

To: Secretary of State for Transport
% Planning Inspectorate,
National Infrastructure Planning

Date: 3 December 2021
Our Ref: SoS/R/030

Email: manstonairport@planninginspectorate.gov.uk

For the attention of the Manston Airport Case Team

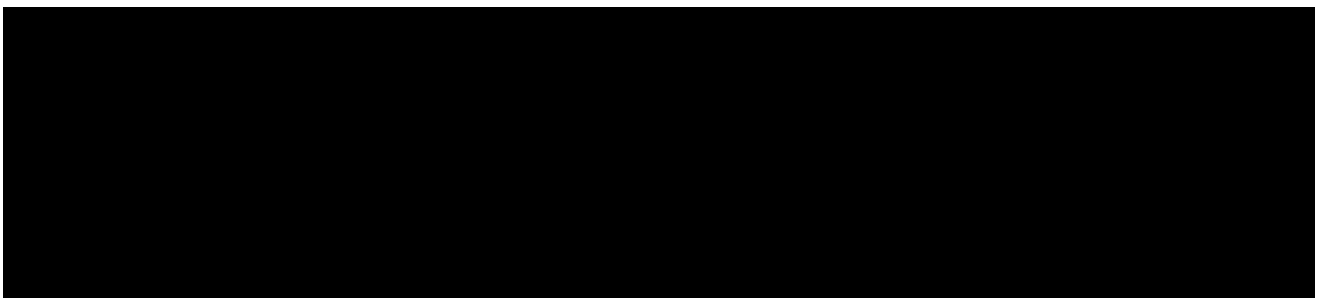
1. This submission is in response to the Secretary of State for Transport's ("SoSFT") letter of 21 October 2021 and specifically paragraph 6.
2. We submit our comment to the First Round of Consultation herewith as a formal consultation response to the Second Round of Consultation. Unless otherwise stated, all URL links included in this document were accessed on 3/12/21 and should remain current.
3. Our comment is primarily in response to the following representations:
 - Cllr Ash Ashbee, ref [TRO20002-005449](#) ("AA1")
 - Cllr Ash Ashbee, ref [TRO20002-005732](#) ("AA2")
 - Cllr Stuart Piper, ref [TRO20002-005389](#) ("SP")
 - Cllr Lynda Piper, ref [TRO20002-005586](#) ("LP")

4. Responses in a personal capacity

- 4.1. Recent information provided through FOI¹ has confirmed that representation AA2, provided on Thanet District Council ("TDC") letterhead and purporting to speak on behalf of the Council, was neither put before the entire Council for approval nor reviewed by TDC Officers. As such, the FOI response confirms in communications from TDC's Information Governance Officer dated 4/11/21 that:
- 4.2. *"the response referred to in your question was Councillor Ashbee's*

personal response". (Bold added for emphasis).

- 4.3. We will therefore treat AA2 as such and would respectfully ask that the SoSFT also treat AA2 as a personal response on behalf of Cllr Ash Ashbee rather than the views of TDC.
- 4.4. It is our understanding that the above-named local councillors, (collectively "**SMAa_Cllrs**"), are prominent members of the Save Manston Airport Association, ("**SMAa**"), with correspondingly partisan views with regards to the proposed development. Indeed, Cllr Ashbee is pictured in the front row of SMAa's "DCO Celebration" event wearing an SMAa t-shirt².
- 4.5. Whilst councillors are of course free to support local causes, it is of some concern when personal views and causes are misrepresented as those of the entire council, as confirmed at para 4.2. It is our further understanding that these personal interests or affiliations have not been declared in any of the SMAa_Cllr representations, nor in any council meetings relating to the proposed development.
- 4.6. As the SoSFT will be aware, SMAa is a constituted body "*campaigning hard for the return of Manston Airport to commercial use*"³, with close affiliations to the Applicant, Riveroak Strategic Partners, ("RSP").
5. We do not intend to address here the SMAa_Cllrs personal opinions or views expressed as regards the broader issues of Need, Brexit or Covid since these have been adequately addressed by aviation forecasting experts, including the SoSFT's appointed Independent Aviation Assessor, ("**IAA**"), Ove Arup, as well as aviation experts appointed by Jenny Dawes, (York Aviation), Ramsgate Town Council/Nethercourt Action Group, (Alan Stratford Associates) and in our own suite of representations to this and previous consultations.
6. We believe these independent reports add further weight to the existing body of evidence which shows overwhelmingly there is no evidence of need for the proposed development, including but not limited to TDC's own extant evidence base, produced by Avia Solutions⁴, and the findings of the Planning Inspectorate

