considering a number of potential locations; in addition to the area of Site 1 proposed by the Applicant, Aquila is also examining an area on the Defence Fire Training and Development Centre; the use of an existing telecommunications mast also located within the Defence Fire Training and Development Centre and, potentially, the Air Traffic Control (ATC) tower once constructed. It is anticipated that the sites considered, and their potential effectiveness, will be covered in detail in the Aquila report.</p> <p>ii. The Aquila Technical Assessment report is expected by 28 Jun 2019. It is understood that the MOD's Project MARSHALL Delivery Team (DT) will consider Aquila's findings in a meeting with MOD stakeholders on 1 or 2 Jul 2019. It is hoped that the DT will then engage with the Applicant on 3 Jul 2019 (a meeting has been discussed and requested).</p> <p>iii. The Applicant does not accept the assertion that the system will need to be in place for 2 years before the existing installation can be decommissioned. Our technical experts, as well as Aquila, have been responsible for the transfer of highly complex civil and military safety-critical ATC Centres and systems where the maximum period of dual operations has only ever been measured in days. There is simply no precedent to support such a statement. It is anticipated that the required degree of assurance will be gained through Factory Acceptance Tests, Site Acceptance Tests and Flight Checking, all of which would occur before commissioning the new system. Aquila and the MOD's Project MARSHALL DT will decide what period of overlap, if any, is required.</p> <p>While the Applicant does not consider that a two year overlap period will be necessary, the existence of the HRDF aerial is not considered to present an insurmountable obstacle to Construction activities taking place on the site. (See below)</p> <p>iv. The Applicant commits to ensuring that the MOD is content with any proposed construction activity with regard to Ministry of Defence (RAF Manston) Technical Site Direction 2017 [REP7a-025] both for the HRDF in its current and proposed position. It</p>

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		<p>is understood by the Applicant that at least two of the options being considered by Aquila could be implemented ahead of any airport development activity; this will be addressed in the Aquila Technical Assessment expected by 28 Jun 2019.</p> <p>With regards to Construction; the majority of the site works lie outside of the safeguarded area and works such as the landscaping, site accesses, internal roads, runway overlay, business aviation hangars, business development, drainage, attenuation ponds and taxiway / apron construction and others would be unaffected by any controls put in place to safeguard the HRDF.</p> <p>It should also be noted that:</p> <p>For Statutory Safeguarding Map purposes (i.e. outside of a 120m radius clearance zone) trees, vegetation, vehicles, machinery and plant are not considered to impinge the safeguarding surface.</p> <p>Within the 120m zone, vehicles, plant and machinery may be used if given the consent of the responsible officer. If the period of overlap extended beyond the Applicants expectations this provides an opportunity to progress with works and operations within 120m of the HRDF provided an agreement and controls are put in place. It's expected that as this will be during the 'overlap' period part of the mitigation would be the second HRDF antenna erected by the Applicant.</p> <p>Ultimately the Applicant does not envisage the HRDF to represent an insurmountable barrier to proceeding with the Construction and Operation of the site.</p>

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SE.4 Socio-economic Effects		
SE.4.1	The Applicant	<p>Direct jobs – East Midlands Airport</p> <p>At the Socio Economics ISH [EV-020] when considering job totals on the EMA site the Applicant stated that Pegasus Business Park was not fully developed in 2013.</p> <p>Provide evidence, where possible, over the extent of the Pegasus Business Park in terms of occupiers and footprint in 2013 compared to the present day.</p> <p>Applicant's Response:</p> <p>The Applicant has not analysed the detailed historic footprint and occupation of EMA's Pegasus Business Park. In response to SE.2.2, the Applicant noted that whilst the Pegasus Business Park was not fully developed in 2013, its operations covered, "a wide range of jobs in the airport's support activity – cargo, hotels and also a range of professions and occupations in companies". The Applicant has previously provided details of land use by East Midlands Airport in Appendix OP.2.5 [REP6-014]. The Applicant believes Pegasus Business Park is comprised of buildings 16-19 and 21-27 listed in Appendix OP.2.5. The list illustrates the type of occupation at the business park and nature of the related employment currently offered.</p>
SE.4.2	The Applicant	<p>Direct jobs – East Midlands Airport</p> <p>At the Socio Economics ISH [EV-020] when considering job totals on the EMA site, the Applicant stated that such figures were lower than 'standard formulae', quoted in response to question SE.2.2. Stone Hill Park (SHP) were of the view that such formulae were Europe-wide, inappropriate and out of date. As part of their Deadline 8 submission, SHP have submitted a summary of an ACI Europe report produced in 2003 by York Aviation [REP8-031] confirming that the study was Europe wide, and an email to the Applicant stating that York Aviation consider that the report cited is substantially out of date.</p>

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		<p>i. Comment on the above, using evidence.</p> <p>ii. Is a report dating from 2004, 15 years ago, still relevant in your view?</p>
		<p>Applicant's Response:</p> <p>i. The Applicant made clear at the hearing that the standard formula for calculating direct job creation is 950 per 1 million passengers or 100,000 tonnes of freight. This figure was used by the Airports Commission in 2014 and cannot be considered out of date. As the Airports Commission point out, they base their use of the 950 on-site jobs on a substantial body of research on the number of employees required for airports of different sizes. This standard formula (950 jobs per 1 million passengers or 100,000 tonnes of freight) has not been superseded by any more recent comparable research with a representative sample of airports.</p> <p>The Airports Commission's use of the 950 formula followed a review of the extant literature by PwC in November 2014, submitted as Appendix SE.4.2 of TR020002/D9/FWQ/Appendices. One of the key factors in terms of the direct impacts of airports is how much freight is handled. The range of direct jobs found through the review of the literature was between 500 and 1,500 and therefore the 950 formula used by the Airports Commission and by the Applicant is entirely reasonable. The review also found that commuting patterns of direct employees (airport workers) are relatively consistent: over 75% live within a 30-minute drive of the airport.</p> <p>With regard to the use of a Europe-wide study, the Applicant does not consider that this undermines the use of the formula to UK airports. The UK is, after all, part of Europe and will remain so even if it leaves the EU. Plainly the Airports Commission did not consider that this undermined the relevance of the formula or its applicability to UK airports.</p> <p>York Aviation, despite their continued protestation, have not put forward any alternative formula, merely stating that the formula used by the Airports Commission is 'out-of-date' without pointing to any credible studies that have used a different or adjusted formula. As the Applicant pointed out at ISH6, York Aviation tend not to be transparent in their own work, omitting to provide their formula for on-</p>

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		<p>site job creation in their work with various airports. York Aviation has, at no time, suggested any particular ratio or pointed to more recent research that defines a ratio between tonnes of freight or passengers handled.</p> <p>It should also be noted that a re-developed Manston Airport would be able to compete against Europe's most successful airports. As such, it is hard to imagine why York Aviation feel that a Europe-wide study conducted by ACI Europe, which took account of a large number of airports to provide the basis for its derivation of the ratio 950 direct jobs per 1 million passengers or 100,000 tonnes of freight, would not be appropriate to Manston Airport. Despite having had ample opportunity to explain their assertion, York Aviation has failed to provide the rationale to justify their view. The Applicant is focused on the future of aviation in the UK and has taken account of the rapidly changing technological, social, economic, environmental, and political milieu in which we operate as a sector. Given the approaching changes and developments affecting the aviation sector and the likelihood of increased reliance on air transport in the future, it is eminently credible to assume that jobs in the economy will be linked increasingly to the national ability to harness the benefits of air transportation.</p> <p>ii. Yes, for the reasons stated above. In summary, the 950 direct jobs formula derived by a Europe-wide study by ACI-Europe was used by the Airports Commission in 2014 and no subsequent study has replaced/overridden the ACI findings.</p>
SE.4.3	The Applicant	<p>Comparators – East Midlands Airport</p> <p>The Applicant's answer to SE.2.2 states that <i>"81% of the quoted 6,730 on-site employees (see EMA Sustainable Business Plan) were engaged in passenger and cargo services with almost all living in the local area"</i></p> <p>i. Define 'local area' in this answer, and comment on how this may or may not relate to the local area around the proposed development in terms of population and size.</p> <p>ii. Does this answer mean that 19% of the 6,730 employees were not involved in aviation activities?</p> <p>Applicant's Response:</p>

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		<p>i. The EMA Sustainable Development Plan uses the term 'local' in a number of contexts without specifically defining the term 'and it would be inappropriate for the Applicant to suggest definitions for each use'. However, in terms of employment and the quotation shown in the question above, East Midlands says that, "the most recent employment survey (2013) showed that there are 6,730 people employed on the site in 90 companies. Airport employees live in the local area with 42% living in Derbyshire, 23% in Leicestershire and 23% in Nottinghamshire." This suggests that EMA consider these three counties as their 'local area' although it may be that only part of each county is considered within this definition.</p> <p>The findings from the PwC review of the literature for the Airports Commission in 2014 indicates that 'local' refers to a 30-minute drive from the airport. For Manston, this, as previously stated by the Applicant, would include Thanet, East Kent and most of the rest of Kent. In terms of population, Kent has 1.555 million residents (2017) and covers an area of 1,368 square miles and has just over 350 miles of coastline.</p> <p>For employees at East Midlands Airport:</p> <p>"The largest number of airport employees live in the district of North West Leicestershire, with around 1 in 47 of the working population in the district working at the airport. This is closely followed by South Derbyshire where 1 in 66 of the working population in that district work at the airport. In Erewash 1 in 80 of the working population are employed on the airport site. In addition 15% of airport based employees live in Derby City, 15% live in North West Leicestershire, 11% in South Derbyshire and 10% in Erewash. 4% live in Nottingham City and 2% live in Leicester City." (EMA Sustainable Development Plan)</p> <ul style="list-style-type: none"> • The population of the North West Leicestershire Local Authority at the 2011 census was 93,348. Its main towns are Ashby-de-la-Zouch and Coalville (both around 10 miles of the airport). • South Derbyshire is a local government district with the population of the local authority at the 2011 Census of 94,611. The area contains a third of the National Forest (around 25 to 30 minute drive to EMA).

¹ The term 'local' is used by EMA in the context of 'local communities', 'local businesses', 'local job seekers', 'local groups', 'local planning policies', 'local air quality',

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		<ul style="list-style-type: none"> Erewash is a local government district and borough in eastern Derbyshire. The population of the district at the 2011 Census was 112,081. It contains the towns of Ilkeston (22 minutes dependent on traffic), Long Eaton and Sandiacre (around 17 minutes). <p>ii. The East Midlands Airport Sustainable Development Plan: Economy and Surface Access, which shows that 81% of employees are engaged in passenger and cargo related activities also states that:</p> <p>"It is important to also recognise the range and the type of jobs that are available on-site at East Midlands Airport. These jobs include the highly skilled – pilots, air traffic controllers, maintenance engineers through to retail and catering, fire service and security. There are also a wide range of jobs in the airport's support activity – cargo, hotels and also a range of professions and occupations in companies that are based at Pegasus Business Park. The largest on-site employer is DHL with 1,575 staff in 2013."</p> <p>The EMA Development Plan demonstrates that on-site/direct jobs cover a wide range of employment and offer opportunities to people with a range of skills and education levels. Whilst it is not possible to definitively assign the 19% of jobs referred to in the ExA's question, it cannot be inferred that these are entirely unrelated to aviation activities. In short, it is likely that far more jobs in the 'local' economy are tied to the presence of EMA than are currently acknowledged. Rather than focus on the minutiae and attempting to link individual jobs to the operation of the airport, it is pertinent to consider what the 'local' economy would look like without the presence of the airport. An example is Thanet, where deprivation has been endemic for some generations, unimproved by a considerable influx of EU funding over many years and concerted efforts to regenerate the tourism sector, which has generated little more than low wage, low skilled, part time employment.</p>
SE.4.4	The Applicant	<p>Indirect/ induced jobs</p> <p>The ratio used to calculate indirect/induced jobs is stated to have been chosen as the one used by Luton and Stansted, at 1.8 times the direct jobs calculation. In their Deadline 8 response SHP [REP8-031] provide evidence that the report that this figure derives from (The economic impact of London Luton Airport, Oxford Economics, November 2015) uses this ratio for national purposes. The executive summary of the report states "<i>The indirect impact encapsulates the economic activity supported in the airport's UK supply</i></p>

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		<p><i>chain as a result of its procurement of goods and services”, and that “for every direct job the airport supports, another 1.9 are supported elsewhere in the UK economy.”</i></p> <p>SHP go on to explain how the indirect multiplier for the 3 counties surrounding Luton (Bedfordshire, Buckinghamshire and Hertfordshire) would be 0.7, with 0.4 for Bedfordshire alone. They suggest a similar ratio would be appropriate for Thanet, of potentially 0.7 for Kent and the Thames Estuary.</p> <p>i. What does the Oxford Economics report show for indirect/ induced employment ratios at Luton Airport?</p> <p>ii. Comment on the 0.4 ratio calculated by SHP for the proposed development's effects in Thanet, providing justified evidence if you disagree with their calculations.</p>
		<p>Applicant's Response:</p> <p>i. In terms of induced employment, the Oxford Economics report says:</p> <p>“In the case of induced effects, no ‘real’ data are available to identify where London Luton Airport workers actually spend their wages. Nonetheless, it seems reasonable to assume that most spending is likely to take place close to workers’ place of residence, and will therefore support GDP and employment in those areas. This is the starting point for our analysis of induced impacts, but in cases where this results in an unrealistically large injection to the local economy (given the economic structure and average spending per head in that local area), induced impacts are assumed to spill over into neighbouring areas.”</p> <p>For Manston and Thanet, the implication is that induced employment can, potentially, be captured by the ‘local’ area but is subject to leakage, dependent upon the ability of the local economy to capture the totality of spend by locally employed people. This is not something the Applicant can greatly influence, since it is the responsibility of other stakeholders to make efforts to ensure the Thanet economy is in a fit state to respond to the opportunities presented by the operation of the airport. However, the ExA should not</p>

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		<p>discount the totality of possible induced effects, simply because there may be leakage outside the 'local'. Total induced effects whether they are 'local' to Manston or otherwise will benefit the UK economy and should be treated as a benefit of the project.</p> <p>For indirect employment, the Oxford Economics report says:</p> <p>"The supply chain multiplier impact of London Luton Airport in 2013 is estimated to have been £338 million. This is estimated to have supported 7,700 jobs".</p> <p>It is interesting to note PwC's findings from their literature review for the Airports Commission. Of indirect and induced impacts they say:</p> <ul style="list-style-type: none"> • The economic impact studies reviewed use a broad range of multipliers to estimate the local indirect and induced impacts on value added of airport operation: a multiplier of 1.45 was used for Edinburgh Airport and one of 2.9 at Copenhagen Airport • The size of the multiplier is partly influenced by how broadly or narrowly the local area is defined: multipliers tend to be larger when the impact is being assessed at a regional level (e.g. North West England in the context of Manchester Airport and the Ile de France in the case of the Paris airports) because the areas are more self-contained • The attractiveness of the locality of an airport as a location for firms also affects the level of indirect and, to a lesser extent, the induced business activity <p>As with induced employment, the literature shows that impacts are in the range of 1.45 to 2.9, making the use of 1.8 for Manston a conservative estimate of the potential. It is clear that the way in which 'local' is defined makes a big difference to the formula although for a project of national significance, it seems logical to consider the totality of benefits to the UK, without nitpicking over the exact definition of 'local'.</p> <p>In terms of the ratio between induced employment and indirect employment (calculated together in the Azimuth Report) the Oxford Economics report found that the ratio is 10:7.7 (i.e. London Luton Airport indirectly supported 7,700 jobs in 2013, while the spending of London Luton Airport workers and those in the supply chain (induced impact) supported a further 10,000 jobs).</p>

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		<p>ii. As the Azimuth Report points out (Volume IV paragraph 4.2.3), whilst York Aviation now promotes a multiplier of 0.4 on direct jobs, this is in contrast to the 2.1 multiplier used in 2015 by York Aviation in their work for ACI Europe. The Manston Airport DCO application relates to a project of National Significance. Therefore the ExA should take account of total impacts likely to be generated by the operation of the airport. To reduce a figure used by two other airports from 1.8 to 0.4 is entirely unjustified. The focus of stakeholders' attention should be on making every effort to encourage the inward investment, technology transfer and innovation that an operational airport can bring. Kent has a long history of success in marine and aviation, with Sheppey the 'cradle' of aviation hosting the first aircraft manufacturer in the UK, operating from around 1909. In 1915, Manston became an airfield and has an illustrious aviation history, which has been interrupted by its closure in 2016. Thanet will plainly benefit from the operation of the airport. Some spill to neighbouring areas is inevitable. The extent of that spill will depend on the attractiveness of the local offer. It is for the local authority and other agencies to promote the local offer and capture as much of the increased spend as possible.</p>
SE.4.5	The Applicant	<p>Catalytic jobs</p> <p>SHP state [REP8-031] that multipliers are not normally used for estimating the catalytic employment impacts of an airport development project, which are more normally assessed by specifically considering the wider benefits to the economy from connectivity, usually by reference to reliable forecasts of business passenger numbers and freight expected at an individual airport. They consider the Azimuth report uses an inappropriate ICAO multiplier relating to the global impact of the aviation sector and consider that given that the forecasts for Manston suggest that its usage will mostly be for outbound tourism purposes and import of e-commerce integrator freight then the catalytic effects on the economy are likely to be much less than would be expected elsewhere.</p> <p>i. Comment on the above.</p> <p>ii. What percentage of catalytic jobs do you consider would occur within Kent, and why?</p> <p>Applicant's Response:</p> <p>i. The Applicant agrees that catalytic impacts are felt nationally and this has been made clear in the Azimuth Report and throughout previous responses to ExA's questions on this point. However, since the Manston Airport DCO application has been classified as a</p>

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		<p>Nationally Significant Infrastructure project, it is pertinent to consider the impact of increased UK airport infrastructure at a national level and so the inclusion of the catalytic impacts is justified. They should, of course, been seen as a guide only, since quantifying catalytic impacts is not straightforward.</p> <p>The key point is that in a constrained situation such as that in the South East, the benefits the UK derives from its aviation sector may be limited, with many positive effects unrealised. This is particularly pertinent going forward, when so many socio-economic, political and technological changes face the UK. E-commerce is but one of the huge changes affecting the status quo: failing to predict and respond to the changing face of global economics is clearly a peril for the UK economy.</p> <p>ii. The Azimuth Report and subsequent submissions make very clear that catalytic jobs are felt nationally. As such, how many jobs would or could be created in Kent would be dependent on the efforts made by relevant stakeholders (including the local and county authorities, Invest in Kent, etc) to attract businesses to locate in the County. The operation of Manston Airport would provide the opportunity for the creation of catalytic impacts by supporting and augmenting the UK's national airport infrastructure.</p>
SE.4.6	The Applicant	<p>Displacement</p> <p>Nationally based multipliers are used to calculate catalytic jobs. Given question SE.4.4, above, nationally based multipliers may also have been used to calculate indirect/ induced jobs.</p> <p>Given the use of such multipliers, should nationally based figures also be used to calculate any displacement effects of the Proposed Development? If not, why not?</p> <p>Applicant's Response:</p> <p>The term displacement not accurately reflect the potential effect of reopening Manston airport. It is acknowledged that, in the short term, there may be redistribution of jobs from South East airports that may replace their existing freighter market with more passenger traffic. The aviation market is growing rapidly and therefore any loss of freight related jobs will be replaced by other aviation related</p>

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		jobs as other airports increase their passenger capabilities. As such, the Applicant considers that Manston will result in an increase in jobs in the aviation industry rather than a displacement of existing jobs.
SE.4.7	The Applicant	<p>Employment – detailed figures</p> <p>The Applicant's answer to question SE.2.7 states that 1,250 cargo/ freight staff would be likely to operate over four shifts over a 24 hour period. At the Socio-Economics ISH the Applicant agreed that three, rather than four, shifts would be necessary.</p> <p>i. Justify the estimated 1,250 staff in relation to a three shift pattern.</p> <p>ii. Would the number of staff required remain the same?</p>
		<p>Applicant's Response:</p> <p>i. The calculation of headcount is based on an assumption of a required number of person hours per annum to work in the facility. That number is then divided by the number of hours a full time employee would work per annum to derive the headcount. The actual shift pattern or number of shifts per day will not impact the required headcount.</p> <p>ii. Yes.</p>
SE.4.8	The Applicant	<p>Employment – MRO/Recycling</p> <p>Appendix SE1.5 of [REP3-187] gives detailed jobs figures of 600 for the proposed MRO facility. The Applicant's answer to question SE.2.7 states that Ryanair's fleet is maintained at a 5 bay operation at Prestwick which employs some 500 people. SHP provide evidence [REP8-031] that in the year up to July 2018 this facility provided 400 jobs, considering that a similar 3 bay operation at the proposed development would realistically employ 240 people.</p>

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		<p>At the Socio Economics ISH (05/06/19) the Applicant introduced the Tarmac Aerosave operation in Tarbes (France) as a possible comparator. Appendix ISH5-17 of the Applicant's ISH 5 Summary and associated appendices [REP8-013] contains details relating to this operation, stating that the facility employs some 200 staff in maintenance and recycling. SHP state that the Tarbes site appears to have 2 hangars capable of accommodating wide bodied aircraft and parking for around 24 aircraft, substantially larger in their view than that proposed or possible at Manston.</p> <p>Comment on the above.</p> <p>Applicant's Response:</p> <p>In the case of Prestwick, Prestwick Aircraft Maintenance Ltd occupy a five bay hangar which is approximately 7,500-8,000sqm in size. Mr Wilson, consultant for the Applicant, was MD of PIK at the time the facility was built and has informed the Applicant that the capacity of the facility was of a scale that could provide employment for up to 550 jobs. It is not clear from the evidence submitted by SHP whether the site is currently being utilised to maximum capacity or what shift pattern is in operation. The intensity of the operation in terms of employment per 100sqm will depend on the type of maintenance being undertaken, the type of aircraft being maintained and the consistency of the flow of aircraft through the facility and therefore whether it is working to maximum intensity. The Applicant considers that, in the absence of such determining factors, SHP's application of the jobs figure to the facility at Manston is misleading.</p> <p>As previously stated, the MRO facility at Manston would be 10,215sqm which is 25% larger than the facility at Prestwick. Using SHP's simplistic pro-rate ratio methodology that would suggest a capability of 500 jobs at the employment density they claim or closer to 700 based on the Applicant's understanding of the maximum job creating potential of PAM Ltd's operation.</p> <p>The Flybe maintenance operation at Exeter has a similar footprint to the facility at Prestwick and was reportedly designed to accommodate 500 jobs. Flybe's facility is comprised of three bays capable of taking four smaller Code C aircraft. This is the same capacity as proposed at Manston and would equate to 625 jobs based on the floorspace at Manston.</p>