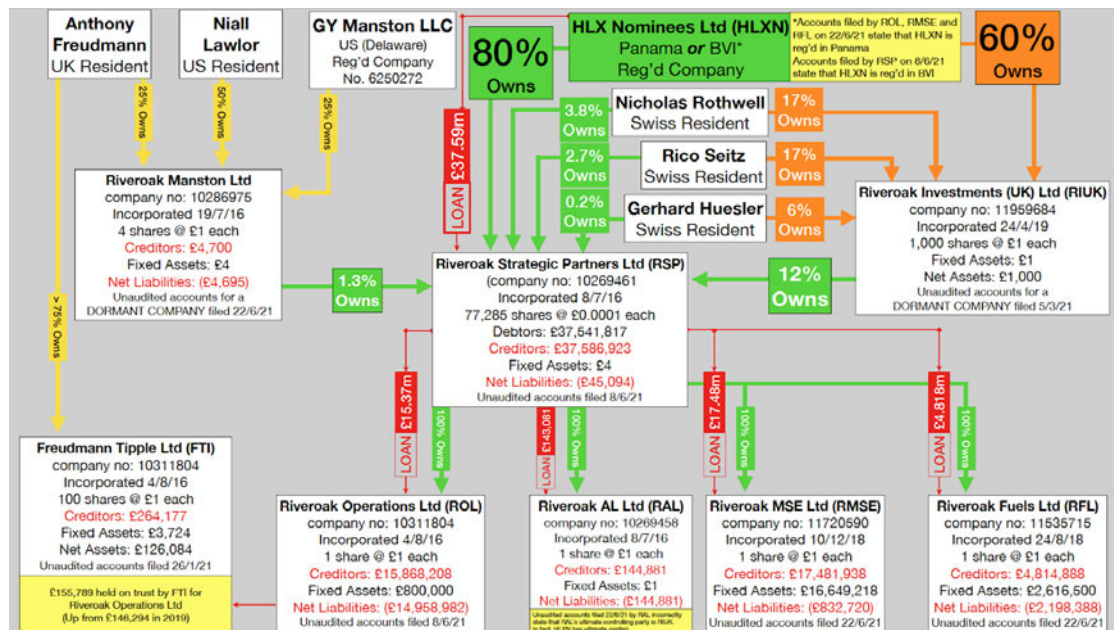


7. **Inward Investment**

- 7.1. The SMAa_Cllr's make reference to the alleged benefits to the local area of an inward investment by the Applicant, with AA1 specifying an assumed inward investment sum of "over £300m".
- 7.2. As elected members, SMAa_Cllrs will be aware that no assumptions can be made with regards to the availability of such levels of investment by prospective developers without some degree of due diligence.
- 7.3. As SMAa_Cllrs and the SoSFT will be further aware, section 9.8 of the ExA Report details significant issues and concerns raised during the Examination with regards to the Applicant's Funding required to meet its then CPO obligations, (assumed at the time to be less than £20m), concluding at para 9.8.69 that:

*"Given the number of different companies and their holdings outlined by the Applicant or revealed by the ExA undertaking due diligence, this is not an immediately transparent system of funding and **the ExA concludes that there is insufficient evidence that the Applicant itself holds adequate funds**"*

- 7.4. Since July 2019, the Applicant has filed updated unaudited accounts with Companies House for its group of companies, subsidiaries and parents. These are dated between 5/3/21 - 22/6/21⁶. These accounts show that the Applicant is carrying a debt to its Ultimate Controlling Party (UCP) of £37,586,817, with no evidence of how this debt can be serviced or how or where these sums have been spent, (other than land purchases on behalf of the UCP totalling around £19.26m). Summary of group accounts as follows and attached at Appendix 001.



- 7.5. There is some uncertainty as to the situs of the Applicant's Ultimate Controlling Party (UCP) or any details of any alleged investors or the identities of its shareholders.
- 7.6. Previously registered in Belize at the start of the Examination, the UCP is recorded as being based in Panama in accounts filed by the Applicant's subsidiary companies on 22/6/21. It is also recorded as being based in British Virgin Islands (BVI) in accounts filed by the Applicant on 8/6/21.
- 7.7. In any event, there is still no evidence available as to the existence of any proposed investment sums available - either £300m or otherwise.
- 7.8. The Applicant has consistently failed to provide any details as to the identity of its alleged investors or ultimate shareholders. This poses both a significant financial risk to the delivery of the scheme and - arguably - a security and liability risk in granting approval for development of an international cargo airport on British soil, developed, owned and operated by unknown individuals or entities.
- 7.9. **We respectfully submit that representations by the SMAa_Cllrs cannot assume that investment sums of up to £300m will necessarily be forthcoming and no alleged benefits may be assumed.** As SP rightly states on page 7 of his submission, *"This is never going to happen without major investment"*.
- 7.10. Similarly, there is little or no evidence within its unaudited accounts of access to c. £300m of how or where RSP, its subsidiaries or its UCP have spent upwards of £37.5m in this process to date - other than the £19.27m

land purchases - given that:

- BDB Pitmans does not appear to have filed any representations for or on behalf of the Applicant since 31/1/20, including in the SoSFT First Round of Consultations;
- BDB Pitmans is however still engaged in seeking to avoid payment of the Applicant's costs in respect of the Consent Order of Mrs Justice Lang dated 12 October 2020⁷;
- Recent responses to the SoSFT's First Consultation from significant Interested Parties ("IPs"), including both Network Rail⁸ and the Defence Infrastructure Organisation⁹, point to an under-resourced Applicant, with reports of lack of engagement, response or negotiation regarding crucial factors, including those identified by the SoSFT;
- Similarly, local reports emerged on 30/11/21 of compulsory purchase letters mistakenly - and very recently - being sent by the Applicant to concerned and distressed homeowners living adjacent to the proposed development¹⁰. This suggests, at best, lack of care, attention and professionalism characteristic of an under-resourced organisation. The timing of these letters - sent on the day of the SoSFT's original second consultation deadline (19/11/21) - also does not inspire confidence in the Applicant or its approach to dealing with key issues surrounding its application, including the Book of Reference, in a timely, efficient or professional manner.
- Having initially reported a donation of £100,000 towards Isle of Thanet Trees and Woods Initiative on 16/12/19¹¹, recent local media reports of 6/3/21 indicate some back-tracking

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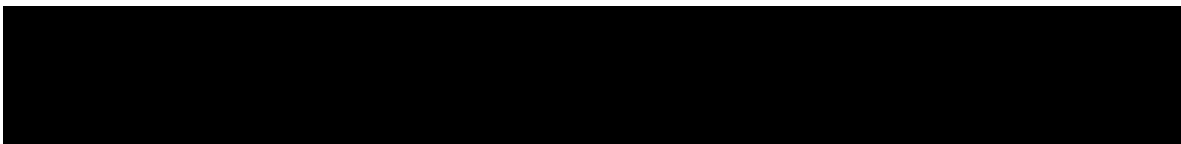
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on behalf of the Applicant, stating that *"RSP agreed to help fund the buying of trees for Thanet. They initially donated £20,000 with the promise of more money later"*¹²;