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		<p>Tarbes has 15000sqm of buildings in total(see image below of the TARMAC's MRO/Recycling and aircraft parking operation at Tarbes). Of these there are two hangars – one of 4,000sqm, the other between 4,750sqm. The remaining space is in two blocks of low rise sheds that are probably used as storage for components and or offices. The correct comparison would therefore be that Tarbes has 20% less hangar space than envisaged at Manston – implying on a pro-rata basis 500 jobs vs 600. However:</p> <ul style="list-style-type: none"> (a) The MRO operation at Tarbes is primarily A and B check rather than heavy maintenance – and so supports a lower employment density - much of it being associated with due diligence on aircraft returning from lease or about to be re-let. (b) Tarbes is also predominantly a recycling operation which also has a lower density of employment than MRO. At the time when the figure of 200 jobs on the site was quoted it had a throughput of c10 aircraft a year for recycling. That is now close to 20 with 24 the ultimate target. If 65% of the jobs on site are on site are associated with aircraft recycling that implies something of the order of 330 jobs at maximum throughput plus 70 MRO equals c400 jobs in facility 20% smaller, giving an equivalency of 480-500 jobs associated with activities with lower employment densities. (c) Our job figures are based on maximum use of the facility and hence may utilise the space more intensively than at Tarbes (e.g. at night, weekends), pushing the comparative number of jobs supported very close in terms of equivalency with our estimates for Manston. <p>The number of aircraft capable of being accommodated at Tarbes is completely irrelevant and misleading. Most of those at Tarbes are actually aircraft that have come off lease and are parked waiting to be re-leased. Only if they are not re-leased (typically after 6-12 months and depending on their age) will they be considered for recycling. MRO and recycling operations need supporting apron for aircraft that are not being worked on to park on but there is such space in front of and potentially alongside the hangar – together this is more than sufficient to support the operation.</p>

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Ref No.	Respondent	Question
		 <p>TARMAC AEROSAVE, SAS</p> <p>Google</p>
		Job multipliers

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Ref No.	Respondent	Question
SE.4.9	The Applicant	<p>SHP note [REP8-031] that Chapter 3.8 of the ES [APP-034] uses the employment forecast from the Azimuth report and applies them at three levels of assessment; Local (Thanet); Regional (Kent) and UK. SHP go on to state that the ES assesses both the direct on-site job creation and the indirect/induced employment for their significance at both the Local and Regional levels, making no distinction as to the different number of jobs that might be created at these two assessment levels, which is not consistent with the Azimuth report. SHP state that whilst the on-airport jobs will clearly be located within Thanet, the distribution of employee residence will be wider, so even for direct employment, assessment at the Local level will overstate the significance.</p> <p>The Azimuth report defines the relevant area for the indirect and induced effects to be realised: East Kent, including Shepway, Swale, Medway and potentially Dartford and South East London. At the Hearing this was clarified to be Kent (as a County). SHP consider that in assessing the employment benefits of the claimed indirect and induced employment, the ES has been inconsistent with the Azimuth report, and that it is important to make sure that the multipliers used in deriving indirect/induced employment are relevant to the study areas being considered and these study areas are clearly defined in the first instance before estimating the relevant multipliers to be used, typically by reference to the expected supply chain effects, taking into account location specific input output tables. SHP state that the Azimuth report did not do this and relied on UK level multipliers from other studies regardless of their applicability to Manston.</p> <p>Comment on the above, justifying your answer.</p> <p>Applicant's Response:</p> <p>The issue to which this question relates is whether jobs created as a result of this project should be categorised as local, regional or national. The Applicant notes that in the Azimuth Report (Volume VI), the local study area is defined as 'East Kent', comprising Canterbury, the Isle of Thanet, Deal, Dover, Faversham, Herne Bay, Sandwich and Whitstable (paragraph 2.2.2). For the assessment contained within Chapter 13 of the ES [APP-034], Thanet District is the local study area, with data drawn from the LSOAs where applicable (see paragraph 13.4.2). Thanet District comprises of Margate, Ramsgate, Broadstairs and the surrounding village areas. The Applicant acknowledges that there is a slight discrepancy in the study areas, however, this has no material effect on the assessment.</p>

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Ref No.	Respondent	Question
		<p>At the local level, Chapter 13 of the ES [APP-034] considers employee jobs in Thanet District as its baseline, which is reported as 41,000 (see Table 13.11). For clarity, this is a statistic which reflects the total number of jobs in the District and is broken down into industry sectors (see Table 13.14). The forecast direct jobs (Azimuth Report Volume IV Table 4 and re-produced as Table 13.24 in the ES [APP-034]) are analysed against these statistics.</p> <p>Induced employment is concerned with the additional expenditure; since Manston Airport is located within Thanet District, it is likely that local spending will be largely contained within this area, except where this cannot be accommodated. Indirect employment refers to jobs related to the supply chain. Whether or not businesses are encouraged to locate in Thanet District, East Kent or the wider area is the responsibility of the Local Authority. The Applicant has no control or influence, except where via the Local Employment Plan.</p> <p>The ES assessment is set in the context of job creation at a local level in Thanet District. Regardless of how the local study areas are defined, the jobs created will largely exist within Thanet District and therefore it is appropriate to analyse any forecasts against the existing number of jobs in the District.</p> <p>Induced/indirect employment figures contained in the ES are derived from the Azimuth Report Volume IV (Table 4) and hence these are not inconsistent from each other. Where the assessment in Chapter 13 [APP-034] is reliant upon additional data not required for the purposes of the Azimuth Report, this is only in the context of construction workers and has been generated using a multiplier of 1.5 from the Additionality Guidance (see table 4.5.6), which is a recognised and widely used industry source. Construction workers are not included in the Azimuth report in this context and therefore there is no conflict between the two. The Applicant has always made it clear that there is no perfect comparator for Manston Airport; as highlighted in the Summary of the Applicant's case put orally at ISH 5, specifically paragraph 2.21, for indirect/induced employment the Applicant used the ratio of Stansted and Luton (1.8), since these are the most recent assessments of job creation at UK airports. This ratio is less than that of the significantly higher 2.1 ratio used by York Aviation (ACI Europe in 2015), further corroborating its appropriateness. York Aviation has, at no time, pointed to more recent research that provides an alternative multiplier for this project.</p>
		Tourism

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Ref No.	Respondent	Question
SE.4.10	The Applicant	<p>At the Socio Economics ISH [EV-020] the Applicant stated that it considered tourism figures derived, in part, from Gatwick, Stansted or Luton Airports were more appropriate as comparators for local tourism than Cardiff or Doncaster-Sheffield due to the proximity of London.</p> <p>SHP provide evidence that the actual proportions of passengers at Gatwick, Luton and Stansted Airports that are foreign visitors staying locally (including those staying the night before flying) is 1%, 1.5% and 0.5% respectively. Based on first quarter CAA Survey results for Southend, SHP suggest a figure of 0.8% applies to this airport.</p> <p>i. Due to this proximity to London, the acknowledged draw of the capital and the availability of a quick frequent train service would it be the case that the majority of tourists who may use the proposed development would use it to access London, as opposed to visiting Thanet or East Kent?</p> <p>ii. Comment on the above data sourced from the CAA.</p>
		<p>Applicant's Response:</p> <p>i. The Applicant has acknowledged and continues to acknowledge that the majority of passengers, particularly in the short term, are likely to be destined for London or areas outside Thanet, East Kent and even Kent. However, as with the successful efforts made by Southend-on-Sea Borough Council, local (defined at Thanet, East Kent and the rest of Kent) attractions will need to market the local area to overseas visitors and potential visitors in order to capture economic benefit for the area. This strategy has proved to be extremely successful in Southend, where the Council has worked with local stakeholders and the airport to attract tourists to visit and stay in the area notwithstanding its proximity to London. Manston airport provides an opportunity that would otherwise not exist for local stakeholders to attract tourists to the area.</p> <p>The local market (Thanet and East Kent) includes attractions such as Canterbury Cathedral, Dover Castle, the White Cliffs of Dover, steam railways, the James Bond's Kent, the Royal St George's golf course, sailing events, as well as beaches, countryside and historic towns in Thanet and Whitstable, Faversham and Canterbury, Michelin star restaurants, gastro pubs, food festivals, farmers' markets, oast houses and the Shepherd Neame brewery. Language schools, private schools, universities, and pilgrims visiting</p>

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		<p>Canterbury Cathedral provide a lucrative inbound market for the area in long stay tourism These numerous attractions and (and many others) provide a wonderful offering to promote to overseas visitors, of which York Aviation clearly remain unaware. With a concerted effort, stakeholders could be effective in increasing the number of overseas visitors well above the percentages found at Gatwick, Luton and Stansted.</p> <p>ii. The figures for Gatwick, Luton and Stansted Airports are perhaps unsurprising, given that the immediate 'locality' (it is noted that local is not defined here so, for example, is Brighton and the South Coast included as local to Gatwick?) of these airports are not known for their visitor attractions. The review of the literature by PwC for the Airports Commission found that the impact of tourism on local business and services is largely determined by the definition of the 'locality' assumed. PwC found that while there may be limited benefit of close proximity to the airport, beyond the direct and induced impacts, there may be a more significant impact when the nearest metropolitan area or region is considered. Therefore, as with other impacts, without the operation of airports such as Gatwick, Luton and Stansted, the UK would not derive the considerable income from overseas visitors that it does. It should be remembered that there were a total of 34.3 million visits to England by overseas visitors in 2017:</p> <ul style="list-style-type: none"> • Gatwick: 1% of 46,566,000 passengers is 465,660 • Luton: 1.5% of 17,305,000 passengers is 259,575 • Stansted: 0.5% of 28,408,000 passengers is 142,040 <p>Totalled, the overseas visitors through three of London's major airports amounts to just 867,275. Either the remaining 33.4 million people travel through Heathrow, London City, the non-South East airports and the Channel crossings, or York Aviation has misinterpreted the importance of aviation to the UK's tourism market.</p> <p>The figure for Southend, which York Aviation seems to attribute to the CAA, is that 0.8% of passengers arriving at Southend Airport are foreign visitors staying locally. Southend Airport handled 1.571 million passengers in the period May 2018 to April 2019. 0.8% of this figure would mean (without prejudice since the 0.8% figure is unqualified) that around 12,500 foreign nationals stay 'locally' (again unqualified and unspecified by York Aviation). This figure may be doubled if these visitors stay both after an inbound flight and before an outbound flight – again York Aviation do not specify. In 2015, Southend had 252,900 staying trips (2015 figures): 12,500 overnight stays represent around 5% of these. For Thanet, if 0.8% of one million passengers (Year 10 forecast) stayed overnight, 8,000 extra</p>

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		stays, some 5.4% of the 148,000 staying trips made by overseas visitors in 2017. Even at the very low estimate of 0.8% made by York Aviation, this would add considerably to the Thanet economy.
SE.4.11	The Applicant	<p>Tourism</p> <p>Written question SE.3.7 considered the attraction of the airport to older or less mobile passengers. Representations have also been made on this subject by Interested Parties.</p> <p>i. What other airports would the proposed development be competing with for this market?</p> <p>ii. Would Southend be a competitor in this regard?</p> <p>iii. While the ExA recognises that larger airports may be more confusing and have longer distances to walk, are airports obliged to offer assistance to less mobile passengers?</p> <p>iv. Would a passenger's choice of airport be related to the destinations available, the cost of tickets to such destinations, surface access options and cost of such options, and the proximity of the airport in time?</p> <p>Applicant's Response:</p> <p>i. Competitor airports for the older age group market are likely to include Southend and London City airports, depending on destinations required (London City serves mainly business destinations).</p> <p>ii. Yes</p> <p>iii. Yes. Passengers with a disability or reduced mobility are legally entitled to support when travelling by air. Notwithstanding the availability of that assistance, the larger airports still present greater challenges (both real and perceived) to certain sections of the population who find the sheer scale and level of activity off putting and would prefer to use smaller airports where they to be available.</p>

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Ref No.	Respondent	Question
		<p>iv. Choice of airport is complex and airports generally respond actively to market changes. However, it is clear that routes available and ticket price influence passenger choice of airport even though these are not in the gift of the airport but rather driven by strategic decisions made by airlines. It is very much hoped that surface access options will make an increasing difference to passenger choice of airport since this will help to reduce carbon emissions by reducing private cars arriving at and leaving the airport. Manston Airport will be relatively well connected, with its proximity to Ramsgate railway station and the availability of electric shuttle buses between the airport and the station. The proximity of the airport in terms of travel time is also an important factor and these were detailed in SE3.7 and formed part of a submission by Dr Beau Webber (REP5-070). Summary details of minimum walking distances at airports are shown in the graphic below:</p>


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		<div data-bbox="478 428 1054 1224"> <p>HOW FAR DO YOU HAVE TO WALK THROUGH AIRPORTS?</p> <p><i>Maximum distances from check in or special assistance desks to gates at the larger UK airports</i></p> <p>London Stansted - 3,822ft (1,165m)</p> <p>London Luton - 2,952ft (900m)</p> <p>Manchester - 2,697ft (822m)</p> <p>London Gatwick - 2,559ft (780m)</p> <p>Glasgow - 2,461ft (750m)</p> <p>Edinburgh - 695m (2280ft)</p> <p>Birmingham - 1,739ft (530m)</p> </div>

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Ref No.	Respondent	Question
		<p>There is certainly a need for further research, planning and investment around multimodal connectivity. Bus and train timetables could be synchronised with flight departures and arrivals to reduce travel times and encourage use of public transport. Current surveys of travelling passengers miss those who feel unable to travel without the presence of a regional airport (i.e. the studies only include those who do travel through the current system and not those who feel unable to). Anecdotal evidence collected in East Kent suggests that there is potentially a sizeable section of the population for whom travel to one of the London airports (Gatwick, etc), the length of time required to clear security and wait prior to boarding an aircraft is too much for them to handle. This may be due to disability, age-related conditions or single parents travelling with more than one child. However, many of these issues need to be resolved by stakeholders other than the airport operator such planning authorities. It is essential that all parties make strategic decisions that encouraging use of public transport and reduce the use of private vehicles so that environmental impacts are minimised.</p>
SE.4.12	The Applicant	<p>Tourism</p> <p>At the socio-economics ISH, a question was asked regarding the flight path for the proposed development compared to Southend. The Applicant's answer to SE.3.9 provides a plan showing the flightpath to the south west located over Leigh on Sea. A member of the public stated that this was a tourist centre.</p> <p>Confirm, or otherwise that Leigh on Sea is a tourist centre, and compare this area in terms of size and attractions to Southend and Ramsgate town centre.</p> <p>Applicant's Response:</p> <p>Leigh-on-Sea is a district of Southend-on-Sea and as such a tourist centre. It lies to the west of Southend, as shown in the map below. The parish has a population of 22,500 (2011 with the 2017 estimate at 23,400) and covers an area of 5.23 sq. kms. Ramsgate is around twice the size of Leigh-on-Sea with a population of 38,000 (2011 with the 2017 estimate at 42,500) and a size of 9.87 sq. kms. As such, Ramsgate and its relationship with Broadstairs and Margate, provide a much larger offering to incoming tourists. The area also has a wealth of historic attractions that could be promoted widely to overseas areas served by airlines using Manston Airport.</p>

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		<p>Leigh-on-Sea lies under Southend's flight path. The fact that it remains a tourist centre demonstrates that the presence of overflying aircraft is not inconsistent with a successful tourist industry.</p>  <p>In 2015, Leigh-on-Sea was named as the fourth best place to live in the country by The Times' Bricks and Mortar team in its 30 Best Places supplement. 2016 and 2018 surveys by Rightmove found that Leigh was the happiest place to live in the UK due to a strong community spirit and sense of belonging, good access to sports and arts activities, and opportunities to develop skills. This demonstrates that the presence of the airport and Leigh's location under the flight path have not affected its position as one of the country's best places to live. Particular note should be taken of the importance of opportunities to develop skills as a factor in the attractiveness of a town.</p> <p>Leigh-on-Sea is described by Visit Essex as a town, "With galleries and craft shops, a selection of pubs, excellent fish restaurants and the famous cockle sheds this picturesque town is the perfect place for you to unwind and take in the fresh sea air." The coastal environs of the town feature a nature reserve at Two Tree Island and a centrally located beach. Leigh Old Town is a traditional fishing</p>

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		<p>village dating from medieval times, with cobbled streets, cockle sheds, a 14th century Church, a Heritage Centre and Trail, Endeavour, one of the Dunkirk ships, and an array of pubs and restaurants with a vibrant live music scene. This compares to Ramsgate, which has a number of similar attractions but considerably more numerous, particularly when its sister towns, Margate and Broadstairs, are considered</p> <p>The Index of Multiple Deprivation is a composite indicator comprising the following with weighting shown:</p> <ul style="list-style-type: none"> • Income Deprivation (22.5%) • Employment Deprivation (22.5%) • Education, Skills and Training Deprivation (13.5%) • Health Deprivation and Disability (13.5%) • Crime (9.3%) • Barriers to Housing and Services (9.3%) • Living Environment Deprivation (9.3%) <p>Without the operation of Manston Airport, Thanet continues to rank as the most deprived local authority in Kent. Comparing Thanet and Southend-on-Sea and its successful airport shows that whereas Southend-on-Sea ranks 105th most deprived of the 326 Local Authority areas, Thanet ranks 35th. Thanet's Local Authority District has 18.6% of adults in employment deprivation, ranking 11th out of all local authority districts in this respect</p> <p>(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/465791/English_Indices_of_Deprivation_2015_-_Statistical_Release.pdf).</p> <table> <tr> <td></td><td>Thanet</td><td>Southend</td></tr> </table>		Thanet	Southend
	Thanet	Southend			

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		Unemployment rate	4.5%	3.6%
		NVQ Level 4 and above	30.4%	30.8%
		No qualifications	12.1%	6.5%
		Average earnings (gross weekly pay)	£528.00	£593.60
		Average earnings by place of work	£464.50	£512.40
		Job density	0.70	0.72
SE.4.13	The Applicant	Tourism At the socio-economics ISH the Applicant stated that operations at Newquay Airport overflowed Watergate Bay with no adverse tourism effects. i. Is Watergate Bay the main tourist area for Newquay? ii. Compare Watergate Bay in terms of size and attractions with Ramsgate.		
		Applicant's Response:		

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		<p>i. The Applicant has not carried out an analysis of the various tourist areas in and around Newquay and their relative importance as part of this assessment. Whether or not Watergate Bay is the main tourist area, the point remains that its tourist industry does not appear to have been adversely effected as a result of overflying aircraft using Newquay Airport.</p> <p>The Visit Newquay website says this:</p> <p>“Watergate Bay Beach, about 3 miles from Newquay is a large expanse of fine golden sand stretching for over 2 miles at the foot of steep cliffs. It is a large, open bay and frequently picks up swell from the Atlantic and is popular with families and surfers. There are several access paths down to the beach the easiest of which is in front of the hotel in the valley and parking in two beach side car parks.</p> <p>Watergate Bay is a 15-minute drive from Newquay or a 45 minute walk, however this is a strenuous walk with many hills and valleys. The beach is a European Designated beach and has achieved the highest standard for UK bathing water. There are RNLI lifeguards from mid-May to the end of September and dogs are allowed all year round.</p> <p>The two miles of golden sand and azure sea make this a fantastic beach for surfers and activity lovers of all ages and abilities. Watergate Bay hosts demonstrations, events, championships and festivals in a variety of sand, sea and air sports as well as the annual Polo on the Beach.”</p> <p>ii. The two are not really comparable as Watergate Bay is a beach and Ramsgate is a town. However as to the impact of aircraft noise on tourism it can reasonably be assumed that tranquillity will be more highly prized in a beach environment such as Watergate Bay than in an urban environment like Ramsgate. Nevertheless, Watergate Bay flourishes whilst under the flightpath of Newquay Airport.</p>
		<p>Tourism</p>

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Ref No.	Respondent	Question
SE.4.14	The Applicant TDC	An Interested Party has submitted an infographic produced by TDC concerning the Thanet Visitor Study 2018 [AS-205]. The IP's accompanying commentary considers that the information shows significant interdependencies between Ramsgate, Broadstairs and Margate, shows the importance of Ramsgate as a key part of a touring itinerary for the wider tourism industry in Kent and that coastline/beach and recreational activities - predominantly outdoors pursuits - account for 83% of all key influencers.
		Taking the above into account, what effects do you consider the proposal would have, whether positive or negative, on the tourism industry in Ramsgate and the wider Thanet area?
		<p>Applicant's Response:</p> <p>The presence of Manston Airport is not expected to hinder attracting visitors to Ramsgate and therefore would have no discernible negative effect on the wider Thanet area. In contrast, the potential to attract overseas visitors to all towns in Thanet would be increased considerably, dependent on the effort made by stakeholders, as has been the case with Southend-on-Sea. As explained in response to SE.4.12 above, the towns of Thanet and their beaches, history, countryside, architecture, events and attractions have a considerable offering to overseas tourists.</p> <p>Manston airport presents a significant opportunity for TDC and local stakeholders to capitalise on the throughput of 1.5 million passengers per annum travelling through the airport. Tourists will be commencing their journeys in this part of Kent which provides opportunities for Local Authorities, tourist boards or individual tourist sites to advertise themselves and attract these tourists, enticing them to spend time in Kent or attracting them on their journeys through Kent. Manston Airport will bring a significant number of visitors to Ramsgate, effectively creating a market for attractions such as those promoted by the Heritage Action Zone (HAZ). It will be for TDC to grasp the opportunity to attract those visitors to the HAZ.</p>