- This small donation was also referred to by RSP as evidence of its *"individual commitment"* with regards to Climate Change. We respectfully ask that the SoSFT does indeed treat this small donation of £100k, subsequently downgraded to c. £20k and a promissory note, as evidence of the Applicant's *"individual commitment"* towards addressing climate change.
- It should also be noted that the Applicant misrepresented this small donation in its submission to the SoSFT dated 31/1/20 as *"the private sector contribution to the £1m tree planting project"*¹³. This *"£1m initiative"* was primarily funded through public funding via the Forestry Commission's Urban Tree Challenge Fund Initiative.
- Despite its claims of having spent upwards of £37.5m to date, claiming to have access to c. £300m in funds and promising thousands of new local jobs, it does not appear from accounts filed at Companies House or from its public dealings that the Applicant has to date employed a single local person or increased its employee headcount at all beyond its 6 directors;
- Although obviously not operational, one area of current activity that might benefit from an experienced team - local or otherwise - is in community engagement. Despite the significant issues, concerns and opposition to the proposed development by the local community - particularly in Ramsgate - the Applicant's only efforts towards community engagement to date have been focused solely on founding director, Tony Freudmann, regularly attending closed private meetings and "barbecues" in church halls hosted by Save Manston Airport Association ("SMAa") to a partisan audience of supporters.

8. **Due Diligence - Executive Team (Tony Freudmann)**

- 8.1. SP's Representation - specifically his email dated 9/7/21 - takes issue with Ramsgate Town Council's appointed independent aviation expert, ASA, allegedly being *"very negative of RSP, their intentions and of Mr Tony Freudmann in particular"*. As a councillor commenting on such a divisive local issue, SP cannot be unaware that concern over Mr Freudmann's history and intentions has been the subject of much concern and might warrant some consideration.
- 8.2. As the SoSFT will be aware, Tony Freudmann, ("TF"), is the founding director and lead spokesperson of the Applicant, Riveroak Strategic Partners (RSP), and its subsidiaries.
- 8.3. Despite owning just 0.32% of RSP, since July 2019 TF is the only member of the Applicant's Directors and Executive Team who has made any public statements on behalf of the Applicant and/or engaged in any meaningful way in the ongoing DCO process and consultations.
- 8.4. This is of particular concern given that TF's most recent prior experience leading an airport development proposal, under very similar circumstances at a former military airfield in Germany, (Black Forest Airport Lahr), involved TF continuing to claim to act on behalf of the developer, Integral Ltd, in his stated capacity as Managing Director as late as October 2012¹⁴, at least three months **after** petition was raised for compulsory liquidation of Integral on 25/7/12¹⁵.
- 8.5. Attached at Appendix 002 is a summary of TF's career history since the widely-reported incident of being struck-off the solicitor's roll in 1992 for 27 counts of misappropriation of client's funds. Key findings detailed in this summary are as follows:
 - 8.5.1. Since 1992, TF has been appointed director and/or held senior positions in 29 different companies, including current appointments with the Applicant, (RSP), its 4 subsidiaries, one of its minority parent companies and his two private consultancy businesses.
 - 8.5.2. 18 of the remaining 21 companies where TF served as a Director and/or senior executive have been dissolved. Average length of time from TF's appointment as a director to the company being dissolved



or entering into administration is 3.25 years, with 7 of these 18 companies surviving for less than one year following his appointment.

- 8.5.3. According to accounts filed across the 8 active companies where TF currently holds directorships, these companies have:

Total combined **amount due to creditors of £76,175,501***

Total combined **net liabilities of £13,638,931**

Total combined **fixed assets of £20,070,084****

**Total amounts due to creditors is perhaps slightly misleading in that this total figure incorporates "circular" inter-company loans totalling £38,309,915 from RSP to its 4 subsidiaries and a loan of £37,586,923 owed by RSP to its offshore-owned Ultimate Controlling Party¹⁶. Perhaps also worth noting the outstanding charge against TF's previous employers, Planestation PLC (now dissolved), for inter-company debt, created in December 2004¹⁷, 2 months before TF was "let go" as Managing Director in Feb 2005.*

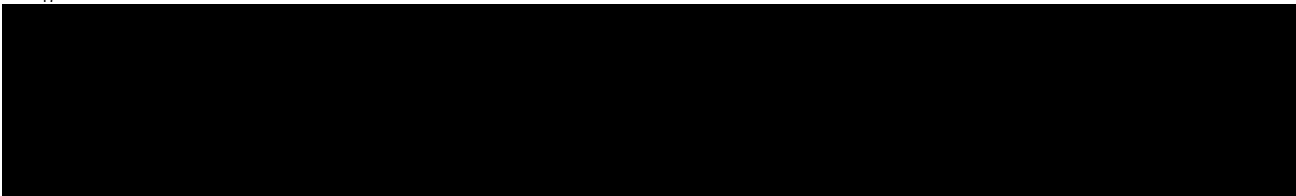
*** fixed assets include the Manston site (£16.65m) and Jentex Fuel site (£2.61m). Ultimate Beneficial Owners of these sites is HLX Nominees Ltd, with directors/shareholders unknown.*

- 8.5.4. TF's career history includes prior involvement at a senior level during previously failed iterations of cargo operations at Manston, as well as costly and often short-lived attempts to develop and operate air freight hubs internationally at similar regional, former military airbases. These include but are not limited to those at Odense, which ended with outstanding debts to the local authority in excess of £2m¹⁸, and Black Forest Airport Lahr, which ended in 2013, less than a year after opening, with employees going several months without pay¹⁹.

- 8.5.5. In the wider travel and tourism sector, TF was also at the centre of

¹⁶ Appendix 001 - Summary of Applicant's group accounts

¹⁷



investigations by BIS, (now BEIS), following the collapse of Upminster Travel Ltd²⁰ and Unpackaged Holidays, having “*failed to pay at least 20 hotels and apartments*” and leaving thousands of holidaymakers stranded having previously pulled out of both ABTA and ATOL cover.

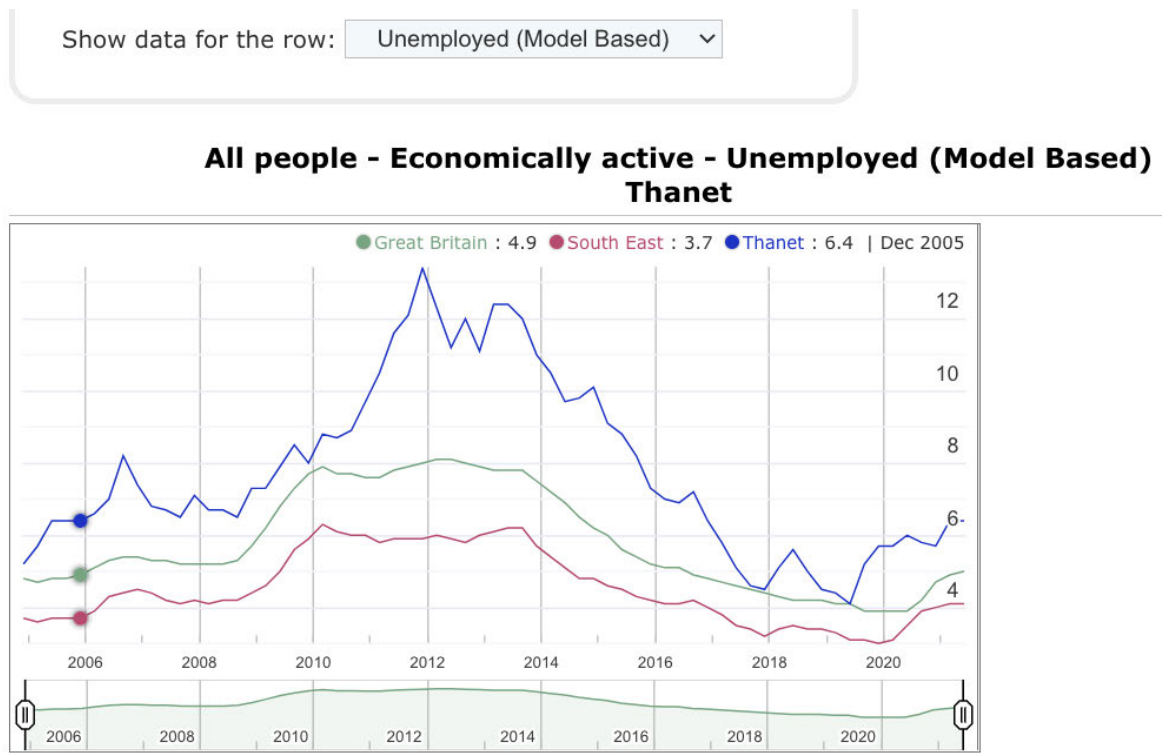
- 8.5.6. TF's numerous other dissolved travel businesses and failed tour operator companies include Seligo Holidays Ltd, Majestic Travel (Holdings) Ltd, The Travel Club Ltd, Austria Travel Ltd, Unpackaged Holidays (Holdings) Ltd, Austria Travel Ltd, Carefree Travel (International) Ltd and other associated (and also dissolved) companies.
- 8.5.7. In light of the above and the attached, any “negative” assessment of TF or his suitability to lead on this DCO bid that may have been expressed by ASA or others may not be entirely without foundation.
- 8.5.8. It is unclear as to why SP - in his role as a local Councillor and community representative - sees fit to dismiss ASA's concerns regarding TF and RSP as “negative” rather than investigate the underlying source and evidence base which give credence to these concerns.
- 8.5.9. It is equally unclear as to why TF, for his part, continues to act as the principle voice on behalf of the Applicant, given both his minor 0.32% stake and his chequered career history, or whether this leadership position is one assumed by TF or granted by the UCP. Either of these possibilities raises significant questions about the Applicant, the UCP and its intentions.
- 8.5.10. SP, the SMAa_Cllrs and - respectfully - the SoSFT might consider such questions and fully consider any associated risks to the impacted communities, risks to reputation (personal and with respect to the public bodies they represent) and/or to risks regarding the deliverability and viability of the proposed development in supporting this Application or granting the DCO.