Ref No.	Respondent	Question
TR.4 Transportation and Traffic		
TR.4.1	The Applicant KCC	<p>Study area</p> <p>KCC's response to third written question TR.3.15 [REP7a-034] sets out that the provision of the network diagram (Appendix TR.2.11) has highlighted further areas of interest which should be addressed by the Applicant. These include traffic flows entering/leaving the current network study area on:</p> <ul style="list-style-type: none"> • The A256 (177 and 155 two-way traffic movements in the AM and PM peaks respectively). • The A299 Thanet Way at St Nicholas-at-Wade (111 & 84 two-way traffic movements in the AM and PM peaks respectively). <p>KCC suggested that the study areas should be expanded to better understand potential impact on these links and appropriate mitigation proposals progressed if adverse impacts are identified.</p> <p>After further discussion at the ISH7 on 6 June 2019 [EV-028], the Applicant agreed to undertake a proportional impact assessment on the wider study area. This is presented in the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices at Appendix ISH7 – 32 [REP8-017].</p> <p>i. Is KCC content with the methodology adopted? ii. Is KCC content with the findings of the additional assessment? iii. Is the use of a 5% proportional increase threshold appropriate and acceptable to KCC?</p> <p>The additional modelling is based on the revised Transport Assessment 9) TA (utilising the Thanet Strategic Transport Model).</p> <p>iv. Are there any potential implications of such a wider study area associated with the original TA? v. If so, how will this be addressed by the end of the Examination?</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>iv. As noted during the ISH7, the use of a spreadsheet model such as that used for the original TA is consistent with approaches for planning applications that have been granted consent in Thanet and Kent on numerous recent occasions. Neither the TSTM or the spreadsheet approach is invalid under these circumstances and as such the use of both modelling approaches should be considered to offer additional robustness rather than suggesting that one calls into question the other.</p> <p>In terms of the coverage of the model, the Thanet Strategic Transport Model (TSTM) itself does not extend along the A256. As shown in Figures 6.27 and 6.28 of the Original TA [APP-060 to APP-072], the estimated traffic along the A256 south of the A256/Sandwich Road roundabout was lower than that assessed in the proportional impact assessment: 133 vehicles in the AM peak and 148 vehicles in the PM peak. The proportional impact assessment included as Appendix ISH7 – 32. The Applicant has carried out further sensitivity tests on the first three roundabouts this demonstrates that our development traffic does not have a severe impact on the road network. These tests will be included in a technical note and submitted at Deadline 10. This addresses any potential concern regarding impacts outside of the TSTM and the study area of the original TA. As a point of clarification, the proportional impact assessment included as Appendix ISH7 – 32 [REP8-017] is based on the traffic generation agreed with Kent County Council (KCC) that was used in the revised TA. .</p> <p>With regards to the A299, all other junctions between Junction 7 (A299/A28) and J2 M2 (Brenley Corner) are grade separated and as such will not receive sufficient throughput of traffic to warrant further assessment. This is not disputed by the Highways Agency or KCC. The assessment at Brenley Corner by Highways England and by the Applicant (Appendix Tr.3.36 at Deadline 7a [REP7a-003] was based on the higher traffic generation flows agreed with KCC.</p> <p>v. No further work is required as the proportional impact assessment is based on the traffic generation agreed with KCC and used in the revised TA [REP5-012].</p>
TR.4.2		<p>Passenger flight movements</p> <p>Appendix ISH7 – 30 of Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] sets out a technical note on Airport Passenger Traffic Generation.</p>

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	The Applicant	<p>Paragraph 1.1.2 of Appendix ISH7 – 30 sets out that:</p> <p><i>“In responding to this request a review of the spreadsheet calculations identified two errors which had been applied to the traffic generation in both the DCO TA and the Revised TA:</i></p> <p><i>double counting of in and out trips for taxis and car drop off for passenger departure and arrival flights.</i></p> <p><i>departure trips out of the airport following a passenger arrival flight were allocated in the same time period as the flight arrival rather than 1 hour after arrival as identified”.</i></p> <p>Paragraph 1.1.4 goes on to say:</p> <p><i>“The results of the amended calculation show a lower volume of development traffic overall. <u>In the AM peak hour there are 141 fewer trips</u> than the revised traffic generation in the Revised TA; and In the PM peak hour there is a marginal increase of 11 vehicles compared to the revised traffic generation in the Revised TA”.</i></p> <p>Both the original TA (Tables 1.6 and 1.7 of Appendix E) and revised TA (Tables 1.5 and 1.6 of Appendix C) did not model any passenger vehicle movements in the am peak due to the anticipated passenger flight departure and arrival times.</p> <p>i. How can there suddenly be a significant reduction of 141 vehicle movements in the am peak when there were no passenger flight movements in the am peak modelled in the original TA and revised TA?</p> <p>ii. Provide the detailed modelling that shows the direct comparison.</p> <p>Applicant's Response:</p> <p>i. Detailed clarification on this matter is provided at Appendix Tr.4.2 (TR020002/D9/FWQ/Appendices).</p> <p>In summary terms, both the original TA and the revised TA included traffic generation in the AM peak which was the result of a flight arrival between 08:00 and 09:00. Tables 1.8 and 1.9 of Appendix E of the original TA [APP-060 to APP-072] show combined total of 188 vehicles in the AM peak hour of 08:00 – 09:00. This was based on taxis and car pick up vehicles arriving to collect</p>

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		<p>flight arrival passengers and departing in the same hour. It also included parked car departures. Table 1.7 in Appendix C of the revised TA shows 185 light vehicles between 08:00 and 09:00 (plus 8 buses in the same period) and a total of 193. This reflects the minor modifications resulting from later discussions with KCC that were not included as assumptions in the original TA.</p> <p>As set out in Appendix ISH7 – 30, it is correct to assume that taxis and car pick up vehicles would arrive in the same hour as the flight, however, the flight arrival vehicular departures should not have been included in the same hour as the flight arrival but 1 hour after the flight arrival time. The reduction is a result of flight arrival vehicular departures occurring during the 09:00 and 10:00 period rather than the 08.00 to 09.00 period. The resultant reduction is shown in the table below:</p> <table><tr><th>Time Period</th><th colspan="3">Comparison 08:00 – 09:00</th></tr><tr><th></th><th>Arrivals</th><th>Departures</th><th>Two-way</th></tr><tr><td>Revised Transport Assessment</td><td>80</td><td>113</td><td>193</td></tr><tr><td>Updated Figures</td><td>42</td><td>9</td><td>51</td></tr><tr><td></td><td>-38</td><td>-103</td><td>-141</td></tr></table>	Time Period	Comparison 08:00 – 09:00				Arrivals	Departures	Two-way	Revised Transport Assessment	80	113	193	Updated Figures	42	9	51		-38	-103	-141
Time Period	Comparison 08:00 – 09:00																					
	Arrivals	Departures	Two-way																			
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		ii. The detailed modelling supporting the above response is presented within Appendix Tr.4.2 (TR020002/D9/FWQ/Appendices).
TR.4.3	The Applicant	<p>Passenger flight movements</p> <p>Appendix ISH7 – 30 of Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Table 2.12 sets out a Passenger Traffic Generation Comparison between DCO (original) TA and revised TA. However, these figures do not appear to reflect those in the Appendix E of the original TA or Appendix C of the revised TA.</p> <p>Provide clarification on where the figures in Table 2.12 have been derived.</p> <p>Applicant's Response:</p> <p>The original TA figures presented in Table 2.12 [REP8-017] were derived from Tables 1.8 and 1.9 in Appendix E of the original TA [APP-060 to APP-072]. There is a slight variance in Table 2.12 due to rounding.</p> <p>The revised TA figures presented in Table 2.12 [REP8-017] were derived from Table 1.7 in Appendix C of the revised TA [REP5-012]. Bus flows which were not included in Appendix C but are included in Table 2.12.</p>
TR.4.4	The Applicant KCC	<p>Passenger flight movements</p> <p>Appendix ISH7 – 30 of Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Paragraph 2.5.4 concludes:</p> <p><i>"The overestimation of the AM peak hour traffic is comparable to the traffic generation for departure and arrival flights which would affect the AM peak hour. On this basis, the DCO (original) TA has been robust and has assessed a situation equivalent to departure/arrival flights affecting the AM peak hour".</i></p> <p>However, the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Paragraph 2.13 states:</p>

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		<p><i>"Following discussions of this item at the hearing, the Applicant confirms that there will be a ban on flights arriving or departing between 09.00 and 11.30, with one departure permitted from 11.30 and one from 11.45. For the 11.30 departure, it is assumed that half of the 30% passenger arrivals would fall within the morning peak hour and for the departure at 11.45, one quarter of passengers would fall within the peak hour".</i></p> <p>i. These two statements appear contradictory, provide further clarification.</p> <p>ii. How many departure and/ or arrival flights would result in the equivalent number of vehicle trips as the suggested overestimation in the am peak?</p> <p>iii. Provide further evidence that an arrival at 07.00 (where 100% of passengers would depart in the am peak) along with the proposed departure flights at 11.30am and 11.45am would not materially impact on the am peak.</p> <p>iv. Should a restriction on any passenger flight arrivals before 8.00am be imposed?</p> <p>v. Do KCC have any views on this matter and the proposed passenger flight restrictions?</p>
		<p>Applicant's Response:</p> <p>i. The statements are not contradictory, rather it is the case that additional limitations on airport operations were included in the noise mitigation plan at the request of the ExA.</p> <p>The passenger traffic generation calculations have not been based on actual flight times as this will not be finalised until airlines commit to operations at Manston following the making of the DCO. It is not reasonable or possible to model all possible flight arrival and departure scenarios and as such reasonable assumptions have to be made. The example provided in the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] necessarily relates to a specific time period. If a flight departs at 11.30, it is reasonable to assume that not all passengers would arrive exactly 3 hours before, but that passengers would arrive at the airport 2 – 3 hours before departure. This would therefore be between 08:30 and 09:30, hence the assumption that 50% would arrive in the AM peak hour, during 08:30 and 09:00. A flight departure at 11:45 would result in arrivals between 08:45 and 09:45, hence 25% would arrive in the AM peak hour during 08:45 and 09:00. The approach taken by</p>

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		<p>the applicant is reasonable and robust and the Examining Authority can be satisfied that the effects assessed in the TA are unlikely to be exceeded.</p> <p>ii. As there are numerous potential combinations of arrival and departure flights. It is necessary to generate a reasonable set of assumptions in order to predict the likely significant effects of the proposed development. As such, the following assumptions have been adopted for assessment purposes:</p> <p>Passenger departure flights:</p> <ul style="list-style-type: none">30% of passengers 3 hours before a flight would result in 33 car movements (vehicles arriving and departing in the same hour except for parked cars)70% of passengers 2 hours before a flight would result in 76 car movements (vehicles arriving and departing in the same hour except for parked cars) <p>Passenger arrival flights:</p> <ul style="list-style-type: none">43 car movements in the same hour as the flight arrival (arriving at the airport to pick up passengers)65 car movements one hour after the flight arrival (departing the airport) <p>8 two-way bus movements per hour are assumed.</p> <p>Trip Generation Assumptions</p> <p>The trip generation assumption below is for cars (including taxis). There will also be 4 bus arrivals and 4 bus departures each hour serving both flight departures and arrivals.</p> <table><tr><th rowspan="2"></th><th colspan="4">Departure Flight</th><th colspan="4">Arrival Flight</th></tr><tr><th>Passengers</th><th>Car Arrivals</th><th>Car Deps</th><th>Two Way</th><th>Passengers</th><th>Car Arrivals</th><th>Car Deps</th><th>Two Way</th></tr><tr><td>07:00 - 08:00</td><td></td><td>21</td><td>11</td><td>33</td><td></td><td></td><td></td><td></td></tr></table>		Departure Flight				Arrival Flight				Passengers	Car Arrivals	Car Deps	Two Way	Passengers	Car Arrivals	Car Deps	Two Way	07:00 - 08:00		21	11	33				
	Departure Flight				Arrival Flight																							
	Passengers	Car Arrivals	Car Deps	Two Way	Passengers	Car Arrivals	Car Deps	Two Way																				
07:00 - 08:00		21	11	33																								

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Ref No.	Respondent	Question												
		08:00 - 09:00		71	38	109	170	38	5	43				
		09:00 - 10:00		49	27	76		0	65	65				
		10:00 - 11:00	170											
		11:00 - 12:00	170											
			Departure Flight				Arrival Flight							
			Passengers	Car Arrivals	Car Deps	Two Way	Passengers	Car Arrivals	Car Deps	Two Way				
		07:00 - 08:00					170	38	5	43				
		08:00 - 09:00		21	11	33	170	38	71	109				
		09:00 - 10:00		49	27	76		5	71	76				
		10:00 - 11:00												
		11:00 - 12:00	170											
		iii. It should be noted that the Requirements of the EIA regulations require the applicant to assess likely significant effects however in order to provide a sensitivity test in line with the unlikely scenario suggested in this question, ie. that all passengers would arrive 3 hours before the flight departure, the traffic generation in the AM peak would be as follows, noting that this is for light vehicles, i.e. cars. Buses are anticipated to be up 8 movements per hour – 4 arrivals and 4 departures:												
			Departure Flight				Arrival Flight				Combined			
			Passenger Numbers	Car Arrivals	Car Departures	Two Way Car	Passenger Numbers	Car Arrivals	Car Departures	Two Way Car	Passenger Numbers	Car Arrivals	Car Departures	Two Way Cars

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Ref No.	Respondent	Question												
		07:00 - 08:00					170	38	5	43	170	38	5	43
		08:00 - 09:00		42	23	65		0	65	65		42	88	131
		09:00 - 10:00		99	53	152						99	53	152
		10:00 - 11:00												
		11:00 - 12:00	340								340			
		iv. No. The original TA and the revised TA assessed the traffic impact of 188 vehicles and 193 vehicles respectively. As demonstrated above, 2 departure flights between 11:00 and 12:00 and 1 arrival flight between 07:00 and 08:00 would result in less traffic than that already assessed.												
TR.4.5	The Applicant KCC TDC	<p>Passenger flight movements</p> <p>Appendix ISH7 – 30 of Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Table 2.13 shows that, as a result of the amended passenger traffic generation, there would be 98 more vehicle movements in the pm peak than that modelled in the original TA.</p> <p>Appendix ISH7 – 43 of Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] provides a Transport Assessment Update, which at Paragraph 1.1.3 states:</p> <p><i>“As part of the scoping of the TA Addendum with KCC, two changes to the traffic generation methodology were agreed which affected the overall traffic generation”. Paragraph 1.1.4 goes on to set out: ‘The purpose of the TA Update is to assess and present the implications of the changes to the traffic generation based on the DCO (original) TA spreadsheet model’.</i></p> <p>Paragraphs 2.2.6 to 2.2.8 state:</p> <p><i>“Further to this, it is noted that a review of the spreadsheet calculations identified two errors which resulted in an overestimation of overall traffic generation. With regards to the peak hour periods, there are the following changes: In the AM peak hour there are 141 fewer trips than the revised traffic generation in the Revised TA; and</i></p>												

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Ref No.	Respondent	Question
		<p><i>In the PM peak hour there is a marginal increase of 11 vehicles compared to the revised traffic generation in the Revised TA.</i></p> <p><i>The overestimation of the AM peak hour traffic is comparable to the traffic generation for departure and arrival flights which would affect the AM peak hour. On this basis, the DCO TA has been robust and has assessed a situation equivalent to departure/arrival flights affecting the AM peak hour.</i></p> <p><i>This assessment of the PM peak hour has been based on the V7 traffic generation. The addition of 11 extra two-way trips is marginal and would not affect the overall outputs”.</i></p> <p>i. Given that the Transport Assessment Update (Appendix ISH7 – 43) is reviewing the original TA based on the changes to the traffic generation methodology and not the revised TA, why was an increase of 11 extra two-way trips considered and not the 98 extra two-way trips as set out in Table 2.13 of Appendix ISH7 – 30?</p> <p>ii. What effect would the additional 98 extra two-way trips have on the junction assessments in the Transport Assessment Update (Appendix ISH7 – 43)?</p> <p>iii. Further, what effect would this have on the noise and air quality assessments?</p> <p>iv. What are the views of KCC and TDC on this matter?</p>
		<p>Applicant's Response:</p> <p>i. The traffic generation agreed with KCC and used in the revised TA [REP5-012] resulted in an additional 87 vehicle trips in the PM peak hour, compared to the original TA [REP-060 to REP-072]. The technical note included as 'Appendix ISH7 – 43' considered the additional 87 vehicles. The TA update (ISH7-43) was prepared in order to demonstrate that the additional 87 vehicles in the PM peak hour could be accommodated. The technical note was produced prior to the identification of the error as set out in Appendix ISH7 – 30. An additional 11 vehicle trips in the peak would not have a material effect as the traffic is dispersed around the network. There is sufficient capacity to accommodate the additional 11 vehicles at the junctions immediately surrounding the site.</p>

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Ref No.	Respondent	Question
		<p>ii. 'Appendix ISH7 – 43' was prepared to demonstrate that the additional 87 vehicles in the PM peak hour could be accommodated. The technical note was produced prior to the identification of the error as set out in Appendix ISH7 – 30. An additional 11 vehicles would not have a material effect as the traffic is dispersed around the network and there is sufficient capacity to accommodate the additional 11 vehicles at the junctions immediately surrounding the site.</p> <p>iii. There is an overall reduction in traffic flows over the 24-hour and 16-hour periods, therefore the noise and air quality assessments are robust and present a conservative assessment of the likely significant effects.</p>
TR.4.6	<p>The Applicant</p> <p>KCC</p> <p>TDC</p>	<p>Passenger flight movements PM peak restrictions</p> <p>In a similar manner to the am peak restrictions, to ensure that there will be no unacceptable impacts on the local highway network, the ExA is considering whether a further restriction in the dDCO is required for passenger arrival and departure flights during the pm peak period in the form of an additional Requirement to read:</p> <p><i>"There shall only be: one passenger flight arrival between the hours of 16.00 and 17.00; two passenger flight departures between the hours of 18.00 and 19.00; one passenger flight departure between the hours of 19.00 and 20.00; and no passenger departure flights between the hours of 20.00 and 21.00."</i></p> <p>i. What is the Applicant's response? ii. What are the views of KCC and TDC?</p> <p>Applicant's Response:</p> <p>i. Likely significant effects during the PM peak have been assessed and appropriate mitigation adopted on the basis of that assessment. The residual effects of the development are shown to be acceptable on the highway network. In those circumstances it would be disproportionate and unnecessary to impose additional controls. It is not necessary for the examiner to introduce such a restriction which would serve only to limit the commercial flexibility of the airport, thereby putting at risk the benefits derived from maximising job creation opportunities at the airport.</p>

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Ref No.	Respondent	Question
TR.4.7	The Applicant KCC Highways England	<p>HGV clustering</p> <p>The Applicant's response to second written question ND.2.13 [REP6-012] sets out that "...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".</p> <p>i. Further justify this assertion.</p> <p>ii. Is it entirely feasible that a traditional express integrator could operate out of Manston that would require early morning delivery times that would affect the am peak?</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix 2 at Paragraphs 5.1.1 and 5.1.2 state:</p> <p><i>"There are likely to be lower HGV movements in the peak periods and higher flows in the off-peak, as commercial operators will seek to avoid congested periods to avoid inefficiency. Any clustering of HGV movements is therefore not likely to coincide with peak traffic hours.</i></p> <p><i>Any clustering is unlikely to have a material impact on the transport network, e.g. a 50% uplift would result in an extra 5 HGVs in an hour".</i></p> <p>iii. Is this accepted by KCC and Highways England?</p>
		<p>Applicant's Response:</p> <p>i. The answer to ND 2.13 sets out a lengthy explanation of why the Applicant does not believe new integrators will need access to night flights (the reference to early morning means in the early hours of the morning - e.g. 1am to 6am). As that response explains e-commerce flights are still at the trial stage in Europe, it is only in the USA and China (both much larger continents than</p>

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		<p>Europe and in the US with 4 time zones) where they are better developed. This means the models developed there may not be directly applicable here. Until the Applicant enters into detailed discussions with potential carriers about how they might wish to operate from Manston, it's not possible to reach a firm view on flight arrivals and departures. However, the Applicant remains confident that it can operate the frights operation successfully in line with the night-time ban.</p> <p>ii. The Applicant does not envisage a traditional express integrator operating from Manston, although this has not been ruled out - perhaps as a smaller support operation with shorter trucking times to London, M25 and southern Home Counties markets to those at EMA, especially if access to Stansted (for operators other than Fedex) and Luton become more difficult, as they might if passenger operations are prioritised and night flight regimes tightened.</p> <p>In these circumstances departures and arrivals soon after opening and in the late evening may still allow late morning deliveries and night feed into European hubs, in the same way we are imagining some new integrator flights may want to operate. The timing of these aircraft movements should not create trucking operations in the morning or evening road traffic peaks at Manston (i.e. 08:00 -09:00 and 17:00 – 18:00)</p> <p>Whether traditional integrators, e-commerce or any other freight operators they would all seek to avoid peak hours where traffic conditions will result in slower delivery times. Any 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. In the event that traditional express integrators operate from Manston, they are likely to focus on early morning and evening flight arrivals so as to avoid peak hour traffic.</p>
TR.4.8	KCC	<p>Manston-Haine Link Road</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] in Section 3 sets out that:</p>