9. **Local Investment and Employment**

- 9.1. Whilst we recognise the SMAa_Cllr's desire to support investment and jobs growth in the area, the SMAa_Cllr's representations appear to imply that this can only be delivered by the Applicant, despite the fact that the TDC Local Plan Jobs Growth Strategy targets a local growth of 5,000 jobs which

are not in any way dependent upon any potential jobs that may or may not be created by the proposed development.

- 9.2. Paras 7-8, above, further set out that the Applicant does not appear to be in any position to be able to guarantee any investment or jobs, either through financial standing or evidence of previous operations.
- 9.3. We note also that whilst [REDACTED] presents a table purporting to show “*published data in relation to unemployment rates within Thanet*”, for the period from 2017-21, no source has been identified for this table or where it has been published.
- 9.4. The table below shows Nomis official labour market statistics for unemployment amongst those economically active (all people) in Thanet²¹ for a time series from 2006 - 2021.



- 9.5. Whilst the figures of around 3.5% - 5.3% for the period from 2017-19 are broadly consistent with those in AA2's table - and, notably, also largely consistent with the national average - it is unclear where AA2 derives her unemployment figures for 2020-21, which appear to be almost double the official Nomis statistics. In any event, the impact of Covid on the region cannot be underestimated during this time period.
- 9.6. Also of note - and omitted from AA2's table - is that the highest peaks of 11.6% - 13.3% unemployment in Thanet occurred from around 2010 - 2014,

during a time when Manston previously operated as a cargo airport; in fact during the peak of its previous commercial freight operations.

- 9.7. There is a long and well-recorded history of over-stating potential economic benefits during previous failed operations at Manston, with previous predictions of 6,000 jobs by 2010, (later altered to 2017), 3,500 jobs by 2018 and 7,500 by 2033. None of these predictions have ever come close to being materialised. In fact, at the time of closure in 2014, Manston employed 144 people, mostly in part-time positions.
- 9.8. It appears illogical to suggest, therefore, that the proposed development offers the solution to Thanet's unemployment issues. In fact, these figures support concerns raised by ourselves and others - including the ExA in its recommendation report - regarding the negative impact of the proposed development on both Ramsgate's ongoing revival and the wider visitor economy of Thanet.
- 9.9. The reality is that the period since the closure of the former Manston Airport in 2014 has seen both a remarkable growth in Thanet's visitor economy, in its wider economy, in ongoing development and in inward investment unmatched during previous airport operations. This includes but is by no means limited to:
- c. £1.2bn invested by Pfizer in and around Sandwich since 2014²²;
 - £18m investment to reopen Dreamland, Margate, in 2014 followed by a further £25m in 2017;
 - Ongoing development and operations of Vattenfall's Kentish Flats windfarms and Ramsgate base²³;
 - £2.2bn Euro investment in London Array's offshore wind farm and onshore substations²⁴;
 - JD Wetherspoon's £5m transformational refurbishment of the Royal Victoria Pavilion on Ramsgate Main Sands;²⁵
 - Blueberry Homes £50m Royal Sands development on Ramsgate Main Sands²⁶;
 - Ramsgate's successful £19.8m Levelling Up Fund award to develop

Ramsgate's port and Royal Harbour.

- 9.10. Many of the above existing and future economic drivers, each offering actual jobs in viable developments - including the windfarms, Royal Victoria Pavilion, Royal Sands and of course Ramsgate's Levelling Up Fund projects - all lie directly under the proposed flight path and facing the harmful prospect of cargo flights overhead at altitudes of c. 600ft - 800ft.
- 9.11. Any suggestion that the proposed development might deliver on the Applicant's promises - or the wishes of the SMAA-Cllrs - also appears at odds with the IAA's draft report and findings that there is no evidence of any need for the proposed development.
- 9.12. Respectfully, we submit that granting development of "a costly building with no practical purpose" is literally the dictionary definition of a folly. Further, that follies are not generally known for generating ongoing employment.
- 9.13. It is notable that throughout the DCO Examination in every subsequent round of Consultation, the Applicant has consistently failed to provide evidence of support for its proposed development from any industry partners, airlines or the kind of freight or logistics companies that would be crucial to its operations, viability or employment predictions.
- 9.14. This was further evidenced during the Applicant's recent self-publicised £16,000 support for an October half-term activities camp with Ramsgate Football Club²⁷, with the Applicant's press release noting its activities to *"share the skills and experience of the Manston Airport family"*, through industry partners *"who will talk to the youngsters about the skills needed in a variety of logistic jobs"*. The press release notes these industry partners as comprising only of TF's long-standing associates, TG Aviation and Polar Helicopters - both small, local General Aviation businesses with a total headcount of 7 employees between the two companies.
- 9.15. Whilst the Applicant's £16,000 support for the local football club should of course be welcomed, this must also be taken in the context of the location of Ramsgate Football Club's home ground at Southwood Stadium, which lies directly under the proposed flightpath and at a distance of less than 1.4 nautical miles, (NM) - see image overleaf. In the event that the DCO is granted and the Applicant's proposed development is delivered, the young footballers and local communities would therefore be facing the prospect of cargo flights flying over the ground every 10-15 minutes at altitudes of less

than 500ft. (See map below). It is unclear whether this was made clear to the young people during the half term sessions or to the football club management.



10. **"Fear" of "inward migration from London"**

- 10.1. Despite their purported interest in attracting inward investment into the area, submissions by LP, SP and Cllr Trevor Shonk, ref [TRO20002-005815](#), ("TS"), all carry a common thread of disturbingly negative and derogatory comments with regards to many of the local residents and constituents they represent who have moved into the area - particularly from London - irrespective of any benefits, employment and/or investment that this may have brought.
- 10.2. SP, for example, talks of a "fear" of growing numbers of local residents commuting to work in London. This seems entirely at odds with any local council strategy - or indeed national government strategies - with regards to attracting inward investment to the region and/or supporting viable opportunities for employment for local residents, including commuting to work.
- 10.3. Such "fears" are also at odds with interventions such as Thanet Parkway Railway Station, identified as a positive case study on page 10 of the Government's Levelling Up Fund prospectus²⁸ following investment by TDC, Kent County Council ("KCC") and a £12m Getting Building Fund investment *"to utilise improved transport accessibility to spark regeneration, boosting*

job creation and house building”.

- 10.4. SP’s “fears” of “*inward migration from London*” have been a consistent theme in his representations in support for the proposed development, having first engaged with the DCO Examination in his submission of 14/1/19²⁹ to denounce alternative plans for the site as a mixed use housing development, as previously proposed and supported by Thanet District Council.