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Ref No.	Respondent	Question
		<ul style="list-style-type: none"> • <i>"KCC agreed that the deliverability of the link road is a matter for them and that a planning application for the road would need to be submitted including any necessary environmental impact assessment (EIA) and public consultation;</i> • <i>The draft Thanet Transport Strategy (TTS) is an aspiration and is not yet adopted in any Plan;</i> • <i>The emerging Thanet Local Plan indicates that the route is indicative and will depend on the final proposals for the Northern Grass site;</i> • <i>The Strategic Site Allocations Impact Thanet Local Plan Evidence Base, July 2018, Amey identifies that strategic housing developments in Thanet should contribute to the transport strategy at a level commensurate to their likely impact and does not include the airport;</i> • <i>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;</i> • <i>KCC acknowledged that the route contained within the TTS has not been the subject of detailed testing, nor has it been the subject of environmental assessment, feasibility study or EIA screening;</i> • <i>The proposal is a Nationally Significant Infrastructure Project that should not be unnecessarily compromised by a transport strategy that is not secured and could be delivered via the alternative alignment proposed by the Applicant;</i> • <i>The Applicant has agreed to safeguard (for the duration of the Local Plan period) and transfer to KCC at nil cost, land alongside Manston Road to ensure that the alternative alignment can be delivered in the event that funding is secured for it. Alongside a number of other transport contributions, this is a generous contribution to the costs and deliverability of KCC's proposed link road; and</i> • <i>The Applicant believes that the inclusion of safeguarding of the land within the Section 106 agreement is the most appropriate mechanism given that it is unknown as to when KCC plan to deliver the link road and that there is no guarantee that the link road will be delivered".</i> <p>Does KCC accept all of these points? If not, why not.</p>

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Ref No.	Respondent	Question
		<p>Applicant's Response:</p> <p>i. N/A KCC to respond</p>
TR.4.9	The Applicant	<p>Manston-Haine Link Road - Financial Contribution</p> <p>The revised draft s106 Agreement [REP8-006] at Schedule 8 includes a financial contribution of £500,000 towards the construction of the link road.</p> <p>i. Provide a clear explanation of the need for this contribution.</p> <p>ii. How has it been calculated?</p> <p>iii. Does provision of the financial contribution contradict the views of the Applicant that has been set out in Section 3 of Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices (see previous question) and does the Applicant now accept that a financial contribution is necessary?</p> <p>Applicant's Response:</p> <p>i. The Applicant has responded to the Thanet Transport Strategy's policy at paragraph 9.3.19 that any activity or development at the airport site should make significant improvements (or financial contributions if deemed appropriate) towards the road network in the locality.</p>

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		<p>The expectation from Kent County Council is that developments should not only offset their own effects with highway improvements or financial contributions, but should also make a contribution towards achieving its longer term transport strategy. It is in fulfilment of that policy that the £500,000 contribution is proposed.</p> <p>ii. The figure of £500,000 has been derived from the Applicant's consideration of a reasonable contribution towards the link road in addition to the transfer of the land where it crosses the application site at nominal value. The application is an employment generator rather than a housing development and so should not be expected to make a contribution of the scale of a housing development, but nevertheless as a significant development in the area should make some contribution.</p> <p>iii. The £500,000 towards the Link Road is not necessary to render the project acceptable in planning terms. The original TA demonstrates that the scheme can be satisfactorily delivered on the existing road network. However, para 1.1.4 of the Thanet Transport Strategy 2015-2031 provides that "each significant development site will be expected to appraise its own specific highway impacts whilst contributing to this overarching strategy in line with an accompanying Infrastructure Delivery Plan (IDP)." It is in response to that requirement that the Applicant proposes the £500,000 contribution.</p>
TR.4.10	KCC	<p>Manston-Haine Link Road</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix ISH7 – 36 sets out a note on 'Safety and Security Issues with the Manston-Haine Link Road Transecting the Northern Grass Area'.</p> <p>Does KCC accept the Applicant's views on these matters?</p>
		<p>Applicant's Response:</p> <p>N/A</p>
		Alternative Manston-Haine Link Road

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TR.4.11	The Applicant KCC	<p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Paragraph 3.12 notes that the Applicant:</p> <p><i>"...has already funded an initial feasibility design of the alternative Manston Haine link demonstrating that equivalent performance could be delivered without the need to take a central line through the Northern Grass. This information is in the public domain and has been shared with KCC. In addition, the Applicant has funded the Revised TA which demonstrated that the Manston-Haine Link in its alternative alignment is deliverable and provides the same performance as the route through the Northern Grass".</i></p> <p>Further, Paragraph 3.15 states:</p> <p><i>"The Applicant highlighted that the alternative alignment as proposed by the Applicant is 100m shorter than the route identified by KCC. It also follows existing highway for part of its length therefore requiring considerably less land take than the KCC option".</i></p> <p>i. Are these matters accepted by KCC?</p> <p>ii. Can the Applicant confirm that this initial feasibility study forms part of the examination evidence?</p> <p>iii. Is there sufficient evidence to suggest that there is a reasonable likelihood that the alternative link road can be delivered without significant environmental impacts?</p>
		<p>Applicant's Response:</p> <p>i. N/A</p> <p>ii. The initial feasibility design has been presented within the revised TA [REP5-012]. The revised TA [REP5-012] and the ES addendum [REP6-016] consider the impact of the proposed development in the context of the revised baseline assumptions requested by KCC. KCC accept that the Manston-Haine link is not part of the DCO application and does not need to be. It would be delivered by KCC as a wider package of measures, as such it can only form part of the future baseline. As noted previously,</p>

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		<p>the original TA did not include the Manston-Haine Link and as such forms a robust demonstration that the Thanet transport Strategy is not needed to deliver the proposed development.</p> <p>iii. As noted previously, the Applicant's ES Addendum submitted at Deadline 6 [REP6-016] demonstrates that in the event that KCC bring forward the Manston-Haine Link, the impact of the proposed development (i.e.. the airport) will not change significantly from that reported in the ES. As noted during ISH7 and on a number of other occasions, the delivery of the airport does not rely on the Manston-Haine Link. As such it is not necessary for the Applicant to assess its impact as part of the DCO application. KCC has not undertaken assessment of the environmental impacts for either the indicative Thanet Transport Strategy alignment or the alternative alignment suggested but would be required to do so in the event that it wishes to secure permission to build the road. As acknowledged by KCC at ISH7, it will be necessary for KCC to seek the necessary approvals, with or without EIA as part of the planning application for either alignment.</p>
TR.4.12	<p>The Applicant</p> <p>KCC</p>	<p>Alternative Manston-Haine Link Road</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix ISH7 – 38 includes maps showing a wider corridor to be safeguarded for the alternative route.</p> <p>Further, KCC in their response to Deadline 8 [REP8-027] on Page 2 set out several concerns:</p> <p><i>"The road link is currently at a very early stage of development and is based on a two-dimensional design. Therefore, defining a precise area of land for safeguarding (based on this early stage design) offers insufficient flexibility to KCC, should it need to react and accommodate possible minor changes in alignment and subsequent land requirements as the design progresses.</i></p> <p><i>Until potential land requirements are known in full and features such as drainage and archaeology are identified, it is essential that a level of flexibility is maintained to allow KCC to accommodate any changes that may be needed as a result, in a similar way to that sought by the applicant for the proposed development of the Northern Grass Area.</i></p> <p><i>The current safeguarding area provides no scope whatsoever for any minor realignment, provision of a turning head for the proposed Manston Road service road, or any form of junction at Spitfire Way, which is a significant risk from the Highway Authority perspective.</i></p>

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		<p><i>Safeguarding must include all land between the existing highway (Manston Road) and the western side of the proposed link and all identified intervisibility areas on the eastern/southern side of the road to make the scheme acceptable”.</i></p> <p>i. Does the Applicant’s proposed wider safeguarding corridor overcome KCC’s concerns?</p> <p>ii. What is the view of the Applicant on these matters?</p>
		<p>Applicant’s Response:</p> <p>i. n/a</p> <p>ii. Additional safeguarding land has been presented in the draft Section 106 agreement. The additional safeguarded land comprises a 4m offset on the inside radius and a triangular section of land on the outer radius. This amount of land is sufficient for KCC to build their proposed scheme. To offer any further flexibility on the northern grass would not be reasonable given the many other uncertainties (not least funding) surrounding the delivery and timing of Inner Circuit proposals. In this regard, whilst the Applicant is willing to safeguard a corridor of land, it would not be reasonable to expect the applicant to safeguard an area larger than that required for the construction of the KCC development. Nor would it be reasonable to expect complete flexibility as to the location of the link road as it could take many years for KCC to establish need, obtain funding and receive planning consent for their proposals. Such a proposal would have the effect of sterilising land necessary for the NSIP. Without the Applicant’s offer to safeguard the land, it is likely that KCC would have to compulsorily acquire the land to deliver the Link Road. Plainly in those circumstances it would have to acquire the minimum land possible to accommodate the delivery of the road and would not be permitted to acquire land over and above the requirements of the link road delivery simply because it wished to have maximum flexibility.</p>
		Alternative Manston-Haine Link Road

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TR.4.13	KCC Historic England	<p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix ISH7 – 38 provides an 'Explanatory Note addressing the implications of safeguarding a wider corridor for the proposed Manston-Haine link road'. The Applicant suggests that safeguarding a wider corridor will not affect the performance of the radar and having a wider corridor means that any heritage impacts are more likely to be able to be avoided.</p> <p>Does KCC and Historic England accept these points?</p>
		<p>Applicant's Response:</p> <p>The Applicant notes that the above question directed at KCC and Historic England however the context of the statement made at ISH7 should be clarified. The discussion at ISH7 related to the use of an existing highway alignment when compared with less disturbed land on the Northern Grass Area. The Applicant made a statement in response to an assertion made by KCC that the alternative alignment for the Manston-Haine Link may be <u>more</u> likely to result in significant archaeological finds. The Applicant remains of the view that KCC's assertion is unfounded and that previously disturbed ground, in the form of an existing road is less likely to result in significant archaeological finds than an area identified by KCC themselves as being of archaeological interest. The ExA is reminded that as a result of residual concerns regarding potential buried archaeological remains on the Northern Grass Area, KCC Archaeology and Historic England have requested significant amendments to the dDCO (Requirements 3 and 16) to ensure that flexibility is offered in any Northern Grass masterplan to take account of potential finds in the area proposed by KCC Transport for the Manston Haine Link. In terms of the width of the corridor itself, it is clear that providing some flexibility in the alignment would allow more potential to avoid archaeological remains. Nonetheless, for the reasons outlined in 4WQ TR 4.12 above, a pragmatic approach must be adopted such that the NSIP is not compromised. To offer complete flexibility to KCC across the NGA for the siting of the access road would be inappropriate and unreasonable and would effectively sterilise a significant area of airport related employment land.</p>
TR.4.14		<p>Alternative Manston-Haine Link Road</p> <p>KCC in their response to Deadline 8 [REP8-027] on Page 2 state:</p>

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	The Applicant	<p><i>"Land required to deliver a new Junction at Spitfire Way/B2050 Manston Road must also be included to enable the scheme to come forward ahead of physical delivery of the Spitfire Junction improvements".</i></p> <p>What is the Applicant's response?</p>
		<p>Applicant's Response:</p> <p>The land required for the proposed new junction at Spitfire Way/B2050 Manston Road is included within the DCO boundary, other than a small section of a visibility splay discussed in further detail in TR.4.29.</p>
TR.4.15	The Applicant	<p>Alternative Manston-Haine Link Road</p> <p>KCC in their response to Deadline 8 [REP8-027] set out on Page 3 that the safeguarded corridor:</p> <p><i>"must be subject to adequate i.e. enforceable provision to ensure that the Radar Protection Zone and landscaping buffer features, which the proposed road alignment may encroach on, will be secured in a manner that cannot prejudice the delivery of the link road scheme in the future. KCC submits to the Examining Authority that it must be entirely satisfied that this could not constitute an insurmountable constraint in the future. Whilst a certain level of informal clarification has been provided by the applicant in TR 3.2, KCC does not have the relevant expertise in relation to aviation radars to come to a firm view about deliverability, on the basis of the limited information provided. KCC therefore requests that the independent evidence that informed the applicant's proposal in this regard, including any justification for the proposed approach, should be provided to the Examining Authority and the interested parties by the applicant in relation to this matter, so at the very least a view can be formed about deliverability".</i></p> <p>Provide this evidence.</p>

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		<p>Applicant's Response:</p> <p>The Applicant provided an explanatory note at Deadline 8 in response to the ExA's post-hearings action number 38 which clarified that the proposed location of the Manston-Haine link does not have adverse effects with respect to aviation safety (Appendix ISH 7 – ExA Action 38 in REP8-017). This note was prepared by aviation experts, Osprey Consulting Services Limited. For ease of reference this note is reproduced below.</p> <p><i>1.1 The proposed location of the Manston-Haine link does not have adverse effects with respect to aviation safety, in regard to Air Traffic Services (ATS) provision through the use of the radar. Where the proposed route, and its wider corridor, diverts into the radar safeguarding area (sterile zone which lies above the ground level), the dish will be approximately 27m above ground level and well above the route; hence all road traffic, and the route's furniture will be well below the safeguarding surface (forming a ceiling) of the radar dish. Therefore, although inside the safeguarded radius of the surface, the route would have no impact on radar performance.</i></p> <p><i>1.1.1 The intention of the sterile circle is to prevent tall building construction which would result in degradation of radar performance.</i></p> <p><i>1.1.2 Limited development underneath this sterile zone can be tolerated</i></p> <p><i>1.1.3 This ensures that the beam is unaffected or blocked by obstacles, permanent, temporary or transitional, to permitting clean, un-interrupted radar beam formation.</i></p> <p>The Applicant stands by that assessment.</p>
TR.4.16	The Applicant	<p>Alternative Manston-Haine Link Road</p> <p>KCC in their response to Deadline 8 [REP8-027] set out on Page 3 that:</p>

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		<p><i>"it is essential that KCC fully understands the financial implications of progressing an alternative alignment for the Manston to Haine Road Link. In order to do this, the applicant's suggested design must be subject to a separate cost estimate by a construction consultant (funded by the applicant). At the request of the applicant, KCC recently produced a draft commission brief for this work, which was subsequently sent to the applicant for their comment / approval. Since then, no further contact has been received from the applicant and as such, common ground in relation to this issue is now highly unlikely to be reached before the end of the Examination".</i></p> <p>i. What is the Applicant's response?</p> <p>The latest Applicant's Statement of Common Ground status table [REP4-106] states that:</p> <p><i>"The matters raised by KCC in its representations and Local Impact Report are expected to be addressed as part of the updated Transport Assessment There is no point in agreeing a SoCG with KCC until this is done, but it will be progressed as soon as possible afterwards."</i></p> <p>ii. Report on progress with the Statement of Common Ground between the Application and KCC; and</p> <p>iii. state when this will be submitted.</p>
		<p>Applicant's Response:</p> <p>i. The applicant has demonstrated that the alternative alignment is feasible and has already funded the initial feasibility study required by KCC. The Thanet Transport Strategy accepts that the alignment of the link will need to take into account developer's proposals for the NGA. It is not for the applicant to establish the costs and effects of a transport scheme upon which the DCO is not reliant. Indeed it would not be possible to do so as KCC have not tested or designed the alignment indicatively suggested in the Thanet transport Strategy. The alignment shown in the TTS is simply a line on a high-level plan, it is not an alignment as such; it has not been subject to the level of feasibility and design that the alternative alignment proposed by the Applicant has; nor has it been demonstrated as deliverable as either a stand-alone scheme or as part of the wider aspirations for the inner circuit. The suggestion that the Applicant should be funding feasibility studies for infrastructure that has not even passed the scrutiny of a</p>

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		<p>local plan examination, let alone been demonstrated to be necessary, runs contrary to any norms associated with planning obligations passed to applicants of unrelated developments. As the applicant is safeguarding the land necessary to bring forward the road and gifting this to KCC, a further costing exercise is not necessary in the context of the DCO application.</p> <p>ii. The SoCG cannot be progressed any further at this stage as KCC's position is unchanged despite the significant evidence provided in relation to their previous concerns. It is the Applicant's view that detailed comments should be provided by KCC in justification of their position particularly with regard to the funding package offered by the applicant as well as the Manston-Haine Link. It is unclear to the Applicant why KCC have been unable to consider the proposals presented and unclear where the justification lies for use of their funding model and costing scenarios requested. There remains a lack of clarity on the part of KCC in terms of whether they require flexibility in terms of how contributions are used or whether the Applicant's original suggestion of delivery of mitigation via Section 278 agreements is preferable to them. Given that it has not been possible for the Applicant to understand KCC's position on these matters and others, a final version of the SoCG including matters not agreed will be submitted to the Examiner for consideration.</p> <p>iii. It does not appear likely that a SoCG between the Applicant and KCC will be submitted before the end of examination but the Applicant will try to achieve this.</p>
TR.4.17	The Applicant	<p>Alternative Manston-Haine Link Road</p> <p>KCC in their response to Deadline 8 [REP8-027] on Pages 7 and 8 state: <i>"KCC requires a much longer safeguarding period to cover unforeseen delays in delivering this project, due to circumstances outside of its control. It is suggested that the safeguarding should be extended to twenty years, which will also facilitate future changes in circumstances (for example, a subsequent Local Plan review). Alternatively, the section 106 agreement should include necessary clause(s) to enable KCC to secure a deed of dedication for any land deemed necessary to deliver the all or part of the Manston to Haine road scheme ahead of planning consent being gained".</i></p> <p>What is the Applicant's response to both of these matters?</p>

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		<p>Applicant's Response:</p> <p>The Applicant has agreed to safeguard the land until the end of 2031. This ensures that the land is safeguarded for the duration of the Local Plan period and the Thanet Transport Strategy. Local transport policy is unknown beyond that date and safeguarding for the offered period is therefore reasonable. The safeguarding and the agreement to transfer to KCC at nil cost land alongside Manston Road is a generous contribution to the costs and deliverability of KCC's proposed link road.</p>
TR.4.18	The Applicant	<p>Alternative Manston-Haine Link Road</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Paragraph 3.17 sets out:</p> <p><i>"In response to the ExA Action 37 (a) the s.106 agreement is the mechanism which will secure the Applicant's commitments to making financial contributions, whereas the DCO secures non-financial commitments that often correspond to the contributions included in the s106 agreement. For example the submission of an Education, Employment & Skills Plan is secured by Requirement 20 of the DCO, and the funding for this is provided in the s106 agreement. Similarly, the provision of bus services is included in the REAC which is secured by Requirement 7 of the DCO, and the funding is again secured by the s106 agreement".</i></p> <p>On this basis, should the dDCO not secure the non-financial commitment to safeguard the alternative link road land that corresponds to the contribution now included in the revised draft Section 106 Agreement?</p> <p>Applicant's Response:</p> <p>The dDCO could secure the safeguarding of the alternative link road alignment rather than it being contained in the s106 agreement, however this would mean appending a plan to the dDCO for something not directly part of the airport project and thus the Applicant believes it is more suitably contained in the s106.</p>

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		KCC will equally be able to enforce against non-performance of the s106 agreement and the dDCO and so the safeguarding is secured either way.
TR.4.19	<p>The Applicant</p> <p>The Applicant RAF Manston History Museum</p> <p>RAF Manston Spitfire and Hurricane Memorial Museum</p>	<p>Alternative Manston-Haine Link Road Supporters of Manston Airport Committee in an additional submission [AS-199] raise a number of concerns with regard to the route of the alternative link road:</p> <ul style="list-style-type: none"> • That this main, Band A road passes too close to both museums which house some valuable, unique and sometimes fragile artefacts; • that the road widening will impact and encroach upon the museums land - as the opposite side of the road is MoD restricted Crown land; • it appears that the road would cut through part of the RAF Manston History Museum – or at least through part of the grounds; • the location of the access and entry points to the museums and car park; • any potential effects on visitor numbers; • the safety of visitors, particularly as the museums attract a lot of children and elderly people; • the vibration and pollution from the traffic which could potentially cause damage to the exhibition items; and • any impact on any future large-scale commemorative events and flypasts. <p>The submission also states:</p> <p><i>"We were further surprised to learn that, before we spoke to a representative from one of the museums, they had no knowledge of this potential new road and had not been consulted on it.</i></p> <p><i>We raise these concerns in the knowledge that there is a very short period before this examination closes and that we are keen to ensure that the museums have a secure future going forward".</i></p>

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		<p>i. What is the Applicant's response?</p> <p>ii. What are the views of the RAF Manston History Museum and the RAF Manston Spitfire and Hurricane Memorial Museum on these matters?</p>
		<p>Applicant's Response:</p> <p>i. The alternative alignment does not impact on the footprint of the museum. The Manston-Haine Link Road passes close to the museum, whether it is the alternative alignment identified by the Applicant or the route suggested in concept by KCC in the Thanet Transport Strategy. The Spitfire Way/Manston Road junction will also need to be upgraded in either scenario and without development already has a number of safety issues associated with it. There will be no impact on visitors or future events and the existing access arrangements can be retained.</p>
TR.4.20	The Applicant KCC	<p>Transport Assessment Update - Appendix ISH7 – 43 [REP8-017]</p> <p>Table 3.1 shows the junctions that have been assessed. For junctions 14, 19, 22 and 23 it states: "<i>Traffic Impact at the junction not sufficient to warrant assessment</i>".</p> <p>i. Provide clarification how has this been established.</p> <p>Further, Table 3.1 also sets out that junctions 20, 21a and 21b do not require assessment based on the 'Manston Green Junction Layout'.</p> <p>ii. What guarantee can there be that the Manston Green site will come forward?</p> <p>iii. If the Manston Green site did not come forward and the junction layout was not implemented, what effect would this on such an assertion and the need for assessment and mitigation?</p> <p>iv. Is KCC content with this approach?</p>

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		<p>Applicant's Response:</p> <p>i. The traffic generation at these junctions is either very low (less than 10 vehicles) and would not have a material impact on the operation of the junctions or the junction arrangement has one-way traffic routeing and the development traffic is unopposed and wouldn't affect capacity.</p> <p>ii. The Manston Green development was granted outline planning permission in 2016 and has a signed Section 106 agreement. It is standard practice to assume that a permitted development is committed and should be included within a TA. It is further noted that a detailed application has recently been submitted for an initial phase of the development, and the infrastructure required to deliver the Manston Green development has been granted £2.5 million from the South East Local Enterprise Partnership (SELEP) area from the Government's Housing Infrastructure Fund (HIF). It is therefore reasonable to conclude that the Manston Green development will come forward and in any event it would be unreasonable to expect the applicant to test with and without development scenarios for all consented developments or those within the Local Plan.</p> <p>iii. It is reasonable to assume that the infrastructure will be implemented. As identified above, the funding has been granted to enable the delivery of the road infrastructure and a detailed planning application has been submitted for the initial phase.</p>
TR.4.21	The Applicant KCC	<p>Modelling Approach in Original TA</p> <p>KCC in their response to Deadline 8 [REP8-027] (Pages 5 and 6) state: <i>"As outlined within the KCC LIR, there is continued concern about the approach to modelling within TA1, as it provides inaccurate forecasts of future traffic conditions within the local highway network. TA1 is not informed by the Thanet Strategic Highway Model (TSHM), which provides the most accurate forecast of future growth and traffic conditions, as it is based upon local development proposals as set out within the Draft Thanet Local Plan and Transport Strategy (including planned highway infrastructure schemes) and provides dynamic distribution of trips within the study area.</i></p>

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		<p><i>The spreadsheet model used to inform TA1 takes a blanket approach to growth using TEMPro growth factors, which KCC considers to be unsuitable. The applicant has suggested that this is a suitable approach to assessing the traffic impact, however KCC maintains the view that this is not an appropriate modelling tool for the reasons set out within the KCC LIR (which were reiterated at recent ISH 7).</i></p> <p><i>The recently submitted TA Addendum (TA2) was informed by outputs from the TSHM (undertaken by KCC's consultants) and suggests that a reduced number of junctions require positive mitigation by the applicant (when compared to the conclusions drawn from TA1). The applicant has suggested that the appraisal within TA2 supports a conclusion that TA1 provides a robust set of mitigation proposals. KCC disagrees with the applicant's conclusion, as this methodology fails to recognise the benefits that are derived from the considerable number of highway infrastructure proposals included within the TSTM modelling scenario (which includes the Manston to Haine Road Link).</i></p> <p><i>In view of the above, KCC considers that a proportionate contribution towards strategic infrastructure is justified and the applicant should fund a further apportionment study work to ascertain the appropriate financial contribution in line with the emerging Thanet Local Plan. Until recently, there was a reasonably positive dialogue with the applicant in relation to this issue, which led to the production of a draft Commissioning Brief to KCC's consultancy team (prepared by KCC) for the applicant's comment/approval. Unfortunately, since the production of this brief, no further contact or undertaking with regard to costs has been received from the applicant. No agreement has therefore been reached to date with regard to this issue either.</i></p> <p><i>Whilst KCC welcomes a flexible approach to highway mitigation measures, it is essential that any contributions are informed by highway interventions that effectively mitigate the impacts of the development and do not in themselves create safety issues. The usual approach would be for the applicant to enter into relevant Highways Agreements under the Highways Act 1980. However, in this case, KCC is amenable to a contribution-based approach to ensure potential changes in local circumstances (such as future Local Plan review or large scale development proposals outside currently planned growth) are able to be facilitated in future junction improvement / road network solutions.</i></p> <p><i>Separate to agreement on the quantum of the contributions, it is essential that a flexible approach to what the contributions secured under a section 106 agreement could be utilised for, provided of course that they are needed to alleviate the impact of the development.</i></p> <p><i>However, if either the quantum of the contributions or the required flexibility as to the schemes to which KCC may apply the contributions is not reached with the applicant, KCC objects to the proposed development on the basis that adequate mitigation</i></p>

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		<p><i>has not been secured. At present KCC's position is that it fundamentally disagrees with parts of the mitigation proposed. Should no progress be made between now and the conclusion of the examination, if the Examining Authority is minded to grant the DCO, KCC requires that provision be put in place that any Highways works must be secured through Section 278 Highways Act agreements, with necessary changes to the section 106 agreement to reflect this position."</i></p> <p>i. The Applicant must respond to each matter raised.</p> <p>ii. KCC has set out that the methodology fails to recognise the benefits that are derived from the considerable number of highway infrastructure proposals included within the TSTM modelling scenario (which includes the Manston to Haine Road Link). However, what guarantee is there that these will actually be delivered?</p> <p>In addition, KCC in their response to Deadline 8 [REP8-027] (Page 8) state:</p> <p><i>"As outlined at the recent ISH7, KCC considers that an appropriate contribution towards the emerging Inner Circuit Route Improvement Strategy should be included within the section 106 agreement. However, the modelling/study work to calculate the monetary value of this has not been completed, due to delays in obtaining an undertaking from the applicant to cover costs associated with completing this piece of work, which cannot be reasonably expected to be borne by the Highways Authority".</i></p> <p>iii. What is the Applicant's response?</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices' at Paragraph 2.7 states:</p> <p><i>"The Applicant highlighted that a standard spreadsheet traffic modelling methodology used in the original TA is a conventional approach applied in numerous planning applications and appeals without controversy and has been accepted by KCC for a number of recent planning applications, including Land off Haine Road OPA (planning reference OL/TH/18/0261)".</i></p> <p>iv. What is KCC's response?</p>
		Applicant's Response:

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		<p>i. The Applicant disagrees with KCC and maintains that the spreadsheet approach is acceptable. This approach has been previously adopted in TAs for numerous planning applications in the district and in the county, which have been accepted by KCC. Such examples include, but are not limited to Land off Haine Road, Discovery Park and the Whitfield Urban Extension.</p> <p>Neither the Draft Thanet Local Plan nor the Draft Thanet Transport Strategy are adopted policy documents, and in the event that they are adopted, will be subject to change and review, as has been acknowledged by KCC. The Inner Circuit proposals are not guaranteed to be delivered and KCC has emphasised their need for a flexible approach towards Section 106 contributions in order to be able to fund alternative improvement schemes to that identified in the Draft Thanet Transport Strategy.</p> <p>The spreadsheet modelling remains robust as it incorporates the Draft Local Plan growth based on the existing road network. Assessment of the Proposed Development impact on the existing road network has resulted in a greater number of junctions requiring mitigation compared to the aspirational network proposed by KCC which is largely dependent on the delivery of strategic residential sites. The Applicant will provide Section 106 contributions to cover the costs of the larger number of mitigation schemes identified in the original TA and is willing to allow flexibility in the wording of the obligation such that the funding is available to be spent on wider improvement schemes identified by KCC that will still address the impact of the airport.</p> <p>In terms of a proportionate contribution to strategic infrastructure, this is discussed in iii below.</p> <p>ii. The original TA (and the contributions contained within the Section 106 agreement) provides for a greater number of junction improvements than those required by the TSTM model (revised TA). All of the junction improvements required by the TSTM (revised TA) are included within the original TA. The Applicant's position is based on the fact that there is no guarantee that the highway infrastructure proposals set out in the Draft Thanet Transport Strategy and included in the Thanet Strategic Transport Model will be delivered, and as such it is appropriate to provide sufficient funding for a 'with' and 'without' TTS scenario. KCC recognises and acknowledges that there will be regular reviews of the Thanet Transport Strategy alongside reviews of the Local Plan. KCC has acknowledged the need for a flexible approach to all Section 106 obligations in the district to enable funding to be spent on other improvement schemes if necessary through the review process. The Applicant has presented an assessment which is not dependent on the delivery of this infrastructure. For this reason, KCC's concern are unclear and unfounded.</p>

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		<p>iii. As noted above, the Applicant has demonstrated that the Proposed Development is not dependent on the delivery of the Manston-Haine Link Road. KCC has identified a funding structure for the Inner Circuit (which includes the Manston-Haine Link Road) based on contributions from the strategic housing sites. The airport is not included with the KCC funding model methodology and nor is there any assumption that any development on the airport site would contribute to the inner circuit. The model assumes contributions commensurate with impact and given that the impacts of the airport are mitigated via other means, KCC's position does not reflect that of their own document submitted in evidence to the local plan examination. The applicant is already making contributions to the TTS via separate contributions, safeguarding of land and implementation of a number of other highways improvements. As discussed at ISH7 and in previous written answers the Applicant does not consider it necessary to fund an assessment to calculate its contribution to the Inner Circuit, given the limited applicability of the calculation methodology in the context of a Nationally Significant Infrastructure Project. The applicant awaits any reasoned justification for the use of KCC's model for the calculation of financial contributions, however at this time no justification has been supplied nor have KCC sought to engage in any constructive discussions regarding reasonable contributions in the context of the NSIP.</p>
TR.4.22	<p>The Applicant</p> <p>KCC</p>	<p>Junction 1: A256 / Sandwich Rd</p> <p>KCC in their Local Impact Report (LIR) [REP3-143] state:</p> <p><i>"It is not considered that the proposed scheme of mitigation for the A256 / Sandwich Road roundabout will deliver practical benefits to the capacity of the junction. There is a known tendency for the ARCADY and PICADY modelling software to exaggerate the impact of minor amendments to kerb radii, flare lengths etc, which do not in reality provide meaningful capacity gains".</i></p> <p>i. What is the Applicant's response?</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices at Appendix ISH7 - 43 [REP8-017] at Paragraph 3.2.9 states that <i>"this junction improvement scheme has not been subject to a Stage 1 Road Safety Audit (RSA) as the change is minor"</i>.</p> <p>ii. Is this view accepted by KCC?</p>

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		<p>Applicant's Response:</p> <p>i. The scheme identified delivers a nil detriment improvement, which is an appropriate approach and is not intended to solve an existing issue. Arcady software is an industry standard tool which estimates capacity based on the relationship between the variables that influence capacity, namely junction geometries and traffic flows. It is appropriate and acceptable to propose that amendments to the junction geometry variables will produce improvements to capacities in order to define the theoretical capacity of the junction. This is an industry standard approach to identifying mitigation. Should KCC Highways wish to progress an alternative improvement, the contributions provided by the Applicant could be used as part funding for these aspirations.</p>
TR.4.23	The Applicant KCC	<p>Junction 2: A299 / A256 / Cottington Link Rd</p> <p>Appendix TR3.24 [REP7a-003] of the Applicant's response to third written questions includes a further Stage 1 Road Safety Audit following the design response and the provision of swept path analysis. The audit concludes that there are no outstanding matters.</p> <p>KCC in their response to Deadline 8 [REP8-027] set out that it is their understanding that instigated by the Road Safety Audit a change to the mitigation scheme has been made which includes the signalisation of the roundabout. The response goes on to set out that in the absence of the revised junction model, KCC cannot assess the impact and operation of the proposed mitigation scheme. Further, in the absence of junction model, there are prima facie concerns over the potential effectiveness of the proposed signalisation of this junction; primarily due to the limited stacking space that is available within the circulatory lanes. The most obvious conclusion is that this may lead to an increase in vehicle conflict through inappropriate lane changing and potential blocking back of junctions to the detriment of the free flow of traffic and Highway Safety on the A299.</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices at Appendix ISH7 - 43 [REP8-017] at Paragraph 4.4 states: <i>"The Applicant acknowledged that the Designers Responses to the Road Safety Audits (RSAs) had resulted in changes to the mitigation schemes for Junctions 2, 4 and 6. As such, the Applicant has submitted a Technical Note as Appendix ISH7-44, which provides the junction capacity models for those schemes (responding to the ExA's action point 44)".</i></p> <p>i. What is the Applicant's response to these concerns?</p>

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		<p>ii. Does the junction capacity model provided for Junction 2 overcome KCC's concern?</p> <p>The mitigation scheme for Junction 2 is based on the modelling in the revised TA and the Stage 1 RSA has been conducted on this basis.</p> <p>iii. Will the junction mitigation scheme suitably mitigate the impacts of the development based on the modelling in the original TA and/or Transport Assessment Update - Appendix ISH7 – 43 [REP8-017], especially as the original TA (at Table 7.8) identifies a greater level of impact on this junction, particularly in the am peak than Table 6.3 of the revised TA?</p> <p>iv. What is the view of KCC on this matter?</p> <p>Applicant's Response:</p> <p>i. The Applicant has provided the junctions models to KCC. Regarding the available storage on the gyratory and the potential issues that can arise if the queueing exceeds the available storage, the modelling work ensured that all evidenced queueing on the gyratory was lower than the storage available, so that the junction outputs are both representative and reflective of live operation with no blocking back / associated matters occurring. It is considered that the approach taken in the junction modelling resolves the concerns raised and as such the matters raised are not evident in the assessment work provided. The revised RSA identified no further observations indicating that there was acceptance of the safety aspects of the scheme.</p> <p>iii. Yes. The results shown in Table 3.5 of Appendix ISH7 – 43 [REP8-017] show an improvement on the 2039 baseline scenario in the AM and PM peaks as presented in Table 7.7 of the original TA [REP-060 to REP-072] The junction modelling is based on the revised TA traffic generation and the original TA 2039 baseline flows.</p>
TR.4.24		Junction 4: A299 / B2190 (Four-Arm Standard Roundabout)

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	The Applicant KCC	<p>Appendix TR3.25 [REP7a-003] of the Applicant's response to third written questions includes a further Stage 1 Road Safety Audit following the designer's response and the provision of swept path analysis. The audit concludes that there are no outstanding matters.</p> <p>KCC in their response to Deadline 8 [REP8-027] set out that it is their understanding that instigated by the Road Safety Audit a change to the mitigation scheme has been made which includes the signalisation of the roundabout. The response goes onto set out that in the absence of the revised junction model, KCC cannot assess the impact and operation of the proposed mitigation scheme. Further, in the absence of junction model, there are prima facie concerns over the potential effectiveness of the proposed signalisation of this junction; primarily due to the limited stacking space that is available within the circulatory lanes. The most obvious conclusion is that this may lead to an increase in vehicle conflict through inappropriate lane changing and potential blocking back of junctions to the detriment of the free flow of traffic and Highway Safety on the A299.</p> <p>Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices at Appendix ISH7 - 43 [REP8-017] at Paragraph 4.4 states:</p> <p><i>"The Applicant acknowledged that the Designers Responses to the Road Safety Audits (RSAs) had resulted in changes to the mitigation schemes for Junctions 2, 4 and 6. As such, the Applicant has submitted a Technical Note as Appendix ISH7-44, which provides s the junction capacity models for those schemes (responding to the ExA's action point 44)".</i></p> <p>i. What is the Applicant's response to these concerns?</p> <p>ii. Does the junction capacity model provided for Junction 4 overcome KCC's concern?</p> <p>KCC in its response to Deadline 8 (Page 6) [REP8-027] also state:</p> <p><i>"KCC as Highway Authority is surprised that the safety audit has not set out any observations in relation to the revised scheme produced by the applicant. The design appears to make no reference to the existing egress point from the adjacent Smuggler Leap development, which was highlighted in the RSA1 for the outgoing 3 lane scheme proposal. At this point in the Examination, KCC considers that similar issues would arise in respect of the proposed signal scheme. In addition, there are prima facie safety concerns relating to limited circulatory stacking space, which could lead to blocking back and inappropriate lane switching to the detriment of Highway Safety, which KCC considers has not been adequately addressed by the Safety Audit Team".</i></p> <p>iii. What is the Applicant's response?</p>

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		<p>The mitigation scheme for Junction 4 has been refined based on the modelling in the revised TA and the Stage 1 RSAs have been conducted on this basis.</p> <p>iv. Will the junction mitigation scheme suitably mitigate the impacts of the development based on the original TA and/or Transport Assessment Update - Appendix ISH7 – 43 [REP8-017], especially as the original TA (at Table 7.15) and Table 3.7 of the Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] identify a greater level of impact on some arms of this junction than Table 6.7 of the revised TA?</p> <p>v. What is the view of KCC on this matter?</p> <p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Table 3.7 identifies that on the B2190 (N) arm of the junction a significant reduction in queues(59) will occur in the pm peak as a result of the updated assessment 'revised traffic' when considered against 'original traffic'. However, Table 2.3 shows that 14 additional vehicles will use this junction in the pm peak.</p> <p>vi. Provide further justification for the improvement.</p>
		<p>Applicant's Response:</p> <p>i. The Applicant has provided the junctions models to KCC. Regarding the available storage on the gyratory and the potential issues that can arise if the queueing exceeds the available storage, the modelling work ensured that all evidenced queueing on the gyratory was lower than the storage available, so that the junction outputs are both representative and reflective of live operation with no blocking back / associated matters occurring. It is considered that the approach taken in the junction modelling resolves the concerns raised and as such the matters raised are not evident in the assessment work provided. The revised RSA identified no further observations indicating that there was acceptance of the safety aspects of the scheme.</p> <p>iii. Whilst the Smuggler Leap access was not explicitly identified in the independent RSA stage 1 report, it is noted that the same entry treatment works proposed previously to address KCC's concerns could be utilised to improve this limited use access. In addition, due to the proposed signalisation, this junction would benefit from clear breaks in traffic (intergreen effect)) every cycle</p>

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		<p>which will in turn provide gaps for traffic to exit the Smuggler Leap junction. With regards to the stacking space on the gyratory this is discussed in i. above which confirms that all queues on the gyratory are within the available storage capacity</p> <p>iv. Yes. The results shown in Table 3.8 of Appendix ISH7 – 43 [REP8-017] show an improvement on the 2039 baseline scenario in the AM and PM peaks as presented in Table 7.14 of the original TA [REP-060 to REP-072] The junction modelling is based on the revised TA traffic generation and the original TA 2039 baseline flows.</p> <p>vi. Whilst there is a reduction in queuing on the B2190, there is an increase in queuing on the A299W. The additional traffic flow has an impact on the balance of flows on the roundabout which has resulted in changes to queuing.</p>
TR.4.25	The Applicant KCC	<p>Junction 6: A299 / Seamark Rd / A253 / Willetts Hill (Monkton Roundabout)</p> <p>Appendix TR3.26 [REP7a-003] of the Applicant's response to third written questions includes a further Stage 1 Road Safety Audit following the design response and the provision of swept path analysis. The audit concludes that there are no outstanding matters.</p> <p>KCC in their response to Deadline 8 [REP8-027] set out that it is their understanding that instigated by the Road Safety Audit a change to the mitigation scheme has been made which includes the signalisation of the roundabout. The response goes on to set out that in the absence of the revised junction model, KCC cannot assess the impact and operation of the proposed mitigation scheme. Further, in the absence of junction model, there are prima facie concerns over the potential effectiveness of the proposed signalisation of this junction; primarily due to the limited stacking space that is available within the circulatory lanes. The most obvious conclusion is that this may lead to an increase in vehicle conflict through inappropriate lane changing and potential blocking back of junctions to the detriment of the free flow of traffic and Highway Safety on the A299.</p> <p>Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices' at Appendix ISH7 - 43 [REP8-017] at Paragraph 4.4 states:</p> <p><i>"The Applicant acknowledged that the Designers Responses to the Road Safety Audits (RSAs) had resulted in changes to the mitigation schemes for Junctions 2, 4 and 6. As such, the Applicant has submitted a Technical Note as Appendix ISH7-44, which provides s the junction capacity models for those schemes (responding to the ExA's action point 44)".</i></p> <p>i. What is the Applicant's response to these concerns?</p>

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Ref No.	Respondent	Question
		<p>ii. Does the junction capacity model provided for Junction 6 overcome KCC's concern?</p> <p>The mitigation scheme for Junction 6 has been refined based on the modelling in the revised TA and the Stage 1 RSAs have been conducted on this basis.</p> <p>iii. Will the junction mitigation scheme suitably mitigate the impacts of the Proposed Development based on the original TA and/or Transport Assessment Update - Appendix ISH7 – 43 [REP8-017], especially as the original TA (at Table 7.22) and Table 3.10 of the Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] identify a greater level of impact on some arms of this junction than Table 6.11 of the revised TA.</p> <p>iv. What is the view of KCC on this matter?</p> <p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Table 3.10 identifies that on the A253 Canterbury Rd (186 vehicles) and A299 (North) (65 vehicles) arms of the junction there is a significant increase in average queue lengths in the pm peak as a result of the updated assessment 'revised traffic' when considered against 'original traffic'. However, the proposed mitigation for the junction appears to be the same.</p> <p>v. Will the proposed mitigation scheme fully mitigate the impacts of the Proposed Development as set out in Table 3.10?</p> <p>vi. If so, provide the detailed modelling to illustrate this.</p> <p>vii. Why is the data in Table 3.11 set out differently to Table 3.10?</p> <p>viii. What is the view of KCC on these matters?</p> <p>Applicant's Response:</p> <p>i. Regarding the available storage on the gyratory and the potential issues that can arise if the queueing exceeds the available storage, the modelling work ensured that all evidenced queueing on the gyratory was lower than the storage available, so that the junction outputs are both representative and reflective of live operation with no blocking back / associated matters occurring. It is considered that the approach taken in the junction modelling resolves the concerns raised and as such the matters raised are not</p>

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		<p>evident in the assessment work provided. The revised RSA identified no further observations indicating that there was acceptance of the safety aspects of the scheme. The revised RSA identified no further observations indicating that there was acceptance of the safety aspects of the scheme</p> <p>ii. Yes. The results shown in Table 3.11 of Appendix ISH7 – 43 [REP8-017] show an improvement on the 2039 baseline scenario in the AM and PM peaks as presented in Table 7.21 of the original TA [REP-060 to REP-072] The junction modelling is based on the revised TA traffic generation and the original TA 2039 baseline flows</p> <p>v. Yes, the scheme will fully mitigate the impacts of the development and provide betterment at the junction.</p> <p>vi. The modelling is provided in Appendix TR.4.25.</p> <p>vii. The improvement scheme includes signalisation of arms and the junction assessment has considered specific movements which relate to the signal scheme.</p>
TR.4.26	<p>The Applicant</p> <p>KCC</p>	<p>Junction 7: A299 / A28 (St Nicholas Roundabout)</p> <p>KCC's response to third written question TR.3.27 states:</p> <p><i>"There is a concern with a potential increased likelihood of side swipe collisions at this roundabout. The proposal for vehicles travelling between the A299 (west) approach and the A299 (south-east) exit to use either lane on the roundabout circulatory has the potential to cause collisions with vehicles making opposing manoeuvres (e.g. from the A299 (south-east) approach to the A28 (north-east) exit), whose drivers may not appreciate that they intend to continue past their exit. Therefore, KCC is not content with the findings of the Safety Audit".</i></p> <p>i. What is the Applicant's response?</p>

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		<p>Appendix TR3.27 [REP7a-003] of the Applicant's response to third written questions includes a further Stage 1 Road Safety Audit following the designer's response in terms road markings and signage. The audit concludes that there are no outstanding matters in relation to these matters.</p> <p>ii. Is this accepted by KCC?</p> <p>The mitigation scheme for Junction 7 has been refined based on the modelling in the revised TA and the Stage 1 Road Safety Audits have been conducted on this basis.</p> <p>iii. Will the junction mitigation scheme suitably mitigate the impacts of the development based on the original TA and/or Transport Assessment Update - Appendix ISH7 – 43 [REP8-017], particularly as the original TA (at Table 7.26) Table 3.12 of the Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] identify a greater level of impact on some arms of this junction than Table 6.13 of the revised TA?</p> <p>iv. What is the view of KCC on this matter?</p>
		<p>Applicant's Response:</p> <p>i. Such an arrangement is not uncommon at a roundabout and KCC's concerns regarding the lane markings has not been identified in the RSA. The A299S exit arm has two lanes which can accommodate traffic routeing from both lanes of the A299W. Clear lane designations accompanied by advance advisory signage will mitigate any impacts. The Applicant does not accept that any increase in collisions is likely.</p> <p>iii. Yes. The results shown in Table 3.13 of Appendix ISH7 – 43 [REP8-017] show an improvement on the 2039 baseline scenario in the AM and PM peaks as presented in Table 3.12. The junction modelling is based on the revised TA traffic generation and the original TA 2039 baseline flows.</p>
		Junction 8: A28 / Park Ln / Station Rd

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TR.4.27	The Applicant KCC	<p>Based on the findings of the original TA, KCC's response to first written question TR.1.26 disagrees with the Applicant's view that no mitigation measures are needed for Junction 8. Further, KCC's LIR [REP3-143] states:</p> <p><i>"An inconsistent approach is taken to the justification of capacity mitigation requirements. For example, mitigation is proposed to the Shottendane Road / Manston Road / Margate Hill junction, yet the impact of the proposed development is seen to be of a similar order of magnitude at the A28 / Park Lane / Station Road junctions, where mitigation is claimed to be unnecessary. This is not accepted".</i></p> <p>i. What is the Applicant's response?</p> <p>ii. Why has mitigation been proposed for Junction 10 but not for Junction 8 where the impacts are comparable?</p> <p>Applicant's Response:</p> <p>i. As shown in Tables 3.14, the addition of the proposed development traffic results in a marginal increase in RFC of 0.2 and an increase in queuing of 7 vehicles. This is not a severe impact.</p> <p>ii. The network has been considered as a whole, and in doing so, the level of impact at each junction has also been considered. Given the significant queue reductions elsewhere it could have been asserted that neither of these junctions require mitigation. A compromise of providing mitigation at Junction 10 was considered to be a reasonable approach. To put the two junctions into context Junction 8 only adds 68 vehicles in the AM and 48 during the PM peak hour, whilst Junction 10 adds 80 vehicles during the AM and 75 during the PM peak hour. The larger impact at Junction 10 was considered to be the defining factor in selecting this junction for a mitigation over and above Junction 8.</p>
TR.4.28	The Applicant	<p>Junction 10: Shottendane Rd / Manston Rd / Margate Hill</p> <p>i. Are KCC content with the mitigation scheme proposed for this junction?</p> <p>ii. Does it result in a nil detriment mitigation scheme?</p>

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	KCC	<p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.40 sets out that the mitigation scheme has not been subject to a Stage 1 RSA as the change is minor.</p> <p>iii. Do KCC accept this point of view?</p> <p>Applicant's Response:</p> <p>ii. The junction improvement scheme is minor and does result in nil detriment as shown in Table 3.18 of Appendix ISH7 – 43 [REP8-017].</p>
TR.4.29	<p>The Applicant</p> <p>KCC</p>	<p>Junction 12: Manston Road / B2050 / Spitfire Way (Four-Arm Staggered Priority Junction (Spitfire Junction)) KCC has expressed a view that a roundabout layout would be preferable.</p> <p>i. If it can be demonstrated that a signalised junction is suitable in highway capacity and safety terms, would KCC's preference for a roundabout layout be a reason to impede the delivery of the proposed development?</p> <p>KCC in their response to Deadline 8 [REP8-027] state:</p> <p><i>"The outcome of the RSA1 does not have a bearing on the opinion of KCC in relation to this scheme and they remain as per the KCC written response to this question. The applicant has indicated a desire to work with KCC to identify a mutually acceptable scheme, which is welcomed, however there are ongoing concerns over the ability to reach common ground given the lack of progress to date and the pressing time constraints remaining within the examination timetable.</i></p> <p><i>The lack of progress on this issue, which was highlighted a considerable time ago and in fact as far back as prior to the commencement of the formal Examination, is extremely disappointing. It is not considered that this issue can be addressed through detailed design, as a potential solution may have a bearing on land take within the site".</i></p> <p>ii. What is the Applicant's response?</p> <p>KCC's response to third written question TR.3.28 notes that:</p>

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		<p><i>"The incorporation of uncontrolled right turns within the junction intersection could result in forward visibility for right turning drivers becoming obstructed by vehicles making the opposing right turn, with the potential for collisions with oncoming traffic. Further, KCC is concerned that neither this issue nor the issue of the inter-visibility splay between Manston Road (north) and Manston Road (west) crossing third party land have been identified by the Road Safety Audit".</i></p> <p>iii. What is the Applicant's response and why did the Stage 1 RSA not pick up on such matters?</p> <p>iv. If further assessment is required, what is the timeline for this?</p> <p>v. Does Figure 7.5 of the revised TA show the inter-visibility line departing from the highway boundary on the northern edge of the junction?</p> <p>vi. Does this small area of land outside of the highway boundary fall within the DCO boundary as shown on land plan [APP-016] Sheet 3?</p> <p>vii. If not, how can suitable inter-visibility be ensured and would this benefit from permitted development rights?</p> <p>viii. Is there also a large tree in this location that would obscure views (shown on aerial map within the Stage 1 Road Safety Audit)? Is the tree subject to a tree preservation order?</p> <p>ix. What is the view of KCC on these concerns?</p> <p>Appendix TR3.28 [REP7a-003] of the Applicant's response to third written questions includes a further Stage 1 Road Safety Audit following the design response and the provision of swept path analysis. The audit concludes that there are no outstanding matters. The Design response states (Page 953):</p> <p><i>"The Swept Path Analysis work has been undertaken on a slightly revised version of the design, upon final review it was noted an element of the previous design for the northern Manston Road arm had strayed into a plot of land that needed to be avoided. As such the length of two-lane carriageway approaching the junction on this arm has been reduced and a small section of pavement needs to be width restricted for a small distance to a minimum of 1.26m".</i></p> <p>x. What area of land needed to be avoided any why?</p> <p>xi. Was this to avoid the footprint of the RAF museum building?</p>

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		<p>xii. Do KCC have any comments on the revised mitigation scheme?</p> <p>The mitigation scheme for Junction 12 has been refined based on the modelling in the revised TA and the Stage 1 Road Safety Audits have been conducted on this basis.</p> <p>xiii. Will the junction mitigation scheme suitably mitigate the impacts of the development based on the original TA and/or Transport Assessment Update - Appendix ISH7 – 43 [REP8-017]?</p> <p>xiv. What is the view of KCC on this matter?</p>
		<p>Applicant's Response:</p> <p>i. Based on recent discussions, KCC accepts that the proposed signal junction arrangement has a lesser footprint than a roundabout and that a roundabout would impact on the masterplan proposals, particularly the cargo airport. The assessment work demonstrates that the signal junction arrangement has better capacity performance than a roundabout. The signal junction arrangement is therefore appropriate.</p> <p>ii. The Applicant has had discussions with KCC about their concerns regarding the uncontrolled right turn lanes, and offered to look at this further. An extended intergreen will aid right turners to discharge with no opposing traffic at the end of the intergreen and will improve the visibility for drivers in the right turn bays by providing an overhang if possible. TR.4.29ii. presents junction modelling to demonstrate this. The junction model has an extra 2 seconds added to the intergreen. Adjustments can be made to right turn bays to improve visibility.</p> <p>iii. The RSA did not pick this up as an issue as it is recognised that this a commonplace feature at signal controlled junctions.</p> <p>iv. It is not considered necessary to undertake further assessment.</p> <p>v. Figure 7.5 does indicate that the visibility line is outside of the highway boundary. The extent of the visibility line in relation to the highway boundary and DCO boundary is illustrated in Appendix TR.4.29 which shows that it is a very small section, which is</p>

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		<p>currently grass verge in front of the MOD building and does not present an obstruction. Junction intervisibility in accordance with Design Manual for Roads and Bridges (DMRB) standards (which relate to motorway and trunk roads) is regularly difficult to achieve in urban environments. TD50/04 identifies the 2.5m setback from the stop line and the junction intervisibility requirements thereafter, and makes reference to compromised visibility and mitigation measures that can occur. The junction design and operation including stage extensions and inter-green times etc. will be developed during detailed design.</p> <p>vi. The section does not fall within the DCO boundary.</p> <p>vii. A very small area immediately adjacent to the highway, that is currently grass verge, will have to be maintained in its current condition so as not to create an obstruction to visibility. It is extremely unlikely that any infrastructure will be introduced onto this plot of land so as to impede visibility. The ExA can be satisfied that inter-visibility will be maintained</p> <p>viii. These trees are not covered by any TPO's.</p> <p>x. The adjustment to the junction was to avoid the museum building.</p> <p>xi. Yes, the adjustment to the junction was to avoid the museum building.</p> <p>xiii. Yes, the improvement scheme will mitigate the impact of the propose development traffic and has also been demonstrated as being able to accommodate the additional traffic which would result from the Manston Haine Link Road.</p>
TR.4.30	<p>The Applicant</p> <p>KCC</p>	<p>Junction 13 - Manston Court Road / B2050</p> <p>KCC's LIR [REP3-143] states:</p> <p><i>"The proposed scheme of mitigation for the B2050 / Manston Court Road junction is considered inadequate. It is the opinion of the Highway Authority that Manston Court Road would act as a key route to the site from much of Thanet; however it is currently not of an appropriate standard to fulfil this function, due to its traffic calmed nature and constrained geometry".</i></p> <p>i. What is the Applicant's response?</p>

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		<p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.51 sets out that the mitigation scheme has now had a Stage 1 Road Safety Audit undertaken on it. This is provided at Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices at Appendix ISH7 – 44. This also includes the designer's response and confirmation that, following this, there are no outstanding issues.</p> <p>ii. Does KCC have any comments on the information provided and does it overcome KCC's concerns?</p> <p>The designer's response under Problem 3.4 (Potential for carriageway condition to lead to collisions) states: <i>"Road will be resurfaced within the extent of the junction as it is a part of the proposed scheme".</i></p> <p>iii. Does the junction fall within the DCO boundary and form part of the work plans?</p> <p>iv. If not, how can this be correct and how will this be secured and delivered?</p> <p>The designer's response under Problem 3.5 (Lack of inter-visibility with bridleway) states: <i>"It is not proposed as a result of proposals at the junction that the currently intervisability for the bridleway will be changed. The land surrounded by hoardings that is the main impediment to the visibility is not part of the Manston Airport proposals".</i></p> <p>v. The Applicant has suggested elsewhere that such works would constitute permitted development. If this is the case, why has the designer's response not set this out?</p> <p>vi. Based on the designer's response does the Applicant accept that suitable mitigation can not be achieved without acquiring additional land?</p> <p>vii. If so, should this have formed part of the Proposed Development and the land included as part of the DCO boundary?</p> <p>viii. How does the Applicant intend to rectify this before the end of the examination?</p> <p>Applicant's Response:</p>

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		<p>i. The Applicant disagrees with KCC. The scheme is adequate to mitigate the impact of the Proposed Development traffic and the junction will operate with queuing slightly above the current situation. There is no additional attraction to the use of the junction.</p> <p>iii. The junction improvement scheme includes a small section land outside of the highway boundary and the DCO boundary however this will benefit from permitted development rights and will therefore be deliverable under the GPDO powers.</p> <p>iv. It will be for KCC to deliver the resurfacing work using the contribution made by the Applicant through the section 106 agreement.</p> <p>v. The issue identified in the RSA relates to the existing situation regarding the PRoW (TR8) which is accessed off the B2050, which doesn't form part of the junction improvement. The hoarding affects pedestrian visibility to the left only when exiting the PRoW. Intervisibility to the right (to westbound traffic in the nearside lane) is not an issue. There is approximately 1m of highway land between the hoarding and the carriageway which is sufficient space for pedestrians exiting the PRoW to stand and check for eastbound traffic on the opposite/outside lane.</p> <p>vi. For the reasons set out in v. above, land is not required for intervisibility for the PRoW.</p> <p>vii. This is not applicable.</p> <p>viii. For the reasons outlined above it is not necessary to rectify the issue raised by KCC.</p>
TR.4.31	The Applicant KCC	<p>Junction 15: Manston Rd / Hartsdown Rd / Tivoli Rd / College Rd / Nash Rd (Coffin House Corner Junction)</p> <p>KCC response to second written question TR.2.42 raised concern that the proposed scheme of mitigation (in the revised TA) results in significantly increased queue lengths on the College Road approach to the junction. The Applicant's response to third written question TR.3.29 sets out that:</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".</i></p>

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		<p>i. Provide evidence to show this would be the case.</p> <p>ii. Is this accepted by KCC?</p> <p>The Applicant's response also sets out the revised TA shows 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 baseline scenario.</p> <p>iii. Is this accepted by KCC?</p> <p>Appendix TR3.29 [REP7a-003] of the Applicant's response to third written questions includes a further Stage 1 Road Safety Audit following the designer's response and the provision of swept path analysis. The audit concludes that there are no outstanding matters.</p> <p>iv. Is this accepted by KCC?</p> <p>KCC's response to second written question TR.2.42 [REP6-045] set out that: <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>v. Is this the case for the mitigation proposed in the revised TA?</p> <p>vi. If so, how can it be concluded that this is a viable scheme of mitigation, as it cannot be guaranteed that the other developments will be implemented?</p> <p>The Applicant's response to third written question TR.3.29 [REP7a-002] states:</p> <p><i>"The mitigation proposed by the Applicant in the original TA 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".</i></p>

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		<p>Further, the Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.56 sets out that:</p> <p><i>“the mitigation proposal is a new signal head and stage sequence, as well as new white lining, to maximise the capacity at this junction. The scheme drawing is unchanged from that presented in the DCO (original) TA provided as Figure 7.9 and has not been subject to a Stage 1 RSA as the change is minor”.</i></p> <p>vii. Which scheme of mitigation is the Applicant proposing and which one has been costed and included in the revised draft Section 106 Agreement?</p> <p>viii. Is KCC content that a Stage 1 Road Safety Audit is not required for the mitigation scheme proposed in the original TA?</p> <p>ix. Is KCC content with the mitigation scheme proposed in the original TA?</p> <p>Applicant's Response:</p> <p>i. This is provided at Appendix Tr.4.31 (TR020002/D9/FWQ/Appendices).</p> <p>v. Yes, this is the case for the mitigation proposed in the revised TA, which takes into account KCC's proposals as part of the Inner Circuit delivery. The scheme included in the original TA does not include KCC's proposals. The s.106 agreement with KCC provides them with flexibility as to the use of the Applicant's contributions to fund road improvement works</p> <p>vi. The mitigation scheme presented in the original TA does not include KCC's proposals and therefore is viable in the event that the other developments are not implemented and the Inner Circuit is not delivered.</p> <p>vii. The Applicant is proposing the scheme set out in the original TA. Contributions to fund improvements to the junctions identified in the original TA are secured in the s.106 agreement. In the event that KCC's road improvement aspirations are delivered, improvements would be required to fewer junctions but the sums to improve the junctions identified in the Original TA will still be provided by Applicant, with flexibility for KCC in its deployment of those funds.</p>

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Ref No.	Respondent	Question
TR.4.32	The Applicant KCC	<p>Junction 16: Ramsgate Rd / College Rd / A254 / Beatrice Rd</p> <p>KCC's response to second written question TR.2.43 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>In response the Applicant has set out:</p> <p><i>"The proposed arrangement which is included in both the original TA [APP-060] and the revised TA 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. 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'.</i></p> <p>i. Can KCC confirm this is the case?</p> <p>ii. Are the mitigation schemes in the original TA and the revised TA identical?</p> <p>iii. If not, how can it be concluded that the proposed scheme of mitigation in the original TA is appropriate in the absence of the link road and can be delivered by KCC?</p> <p>KCC in its response to third written question TR.3.30 [REP7a-034] stated that it is not content with the findings of the Stage 1 Road Safety Audit, in that it has not identified the unconventional nature of the proposed junction layout and the lack of inter-visibility between stop lines as potential hazards.</p> <p>iv. What is the Applicant's response and why did the Stage 1 RSA not pick up on such matters?</p> <p>v. On a related matter, should the Applicant have undertaken a revised Stage 1 RSA following the designer's response?</p>

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		<p>Applicant's Response:</p> <p>ii. Yes, the mitigation scheme for this junction is the same in the original TA and the updated TA.</p> <p>iii. As above, the mitigation schemes are the same in the original TA and the updated TA.</p> <p>iv. The Applicant does not agree with KCC's response and the RSA auditor considered the scheme acceptable which is why they haven't picked up on these matters.</p> <p>v. A designer's response we prepared to the initial RSA on this junction and a letter of acknowledgement of this designers response was provided by Baddingham acknowledging all issues have been addressed. These are included as Appendix TR.4.32.</p>
TR.4.33	<p>The Applicant</p> <p>KCC</p>	<p>Junction 17: Ramsgate Road / Poorhole Lane / Margate Road / Star Lane</p> <p>KCC's LIR [REP3-143] states that: <i>"It is not considered that the proposed scheme of mitigation for the Ramsgate Road / Poorhole Lane / Margate Road / Star Lane roundabout will deliver practical benefits to the capacity of the junction. There is a known tendency for the ARCADY and PICADY modelling software to exaggerate the impact of minor amendments to kerb radii, flare lengths etc, which do not in reality provide meaningful capacity gains".</i></p> <p>i. What is the Applicant's response?</p> <p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.65 sets out that: <i>"The proposed mitigation scheme at Junction 17 is limited in terms of options which can be delivered within the existing highways constraints. The proposed scheme is to provide minor widening and updated white lining to maximise the available capacity. The Scheme design is unchanged from the DCO TA which was Figure 7.11 and has not been subject to a Stage 1 RSA as the changes are minor".</i></p> <p>ii. Is KCC content that a Stage 1 Road Safety Audit is not required for the mitigation scheme proposed?</p>

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		<p>Applicant's Response:</p> <p>i. Arcady software estimates capacity based on the relationship between the variables that influence capacity. Use of Arcady is industry standard. It is appropriate and acceptable to recognise that amendments to the junction geometry variables will produce improvements to capacities in order to define the theoretical capacity of the junction.</p>
TR.4.34	The Applicant KCC	<p>Junctions 20 A and B: A256 / Manston Road</p> <p>The original TA includes a proposal for mitigation at these junctions.</p> <p>i. Why are they not included in the revised draft Section 106 Agreement?</p> <p>ii. If this is on the basis that the Manston Green development will be improving the junctions, what certainty is there that this development will be delivered?</p> <p>iii. Would the identified impacts of the proposed development be suitably mitigated if the Manston Green site did not come forward as envisaged?</p> <p>KCC's LIR [REP3-143] states:</p> <p><i>"The proposed scheme of mitigation for the A256 / Manston Road junctions is not considered appropriate. It would introduce a major signalised junction on the A256 Haine Road, where roundabouts are currently the predominant junction form. Moreover, it is apparent that there are potential highway safety issues with the proposed junction layout, arising from the need for 'ahead' traffic in the outside lane to merge to the left within the junction intersection. It is considered that the outside lanes on the northern and southern Haine Road approaches to the junction should be allocated to right turning traffic and the LinSig assessment updated accordingly".</i></p> <p>iv. What is the Applicant's response?</p>

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		<p>Applicant's Response:</p> <p>i. There is a committed improvement scheme at the junction which is associated with the Manston Green development, at KCC's request this was included in the revised TA. It was not included in the original TA. As discussed at TR.4.20 the Manston Green highways infrastructure has funding and the first phase of development has progressed to a detailed planning application, it is considered that this improvement scheme will be delivered.</p> <p>ii. As set out in i above, the Manston Green development has reasonable certainty of delivery based on infrastructure funding and progression to a detailed planning application.</p> <p>iii. The junction mitigation scheme set out in the original TA does mitigate the impact of the proposed development. However, as there is reasonable certainty regarding the committed junction scheme associated with the Manston Green development as set out in i and ii above, there is no requirement to progress the scheme recommended in the original TA.</p> <p>iv. Whilst it is appreciated that the junction arrangements along the A256 tend to be roundabouts, the signal scheme was identified as in the original TA as nil detriment mitigation which was felt to be appropriate to more appropriate to the scale of development. . The adjustments suggested by KCC have not been progressed as there is no requirement for mitigation due to the committed scheme at the junction which KCC has accepted. In any even the contribution made by the Applicant towards highway mitigation can be deployed by KCC in the way they consider most appropriate to mitigate the projects effect.</p>
TR.4.35	<p>The Applicant</p> <p>KCC</p>	<p>Junctions 21 A and B: Canterbury Road / Haine Road & A299 / A256 / Sandwich Rd / Canterbury Rd East</p> <p>Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.69 states:</p> <p><i>"In the initial DCO (original) TA the proposed committed scheme for the Manston Green Development was not taken into account. However, this has formed the basis for this assessment. The scheme proposals are for the route though the Manston Green development to be the primary route north on the A256 corridor to Junction 20 and downgrading of the old Haine Road".</i></p> <p>On this basis, it is now considered by the Applicant that a mitigation scheme is not required at this junction.</p>

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		<p>i. Is this based on a robust assessment as set out in Table 3.31 of the Transport Assessment Update - Appendix ISH7 – 43 [REP8-017]?</p> <p>ii. Why is a direct comparison not been made to the 2039 baseline, as has been undertaken for other junctions?</p> <p>iii. Is this accepted by KCC?</p> <p>iv. Would the identified impacts of the proposed development at this junction be suitably mitigated if the Manston Green site did not come forward as envisaged?</p> <p>v. Given the Applicant's position, why is a financial contribution for this junction improvement secured in the revised draft Section 106 Agreement [REP8-006]?</p> <p>In the event that a mitigation scheme is considered necessary, KCC's LIR [REP3-143] sets out that:</p> <p><i>"It is evident that there would be interaction between the A299 / A256 / Sandwich Road / Canterbury Road East roundabout and the adjacent Canterbury Road / Haine Road roundabout in the PM peak following the implementation of the proposed scheme of mitigation, with enhanced queue lengths on the A256 arm arising from the proposed development. This is not acceptable to the Local Highway Authority and must be addressed, with the two junctions assessed within a network model".</i></p> <p>vi. What is the Applicant's response?</p>
		<p>Applicant's Response:</p> <p>i. This is based on a robust assessment and as noted previously the scheme has received outline planning consent and funding.</p> <p>ii. This was a minor omission, however the 2039 baseline modelling results are presented in the original TA.</p> <p>iv. As set out in the responses to TR.4.34 above, the Manston Green highways infrastructure has funding and the first phase of development has progressed to a detailed planning application, it is considered that this improvement scheme will be delivered.</p>

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		<p>v. There is no requirement to provide a mitigation scheme and the contribution is therefore not required. This has not been included in the costings exercise as set out in Appendix ISH7 – 42 [REP8-017]</p> <p>vi. The results presented have been undertaken using the linked model as requested by KCC.</p>
TR.4.36	The Applicant KCC	<p>Junction 25: Tesco Access (Three-Arm Standard Roundabout)</p> <p>Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Table 3.34 shows a worsening of queues and RFC values on the B2050 Manston Road West arm of the junction. Paragraph 3.2.76 goes on to state:</p> <p><i>"With the addition of the development traffic scenario traffic the operation of the junction continues to be at an over just over capacity situation as in the base 2039 scenario. However, in both peaks the increase in queue and delay is minimal and as such it is considered that no mitigation proposals are required".</i></p> <p>i. To the Applicant: Provide further justification for this position, particularly as other junctions (for example 10) do have mitigation schemes proposed for similar impacts?</p> <p>ii. Does KCC agree with this position?</p> <p>Applicant's Response:</p> <p>i. The development traffic flows at Junction 25 are less than at Junction 10 (39 in the AM peak and 36 in the PM), and the overall junction performance is better than that of Junction 10 in the 2039 baseline and with development scenarios and the level of impact in terms of increased queuing and changes to RFC was not considered to be significant to warrant an improvement scheme.</p>
TR.4.37		Junction 26: Newington Road / Manston Road & Junction 27: Newington Road / High Street

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	The Applicant KCC	<p>Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.79 states:</p> <p><i>“The DCO (original) TA identified a scheme which comprised a signalised T junction. A Stage 1 RSA has been undertaken which identified issues with lane widths. Further consideration has been given to the need for an improvement scheme given the land constraints at the junction and the quantum of development traffic. On the basis that there are only 35 vehicles at the junction in the PM (and 45 vehicles based on R7 in the AM peak, or 38 vehicles based on the amended traffic generation), it is concluded that there is limited opportunity to improve the junction and the scale of development traffic does not result in a severe impact”.</i></p> <p>i. Provide more detail in relation to ‘land constraints’ at the junction.</p> <p>ii. Could a suitable mitigation scheme be delivered if additional land was secured?</p> <p>iii. If so, how will this be rectified before the end of the examination?</p> <p>iv. Justify the assertion that an additional 30 vehicles in the average queue length (an increase of 25%) on the Manston Road Arm of the junction in the pm peak does not result in a severe impact.</p> <p>v. Why does the revised draft Section 106 Agreement [REP8-006] include a financial contribution for mitigation at this junction, if mitigation is not achievable?</p> <p>vi. What is the view of KCC?</p>
		<p>Applicant's Response:</p> <p>i. There is limited opportunity for improvement due to available highway land and properties adjacent to the junctions.</p> <p>ii. Any mitigation scheme would affect footways and properties and would be disproportionate to the quantum of development traffic and level of impact. The limited increase in traffic at this junction does not constitute a severe impact on the road network.</p> <p>iii. This is not an appropriate or necessary requirement for the reasons given in ii. above.</p>

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		<p>iv. The future baseline model results show that queuing at the junction will be an issue in the future baseline and it is for KCC to identify an improvement scheme which it has done through the Thanet Transport Strategy. The increase in queueing and impact on RFC as a result of the proposed development is not considered to be severe as the additional traffic at the junction is low, less than 2% of the overall traffic.</p> <p>v. There is no requirement to provide a mitigation scheme and the contribution is therefore no longer required. This has not been included in the costings exercise as set out in Appendix ISH7 – 42 [REP8-017]</p>
TR.4.38	The Applicant KCC	<p>Junction 27: Newington Road / High Street (Three-Arm Mini Roundabout)</p> <p>Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.82 states:</p> <p><i>“The DCO (original) TA identified a scheme which comprised minor road widening by the removal of existing splitter islands on the southern and western arm and additional lane markings. A Stage 1 RSA has been undertaken which identified issues with lane widths. Further consideration has been given to the need for an improvement scheme given the land constraints at the junction and the quantum of development traffic. On the basis that there are only 35 vehicles at the junction in the PM (and 45 vehicles based on R7 in the AM peak, or 38 vehicles based on the amended traffic generation), it is concluded that there is limited opportunity to improve the junction and the scale of development traffic does not result in a severe impact”.</i></p> <p>i. Provide more detail in relation to ‘land constraints’ at the junction.</p> <p>ii. Could a suitable mitigation scheme be delivered if additional land was secured?</p> <p>iii. If so, how will this be rectified before the end of the examination?</p> <p>iv. Justify the assertion that an additional 23 vehicles in the average queue length (an increase of 22%) on the Newington Road North of the junction in the pm peak does not result in a severe impact.</p> <p>v. Why does the revised draft Section 106 Agreement [REP8-006] include a financial contribution for mitigation at this junction, if mitigation is not achievable?</p> <p>vi. What is the view of KCC?</p>

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		<p>Applicant's Response:</p> <ul style="list-style-type: none"> i. There is limited opportunity for improvement due to available highway land and properties adjacent to the junction. ii. A larger scheme of improvement would affect footways and properties. Given the level of impact, the quantum of development traffic and availability of alternative mitigation this approach would be disproportionate. iii. This is not an appropriate or necessary requirement for the reasons given in ii above. iv. The future baseline model results show that queuing at the junction will be an issue in the future baseline. KCC have identified an improvement scheme through the Thanet Transport Strategy. The TA examines the impact of the proposed development and in this light, the increase in queueing and impact on RFC as a result of the proposed development is not considered to be severe as the additional traffic at the junction is low, less than 2% of the overall traffic at the junction. v. There is no requirement to provide a mitigation scheme and the contribution is therefore no longer required. This has not been included in the costings exercise as set out in Appendix ISH7 – 42 [REP8-017]
TR.4.39	KCC	<p>Junction 28: Wilfred Rd / A255 /Grange Rd (Four-Arm Signalised)</p> <p>Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.84 notes that with the inclusion of the Proposed Development flows, the Junction continues to operate within theoretical capacity with minimal queues and delays. It is therefore concluded that no physical mitigation works are required at this junction.</p> <ul style="list-style-type: none"> i. Does KCC accept that no mitigation is required at this junction, given some of the DoS values in Table 3.37? ii. If KCC disagree what mitigation would it like to see at the junction?

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		<p>Applicant's Response:</p> <p>N/A</p>
TR.4.40	The Applicant	<p>Highway Safety Schemes</p> <p>The Applicant's response to third written question TR.3.6 i) notes that:</p> <p><i>"...there are two junctions where mitigation works outside the highway boundary are identified. These are Manston Court Road/Manston Road and Alland Grange Road/Spitfire Way junctions. In both cases the junctions currently underperform in highway safety terms, as set out in the original TA and revised TA. The applicant states that it is not for them to resolve pre-existing problems on the highway network. The 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)".</i></p> <p>i. Does the Applicant agree that the Proposed Development would exacerbate the existing highway safety problems and therefore mitigation is required?</p> <p>ii. If not, why is the Applicant suggesting that it will be providing funding to address these impacts?</p> <p>iii. If so, where in the revised Section 106 Agreement [REP8-006] is this secured?</p> <p>Applicant's Response:</p> <p>i. The assessment within the original TA [REP-060 to REP-072] sets out that the additional traffic generated by the Proposed Development could result in worsening of the safety aspects at this junction. There is therefore a need to maintain visibility splays to ensure compliance with DMRB standards. The Applicant will make a contribution to cover the costs associated with the required</p>

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		<p>mitigation. This is secured through the s.106 agreement. It should be noted the Manston-Haine Link Road, as proposed by KCC, would also result in additional traffic routeing along Spitfire Way and KCC would need to address the safety issues at the junction whether or not the DCO is made.</p> <p>ii. The Applicant has identified the need to maintain visibility splays at this existing junction. Regardless of whether the DCO scheme comes forward, this is a requirement for KCC in terms of their responsibility for maintaining road safety. It will also be necessary in the event that the Manston-Haine Link Road is brought forward. As the Examining Authority is aware, KCC required the applicant to include the Manton-Haine link within the future baseline and the assessment is based on this assumption.</p> <p>iii. The contribution to Junction 13 is secured through the tenth schedule to the section 106 agreement. That provides for a contribution towards junction improvement works which will include the provision of suitable visibility splays. No contribution will be made towards the Alland Grange junction as the substandard visibility is a pre-existing issue and therefore requires KCC, under their duties as the highway authority, to maintain road safety and is therefore not secured in the Section 106 agreement. In any event, it is highly unlikely that land owner would secure planning permission to carry out any development that would encroach upon the visibility splays.</p>
TR.4.41	<p>The Applicant</p> <p>KCC</p> <p>TDC</p>	<p>Permitted Development Rights</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices' at Appendix ISH7 – 32 [REP8-017] at Paragraph 4.1 states:</p> <p><i>"The Applicant explained that highway improvements that are part of the mitigation package could be associated development, however, this does not mean that they have to be 'associated development' secured via the DCO. The only appropriate circumstances warranting their inclusion in the DCO might be if they did not otherwise have consent. Since such improvements are within or adjacent to the highway boundary, they benefit from permitted development rights and hence have planning permission. As noted in the Applicant's answer to Tr.3.8, under Class A of Part 9 of the Town and Country Planning (General Permitted Development) Order, the highway authority can undertake the works under permitted development rights. The proposed highway improvements do not fall within any of the thresholds for 'EIA development' within Schedule 1 or Schedule 2 to the</i></p>

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		<p><i>Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and article 3(10) of the Town and Country Planning (General Permitted Development) Order 2015 does not apply to remove permitted development rights”.</i></p> <p>i. Is this accepted by KCC and TDC?</p> <p>KCC response to Deadline 8 [REP8-027] on page 9 states:</p> <p><i>“Section 55 of the Town & Country Planning Act 1990 (TCPA) states that the starting point for considering this issue is whether the works are development within the meaning of the TCPA, that require planning permission. Section 55(2)(b) provides that the following does not involve the development of land requiring planning permission: -</i></p> <p><i>“the carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment”</i></p> <p><i>Where the works proposed are required for the maintenance or improvement to the road and do not have significant adverse effects on the environment, they do not require planning permission and as such are considered to fall under permitted development rights.</i></p> <p><i>Where the applicant’s proposals will require acquisition of land or acquiring rights over third party land e.g. to improve visibility sightlines (for example Alland Grange Lane / Spitfire Way & Manston Court Road / Manston Road), it is the opinion of KCC that these would not fall within the exceptions to section 55(2)(b) and Part 9, Class A of the GPDO and must be included in the draft DCO. The purpose of the DCO process is to avoid piecemeal decision making and ensure streamlined decision making to enable the development granted consent to proceed.</i></p> <p><i>If the applicant were to deliver the Highways improvements by way of a section 278 Highways Act 1980 agreement, the same considerations apply, in so far as planning permission, where required, would still need to be obtained by the applicant in order to implement an associated works under a section 278 agreement.</i></p> <p><i>If the DCO does not grant the required planning permission for the Highways works, it would need to be obtained subsequent to the grant of the DCO. In circumstances, where the proposed development relies on such mitigation to make it acceptable in planning terms, it would be inappropriate to grant the DCO, if there is uncertainty about whether planning permission to deliver the highways improvements could in fact be separately secured”.</i></p>

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		<p>ii. What is the Applicant's response?</p> <p>iii. The Applicant must provide further and detailed justification (for each specific junction) where third party land is required for mitigation schemes why it believes that permitted development rights apply.</p>
		<p>Applicant's Response:</p> <p>ii. Development relating to roads is only permitted by Class A of Part 9 of the GPDO if that development is carried out by the highways authorities. Similarly, Section 55(2)(b) of the TCPA 1990 states that the carrying out on land within the boundaries of the road by a highway authority shall not involve development of the land provided those works are required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment. There is no condition within either piece of legislation that states that this permitted development can only be enjoyed by those persons who do not need to acquire land in order to carry out the works. The condition that enables development relating to roads to be permitted development is that the highways authorities need to carry out the works - not an Applicant or a promoter - but the Highways Authority and that this is irrespective of who owns the land. If the development relating to maintenance or improvement of the roads is not going to be carried out by the Highways Authority then it would need to be included in the draft DCO as permitted development rights do not apply to the Applicant, and a Section 278 agreement secured thereafter.</p> <p>iii. Permitted development rights under Class A of Part 9 apply to land comprising of the highway and land outside but adjoining the boundary of the highway, provided the works are carried out by the highway authority. All of the junction improvement works are proposed on land comprising or adjacent to the highway. The GPDO therefore authorised a highway authority to carry out the works which will be funded through contributions from the Applicant. Based on the answer provided for TR.4.41(ii) above, permitted development rights will only apply if the highways authority will be carrying out development relating to the maintenance and improvement of the road regardless of who owns the land. Whether the proposed improvement schemes are carried out under the flexible provisions offered by the section 106 or by Section 278 Agreements, it is the Highways Authority that will carry out the works and as such permitted development rights will apply.</p>

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TR.4.42	KCC	<p>Junctions 9, 25 and 28</p> <p>KCC response to Deadline 8 [REP8-027] on page 4 raises concerns (as a result of the Applicant's response to third written question TR.3.15) in relation to mitigation schemes for Junctions 9, 25 and 28 being omitted from the draft Section 106 Agreement.</p> <p>However, does the original TA consider that mitigation is required at these junctions?</p>
		<p>Applicant's Response:</p> <p>The original TA [REP-060 to REP-072] identified that there was no requirement for mitigation at Junctions 9, 25 and 28.</p>
TR.4.43	KCC	<p>Additional Junction Assessments</p> <p>Appendix TR.3.16 [REP7a-003] of the Applicant's response to third written questions includes an assessment of Junctions 1, 25 and 28 based on the modelling in the revised TA.</p> <p>i. Is KCC content that the additional assessment is robust and that no mitigation schemes are required at these junctions?</p> <p>ii. If not, what would KCC request that the Applicant does to rectify this matter?</p>
		<p>Applicant's Response:</p> <p>N/A</p>

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TR.4.44	The Applicant KCC	<p>Site Accesses</p> <p>Appendix TR3.23 [REP7a-003] of the Applicant's response to third written questions includes a further Stage 1 Road Safety Audit for the site accesses following the designer's response. The audit for each access concludes that there are no outstanding matters.</p> <p>i. Is this accepted by KCC?</p> <p>ii. There are revised schemes for the Cargo Access and the Northern Grass Area West Access set out in Appendix TR3.23. Are these materially different to those initially proposed?</p> <p>iii. Do KCC have any views on these amended access schemes?</p> <p>iv. Have any changes been made in Appendix TR3.23 to the Passenger Terminal Access and Northern Grass Area South Access?</p> <p>KCC in their response to second written question Tr.2.36 set out that:</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>The Applicant in their response to third written questions TR.3.23 has confirmed that this can be achieved.</p> <p>v. What work has been done to allow the Applicant to confirm this?</p> <p>KCC has previously raised concerns with regard to the proposal to implement a linked signalised junction arrangement for the Northern Grass southern access and the passenger terminal access. In response to third written question Tr.2.36 the Applicant has set out that:</p> <p><i>"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 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".</i></p> <p>vi. Is this accepted by KCC?</p>

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		<p>vii. Do KCC contend that the signalised approach is unacceptable or less preferable?</p> <p>KCC has previously raised concerns that no speed data was provided in relation to the Terminal and Northern Grass access junction and as such, the audit team was unable to make fully informed recommendations in relation to scheme safety. In response to third written question Tr.2.36 the Applicant has set out that:</p> <p><i>"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 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".</i></p> <p>viii. Is this accepted by KCC?</p> <p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Section 3.3 considers the site access junctions.</p> <p>ix. Is KCC content with its findings?</p>
		<p>Applicant's Response:</p> <p>ii. The access designs are not materially different to those originally proposed. The changes are minor and are proposed to address issues raised in the Stage 1 RSAs.</p> <p>iv. No changes have been made that required the designs of these schemes to be amended.</p> <p>v. No changes have been made to the Passenger Terminal Access. The Cargo Access visibility drawing is included as Appendix TR.4.44 at TR020002/D9/FWQ/Appendices</p>
		<p>Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017]</p> <p>The diagrams on Pages 177, 248 and 283 of this documents have gone off the page.</p>

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TR.4.45	The Applicant	Provide corrected copies.
		Applicant's Response: Appendix TR.4.45 provides the full diagrams.
TR.4.46	The Applicant KCC	Off-Site Junction Mitigation Costs Appendix ISH7 – 42 of the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] sets out how the costs for each off-site junction mitigation scheme, as set out in the revised draft Section 106 [REP8-006] has been estimated. i. Is KCC content with the methodology applied to estimate the costs? ii. Are the exclusions listed in paragraph 1.2.5 justified? iii. Do KCC accept the estimated costs for each junction mitigation scheme?
		Applicant's Response: ii. The exclusions are standard exclusions associated with a concept design and are justified.
TR.4.47	The Applicant KCC	Timing of Off-Site Junction Mitigation Appendix ISH7 – 42 of the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] shows evidence of when each junction mitigation scheme will be required. i. Is KCC content with the methodology applied?

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Ref No.	Respondent	Question
		<p>ii. Is the use of a 100 vehicle movement threshold appropriate?</p> <p>iii. Do KCC accept the estimated timing of delivery for each junction mitigation scheme?</p>
		<p>Applicant's Response:</p> <p>ii. The use of a 100 vehicle threshold was based on development vehicle flows of 5% of total flows where the proportional impact was more than 5%.</p>
TR.4.48	<p>The Applicant</p> <p>KCC</p> <p>TDC</p>	<p>Revised draft Section 106 Agreement</p> <p>The Applicant has provided a revised draft Section 106 Agreement [REP8-006]. Schedules 5, 8 and 10 refer to maps.</p> <p>i. Provide these maps.</p> <p>The revised draft Section 106 Agreement in Schedule 10, Paragraph 3 states: <i>"In the event that the above junction improvements are not necessary, the payments may be put towards other highway improvements as the County Council deems necessary provided that such improvements are required for the purpose of mitigating the effects of the Development"</i>.</p> <p>ii. To the Applicant, KCC and TDC: Do you consider this to be compliant with CIL Regulation 122?</p> <p>iii. What is KCC's view on this matter?</p> <p>The Section 106 Agreement is in draft.</p> <p>iv. Will it be agreed and signed by all parties and submitted to the ExA before the end of the Examination?</p> <p>KCC in its response to Deadline 8 [REP8-027] on Page 7 set out:</p>

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Ref No.	Respondent	Question
		<p><i>"KCC notes with some concern that the applicant submitted this first draft of the section 106 agreement without any discussion about the headline terms at the very least with KCC potential, which would be the expected way to proceed and secure agreement between the relevant parties. In fact, to date, there has still been no engagement from the applicant with regard to agreeing the headlines in the section 106 agreement, let alone any detailed drafting points".</i></p> <p>v. Why has the Applicant not engaged with KCC on the draft Section 106 Agreement?</p> <p>vi. When will such engagement take place?</p> <p>vii. Given the lack of such engagement, what significance does the Applicant consider the ExA should afford this draft?</p> <p>Applicant's Response:</p> <p>i. Appendix TR.4.48 submitted at TR020002/D9/FWQ/Appendices provides the maps referred to in the revised draft Section Agreement [REP8-006].</p> <p>ii. Under Regulation 122 of the CIL Regulations, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:</p> <ul style="list-style-type: none"> (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. <p>The Applicant believes that the obligation fulfils these requirements.</p> <p>iii. The Applicant considers that the caveat as drafted, namely "provided that such improvements are required for the purpose of mitigating the effects of the Development", ensures that these requirement are met. Measures to mitigate the effects of the development will be necessary to make the development acceptable and directly related to the development. The Applicant considers that the s.106 obligations are fairly and reasonable related in scale and kind to the development, The flexibility as to the use of the funds by KCC does not contravene the CIL Regulations.. In all instances the sums will be spent of works required for the purpose of mitigating effects of the project. It provides that if..</p>

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Ref No.	Respondent	Question
		<p>iv. The Applicant will submit a final draft of the section 106 agreement before the end of examination. The Applicant would prefer to submit a final signed version of the section 106 agreement as soon as possible but this is dependent on the actions of third parties (TDC and KCC) over whom the Applicant has no control.</p> <p>v. The Applicant welcomes KCC's comments on the s106 agreement just as they have been provided by TDC, and incorporated. The Applicant has focused its engagement with KCC on the alternative Transport Assessment and the issue of the Manston-Haine Link Road as these were its principal concerns, and has drafted the s106 agreement to meet its concerns on the transport-related issues it covers. There was not time to consult KCC on the drafting of the s106 agreement in advance, but KCC has had opportunities to comment on the draft since its publication that it has not taken up. Furthermore, discussions took place with KCC immediately prior to ISH7 with a view to finalising all issues and incorporating into a Statement of Common Ground. It was acknowledged that KCC's internal processes would not allow rapid sign off of a statement of common ground and alternative means of progression were sought. As no alternative method of progression was forthcoming, it was necessary to draft the Section 106 agreement in order to make any progress at all.</p> <p>It is also not correct that there has been no engagement with KCC on the s106 agreement at all - the figures for travel plan monitoring, traffic regulation order administration and yellow lining that have been included were sought from and provided by KCC.</p> <p>vi. The Applicant remains engaged with all parties until the end of the examination and beyond. The Applicant is negotiating with a number of statutory bodies and has responded to their drafting comments, and would welcome comments from KCC - it does not need to await specific invitation from the Applicant to provide comments, just as other parties have made comments by the deadlines set out in the examination timetable without needing to be invited to do so.</p> <p>vii. In addition to the engagement set out above, KCC has already had opportunities to comment on the s106 agreement in its two drafts.</p> <p>The s106 agreement was commented on by TDC and its comments have been incorporated.</p>

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		The commitments in the s106 are intended to be binding irrespective of the level of engagement with KCC and TDC and should be given full weight by the ExA as to their mitigation of the impacts of the project.
TR.4.49	The Applicant KCC	<p>Emergency Accesses</p> <p>Appendix ISH7 – 45 of the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] provides a technical note on emergency site accesses.</p> <p>i. Is KCC content with the information provided?</p> <p>Paragraph 2.1.15 sets out that the final position of the emergency gates will need to be determined as part of the airports overall emergency response procedures.</p> <p>ii. Show where this is suitably secured in the dDCO?</p> <p>iii. Is this an appropriate approach that will ensure that there would be no unacceptable impacts on highway safety?</p> <p>Applicant's Response:</p> <p>ii. The Applicant proposes that an amendment to Requirement 4 of Schedule 2 would be appropriate to secure the approval of emergency access. Please see Table A of the Applicant's response to the ExA's second draft DCO.</p> <p>iii. The final positioning of emergency gates will be discussed and agreed with KCC and the emergency services as part of the detailed design process.</p>
TR.4.50	KCC	<p>Car Parking Provision</p> <p>Appendix ISH7 – 50 of the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] provides a technical note on passenger parking provision. This considers the modal share assumptions and targets used in the Transport Assessments. This shows that there is a need for 81 less parking spaces.</p>

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Ref No.	Respondent	Question
		<p>i. Is KCC content with such findings?</p> <p>In terms of the overflow passenger parking, Paragraph 2.3.2 of Appendix ISH7 – 50 states:</p> <p><i>“As set out in the Car Parking Management Strategy, the space for “overflow parking” will ensure that there are no issues with overspill parking onto surrounding areas, which addresses concerns expressed by KCC regarding the risk of ‘flyparking’. In addition, it will enable flexibility of size of spaces: blue badge parking and electric vehicle parking have larger dimensions than standard size spaces”.</i></p> <p>ii. Is this explanation accepted by KCC?</p>
		<p>Applicant's Response:</p> <p>N/A</p>
TR.4.51	<p>The Applicant</p> <p>KCC</p> <p>TDC</p>	<p>Car Park Management Strategy</p> <p>Appendix ISH7 – 52 of the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] includes a revised Car Park Management Strategy.</p> <p>i. Is KCC content with the changes proposed, especially with regard to: blue badge and electric vehicle spaces (Section 2.4); and staff car park management (Section 3.3)?</p> <p>ii. Do any subsequent changes need to be made to the Airport Surface Access Strategy?</p> <p>The revised draft Section 106 Agreement [REP8-006] includes provision for an annual contribution to TDC towards Controlled Parking Zones.</p> <p>iii. Why is this not referred to in the revised Car Park Management Strategy?</p>

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		<p>iv. How much will this be, how will it be calculated and when will this be confirmed?</p> <p>v. What are the views of KCC and TDC on this matter?</p> <p>Applicant's Response:</p> <p>ii. The Airport Surface Access Strategy does not include the detail of the parking arrangements. The document has been updated and submitted at deadline 9 (with document reference TR020002/D9/SAS) and includes details of blue badge, electric vehicles and monitoring off-site parking.</p> <p>iii. The Car Park Management Strategy was originally intended to address car parking on-site rather than off-site. However, it has now been updated to include the off-site parking monitoring and the revised version is submitted at deadline 9 (with document reference TR020002/D9/CPMS).</p> <p>iv. The Applicant has asked TDC to provide a figure to cover the Car Park Management Strategy but has yet to receive a response. TDC has apologised for this day and is endeavouring to provide this as soon as possible.</p>
TR.4.52	The Applicant KCC	<p>Framework Travel Plan</p> <p>The Applicant has provided a revised Framework Travel Plan [REP8-017]. This includes a number of additional measures to help achieve the objectives of the Plan, in terms of walking/cycling, public transport and car park management and the provision of a mitigation plan (Table 6.2).</p> <p>i. Is KCC content with the Framework Travel Plan?</p> <p>ii. There is a reduction in the target for passengers accessing the airport by public transport from 25% in the previous draft to 20% in Year 20. Is this justified?</p> <p>iii. Show where and how Plan's commitments are suitably secured in the dDCO?</p>

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		<p>iv. Do any subsequent changes need to be made to the Airport Surface Access Strategy?</p> <p>The revised draft Section 106 Agreement [REP8-006] includes provision for an annual contribution of £1,667.00 to KCC for travel plan monitoring.</p> <p>v. How has this been calculated?</p> <p>vi. Is KCC content with this figure?</p> <p>vii. Is this planning obligation compliant with CIL Regulation 122?</p>
		<p>Applicant's Response:</p> <p>ii. The targets for public transport for passengers are set out in Table 4.2 in Appendix L - Travel Plan of the original TA [REP-060 to REP-072]. This identifies that in Year 20, 9% would travel by bus and 10% would travel by rail and then bus. Shared taxi was also included at 6%, however, this was rejected as a mode share by KCC and 6% was subsequently divided amongst the other modes, resulting in 10% by bus and 10% by rail then bus which was present in the revised TA [REP5-012]. This was accepted by KCC and is justified.</p> <p>iii. The Travel Plan is one of the plans and policies listed in Requirement 7(2)(b) of the Operation Environmental Management Plan which must be included in an Operation Environmental Management Plan. In addition, an Operational Environmental Management Plan must also contain those mitigation measures set out in the REAC (including those concerning traffic) which are relevant to the operation and maintenance of the authorised development. An Operation Environmental Management Plan must be approved under Requirement 7(1) for each part of the authorised development prior to that part beginning operation. Each part of the authorised development must be operated and maintained in accordance with the approved operation environmental management plan for that part.</p> <p>iv. The Travel Plan provides the necessary detail and an updated version is submitted at deadline 9 (with document reference TR020002/D9/TP) along with an updated version of the Car Park Management Strategy (with document reference</p>

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		<p>TR020002/D9/CPMS). The content of the Airport Surface Access Strategy is aligned with that of the Travel Plan and has been submitted at deadline 9 (with document reference TR020002/D9/SAS).</p> <p>v. KCC provided this figure.</p> <p>vii. The Applicant believes that the Travel Plan Monitoring Fee is not, strictly, a planning obligation. However, it is for these sorts of obligations that the agreement is made pursuant not only to s106 TCPA 1990 but also s111 Local Government Act 1972, s1 Localism Act and all other enabling powers which entitle Council to request and be paid such sums.</p>
TR.4.53	<p>The Applicant</p> <p>KCC</p>	<p>Freight Management Strategy</p> <p>The revised Framework Travel Plan [REP8-017] at Appendix B includes a Preliminary Freight Management Strategy.</p> <p>i. Does the proposed HGV routeing affect the HGV distribution modelled in both the original TA and the revised TA?</p> <p>ii. Is KCC content with the proposed local routeing set out in Figure 2.2?</p> <p>iii. Is KCC content with the proposed strategic routeing set out in Paragraphs 2.3.4 to 2.3.7?</p> <p>iv. Are the measures included sufficient to enforce the strategy?</p> <p>v. Will the measures be suitably secured in the dDCO?</p> <p>The Preliminary Freight Management Strategy at Paragraph 3.4.1 sets out:</p> <p><i>"It is important to provide clear routeing signage to ensure HGV drivers use appropriate roads to reach the Proposed Development. In consultation with Kent County Council, the existing road signs will be reviewed and replaced where required".</i></p> <p>vi. Who will fund such a task? If it is the Applicant, should such a contribution be secured in the draft Section 106 Agreement?</p>

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		<p>The Preliminary Freight Management Strategy at Paragraphs 3.6.1 and 3.6.2 state:</p> <p><i>"HGV movements out of the Cargo Airport will be restricted during the AM and PM peak hours of 08:00 to 09:00 and 17:00 to 18:00 to minimise the impact of the local road network. HGV movements will be managed through the cargo gatehouse. At this stage for the cargo facility it is considered that there would not be more than 10 two way HGVs in the peak hours. This will be monitored and reviewed in consultation with KCC".</i> However, Paragraph 1.2.5 of the strategy states 'As set out in the Transport Assessment, in the peak year, Year 20, the Proposed Development will generate the following:... Total AM Peak HGV Traffic Generation (08:00 – 09:00) - 18 arrivals and 18 departures; and Total PM Peak HGV Traffic Generation (17:00 – 18:00) - 21 arrivals and 21 departures".</p> <p>vii. Why do these figures not correlate?</p> <p>viii. Does KCC accept the proposed restrictions?</p> <p>ix. Should restrictions apply to HGVs associated with the northern grass area and passenger terminal?</p> <p>x. Overall, is KCC content with the Preliminary Freight Management Strategy?</p>
		<p>Applicant's Response:</p> <p>i. There is no change - the route proposed in the Freight Management Strategy is the same as that set out in the original TA [APP-060 to APP-072] and the revised TA [REP5-012].</p> <p>iv. All of the measures contained within the various strategies that are linked to the TA require sign off by the relevant authority prior to commencement of operations. The HGV routing strategy is no exception and as such the ExA and KCC can be assured of the robustness of the provision in terms of later enforcement.</p> <p>v. The Travel Plan (which will incorporate the Freight Management Strategy) is one of the plans and policies listed in Requirement 7(2)(b) of the Operation Environmental Management Plan which must be included in an Operation Environmental Management Plan. In addition, an Operational Environmental Management Plan must also contain those mitigation measures set out in the</p>

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		<p>REAC (including those concerning traffic) which are relevant to the operation and maintenance of the authorised development. An Operation Environmental Management Plan must be approved under Requirement 7(1) for each part of the authorised development prior to that part beginning operation. Each part of the authorised development must be operated and maintained in accordance with the approved operation environmental management plan for that part.</p> <p>vi. An allowance of £2500 has been included for this signage and has been included in the draft S106 Agreement. This is based on a requirement for ten signs at £250 per sign.</p> <p>vii. The figures do not correlate as this is the HGV traffic generation for the cargo facility (10 HGVs) against the HGV traffic generation for the whole of the Proposed Development (including servicing HGVs, Fuel Farm Tankers, HGVs to the NGA).</p> <p>ix. It is not standard practice to impose restrictions on HGV movements associated with B8 planning applications as this is difficult to control and monitor and could result in unacceptable consequences on the surrounding highway network if vehicles are restricted from entering because of HGV quotas. There are no HGV movements associated with the passenger terminal, only bus movements.</p>
TR.4.54	The Applicant KCC	<p>Manston Village Pedestrian Links</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix 2, Paragraph 13.1.1 states:</p> <p><i>"The draft S106 Obligation includes funding for improvements to PRow TR10 which is considered an acceptable and appropriate means of connecting to Manston Village and the expanding population to the east due to the Manston Green development. This is in line with PRow Officer comments requests for a contribution and completion of an upgrade to the link".</i></p> <p>Further Paragraph 13.1.2 sets out:</p> <p><i>"The population of Manston is small (100 houses or less), and the potential usage by residents of a footway alongside the B2050 from the village to the Airport is limited. The improvement of TR10 has the potential to attract higher usage as it will provide a</i></p>

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		<p><i>connection to the Manston Green development, comprising 800 homes, as well as Manston Village and the western outskirts of Ramsgate”.</i></p> <p>i. Does this overcome the concerns of KCC with regard to pedestrian links with Manston Village?</p> <p>The revised draft Section 106 Agreement [REP8-006] at Schedule 5 includes provision for a financial contribution for £90,000.</p> <p>ii. How has this been calculated?</p> <p>iii. Is KCC content with this figure?</p> <p>iv. Is this planning obligation compliant with CIL Regulation 122?</p> <p>The definition of ‘PRoW Contribution Purposes’ in the Revised draft Section 106 Agreement states: <i>“means the ongoing maintenance of that part of public right of way TR10 as shown on the PROW Plan”.</i></p> <p>v. Should this therefore be an annual contribution rather than a one-off payment?</p>
		<p>Applicant's Response:</p> <p>ii. KCC has provided a cost calculation for the upgrade of the whole length of TR10. A calculation has been made of the cost per m2 and the length of TR10 between TR9 and the Manston Green boundary. The details of methodology for this cost is set out in Appendix Tr.4.54. In addition to the upgrade of TR10, a contribution for the provision of surfacing of the TR8 diversion has been included in Schedule 5 of the S106. This comprises £94,500 based on a length of 700m.</p> <p>iv. The Applicant has set out what compliance with Reg. 122 requires in its response to Tr.4.48.ii above. A useful way, perhaps, of looking at this is, but for the development, would an upgrade to PR10 be required. If such an upgrade is required only because of the extra use PR10 will be put to because of the development, then it will satisfy Reg. 122. If it simply on KCC's wish list and the development appears to be a convenient hook then it will not be Reg. 122 compliant. The Applicant adopts neutral position as to CIL compliance with this payment.</p>

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		<p>v. If the contribution is Reg. 122 compliant then the Applicant does not believe it matters how the contribution is paid as long as there is sound evidence of the cost which stands up to scrutiny. A one-off payment can be paid into a bank account by KCC and drawn down for the upgrade as and when required. It may be that KCC require an initial sum of, for e.g., £50K to do some works a sum which an annual contribution would take a good deal of time to reach. The paying party has a right to seek that the contribution paid is being used towards the project it is intended for and, indeed, KCC covenants with the Owner to use the sums paid to it for the purposes as set out in the s106</p>
TR.4.55	The Applicant KCC	<p>Provision of Bus Services</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix 2, Paragraphs 14.1.1 to 14.1.6 state:</p> <p><i>"The Transport Assessment assumes that 10% of passenger trips will be by bus and rail and bus and 6% of staff trips will be by bus by Year 20. These are targets that are included in the Travel Plan and will be regularly monitored through surveys and reviewed.</i></p> <p><i>The Applicant will provide buses for passengers which will include a shuttle service between the proposed Thanet Parkway (or Ramsgate Station) with services timed to coincide with flight arrivals/departures and train arrivals and departures.</i></p> <p><i>The Applicant will provide buses for staff with routeing and timing to be based on staff home locations and shift patterns.</i></p> <p><i>There are KCC funded bus services which route along Manston Road and it may be appropriate for there to be enhancement of these, such as increased frequency and early/late start and finish times, if they are still operating when the Airport becomes operational.</i></p> <p><i>As bus plans and timetables are not typically planned years in advance, meaningful engagement with KCC and bus operators at this stage is not applicable.</i></p> <p><i>Discussion will be held at an appropriate point in the future to identify the optimum provision".</i></p> <p>i. Show where and how such provisions/commitments are suitably secured in the dDCO?</p>

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Ref No.	Respondent	Question
		<p>ii. Is KCC content with this response?</p> <p>The Revised draft Section 106 Agreement [REP8-006] at Schedule 9 includes provision for an annual financial contribution for £150,000.</p> <p>iii. How has this been calculated?</p> <p>iv. Is KCC content with this figure?</p> <p>v. Is this planning obligation compliant with CIL Regulation 122?</p> <p>The Revised draft Section 106 Agreement [REP8-006] at Schedule 9 includes provision for a Manston Airport Bus Service Scheme to be agreed in writing by KCC.</p> <p>vi. Should this form a Requirement in the dDCO?</p> <p>KCC in its response to Deadline 8 [REP8-027] on Page 8 state:</p> <p><i>"No specific discussions have been held between the applicant and KCC in relation to Public Transport Strategy for the development, so the scope and value of contributions are not agreed/identified.</i></p> <p><i>To date, KCC is unaware of any specific discussions taking place between the applicant and any local bus operator. If agreement is/has been reached then it may be necessary for the bus operator to be included as a party to the section 106 agreement, so that relevant obligations between the two parties can be secured. At this point and given the lack of information, KCC does not agree to act as a conduit for public transport contributions, as there is a significant risk that the contributions offered by the applicant will simply remain unspent as they are not implementable.</i></p> <p><i>Until a defined Public Transport/Bus Strategy has been developed, it is not possible to define the Fifth Schedule with required clarity. In addition, the applicant has recently expressed its intention to provide a bespoke shuttle bus service between the site and either Thanet Parkway Rail Station (when delivered) or Ramsgate Rail Station. To date, details of what this service consists of (for example including hours of operation, frequency and the type of vehicle) have not been clarified by the applicant. Details should be clarified by the applicant and appropriate changes made to the Fifth Schedule".</i></p>

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Ref No.	Respondent	Question
		<p>vii. What is the Applicant's response?</p> <p>Applicant's Response:</p> <p>i. The provision of Bus Services is secured via the Section 106 agreement. It is also included as part of the Service Access Strategy that is secured by Requirement 7 of the dDCO which requires the preparation of an Operational Environmental Management Plan.</p> <p>iii. This has been based on the provision of one bus service. The Applicant will fund the shuttle bus and will not make a contribution to a third party for this service. In addition, the Applicant proposes an annual contribution for the enhancement of local buses of £150,000. That figure calculated is based on the cost of one additional bus per annum.</p> <p>v. The Applicant believes this obligation complies with the CIL Regulations for similar reasons as the obligations already mentioned.</p> <p>vi. The provision of a shuttle bus and enhancement of existing bus services is secured in the REAC, the commitments of which are secured by Requirement 7 of the DCO. The mechanism of their delivery is set out in Schedule 9 of the section 106 agreement and does not need to be repeated in the DCO.</p> <p>vii. The Applicant has discussed costs with a local operator and has invited discussion with KCC. The Travel Plan provides more information on the scale of provision proposed.</p>
TR.4.56	The Applicant	<p>Register of Environmental Actions and Commitments (REAC)</p> <p>The amended REAC provided at Deadline 8 [REP8-018] includes mitigation for Junctions 2, 4, 6, 7, 12, 13, 15, 16, 20 and 21. However, the Revised draft Section 106 Agreement [REP8-006] includes Junctions 1, 2, 4, 6, 7, 10, 13, 15, 16, 17, 21, 26 and 27.</p>

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		<p>i. Why are these not consistent?</p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix 2, paragraph 15.1.1 states: "<i>The REAC has been submitted to account for the additional comments from ExA (e.g.) 10% electric charging provision</i>". However, the amended REAC provided at Deadline 8 [REP8-018] does not appear to include such provision.</p> <p>ii. Clarify if further changes are required to the REAC in this regard.</p>
		<p>Applicant's Response:</p> <p>i. Schemes 26 and 27 were withdrawn as set out in ISH7 – Summary and associated appendices [REP8-017] under Action 44</p> <p>ii. The provision for 10% electric car charging provision is provided in the REAC [REP8-018] on Page 48 of the tracked version and Page 49 of the clean version. The text states:</p> <p><i>'Furthermore, 10% of all business car parking spaces in the Northern Grass Area will be provided with electric vehicle parking, and 10% of all short-term parking at the airport.'</i></p>
TR.4.57	The Applicant	<p>Construction Traffic</p> <p>In the absence of the delivery of the Manston-Haine Link Road, the Applicant has set out that the original TA provides a suitably robust assessment.</p> <p>Does the potential to revert back to the modelling in the original TA have any implication in terms of the assessment of construction traffic and its impacts?</p>
		<p>Applicant's Response:</p>

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		<p>The Construction traffic is proposed to route out of the Proposed Development along Manston Road and Spitfire Way to the A299. No construction traffic would route northwards and the Manston-Haine Link Road has no bearing on the construction traffic assessment within the application documents.</p>