11. Ramsgate Town Council - ASA Independent Expert’s Report

- 11.1. LP and SP raise concerns over Ramsgate Town Council’s appointment of an Independent Aviation Expert, Alan Stratford and Associates Ltd, (“ASA”), and its report submitted during the first round of the current SoS Consultation, ([TRO20002-005680](#))³⁰, dated 8/7/21.
- 11.2. LP falsely states that Ramsgate Town Council’s letter and submission of this report to the first round of the SoS Consultation “*did not*” have council support. As LP was herself present at - and voted on - Ramsgate Town Council’s resolution with regards to its response to the Consultation in an Extraordinary Meeting of 7/7/21, LP will be aware that the motion to support this response was carried by 10 votes to 4³¹.
- 11.3. LP’s statement can only therefore be seen as either a complete misunderstanding of the democratic process during Council Meetings or a deliberate attempt to mislead the SoSFT. In either case, her comments with regards to Ramsgate Town Council’s submission and Independent Expert’s report must be disregarded since it is a matter of public record that the ASA report has the support of Ramsgate Town Council.
- 11.4. SP similarly casts aspersions on his fellow Councillors at Ramsgate Town Council (RTC) with vague and unsubstantiated references to “*issues at RTC which are about to be investigated*”. These comments are without foundation or evidence of any kind and should therefore also be disregarded.
- 11.5. SP raises questions with regards to the professionalism of RTC’s Independent Expert, ASA, seemingly on the basis of the fact that ASA had

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<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TRO20002/TRO20002-005680-Ramsgate%20Town%20Council.pdf>

³¹

previously published an online article with regards to the Manston DCO, prior to its more substantial report drafted for RTC, and *“both reports use the same photograph”*.

- 11.6. Questioning and attacking the professionalism of well-established Independent Aviation Experts whose opinions and findings differ from those put forward by the Applicant appears to be a recurring theme. Previous challenges on similar grounds were leveled against Avia Solutions (a GE company), York Aviation and - more recently - the Applicant's own bizarre and highly unprofessional attack on the Ove Arup Draft Report commissioned by SoSFT, posted on its website on 22/10/21³².
- 11.7. It is notable that SP does not have any such concerns as regards the expertise of Dr Sally Dixon, author of the Applicant's Azimuth Report, which SP quotes in his submission and which both SP and the Applicant continue to prefer over evidence showing the lack of need or viability of the proposed development submitted by Ove Arup, York Aviation, ASA, Avia Solutions, the ExA Recommendation Report et al.
- 11.8. This is despite Dr Dixon's own admission during the DCO Examination hearings that *“I have very limited experience in forecasting freight in the South East of England”*.³³
- 11.9. Similarly, SP does not appear to have any concerns as regards the impartiality or expertise of Dr Sally Dixon, although the SoS may note that she has continued to be employed by the Applicant in a number of different roles with very different skillsets since drafting the Azimuth Report. These include leading on the Applicant's Skills and Employment Board³⁴, (which does not appear to have met since February 2020), and - latterly - co-ordinating the Applicant's community engagement programme during October half-term with Ramsgate Football Club.
- 11.10. On balance, Dr Sally Dixon's more recent roles for the Applicant are more in line with her actual expertise in *“reconciling conflicting stakeholder opinions”* in ways that have *“practical significance for airport managers”*, as outlined in her 2014 PhD thesis, *“Managing the Master Planning Process: How do airport managers incorporate stakeholder contribution in*

³² [REDACTED]

³³ Issue Specific Hearing of 21/3/19, (Need and Operations Part 3 Recording, [TR020002-003870](#)), Timecode approximately 01:29:40)

³⁴ [REDACTED]

*their final master plans?*³⁵.

12. **Misrepresentation of Local Opinion**

- 12.1. AA1, SP and LP all make unsubstantiated claims of support for the development by local residents, with some of these claims (LP and SP) going so far as to claim support by a majority. No evidence has been provided in any of these submissions to support these claims.
- 12.2. As the Secretary of State (SoS) will be aware from the thousands of submissions and representations made by Interested Parties throughout the DCO Examination and his own consultations since July 2019, the Applicant's proposal has deeply divided the local community. These submissions since July 2019 and those submitted to the ExA throughout the Examination stand as perhaps the best evidence of how local opinion is divided and weighted.
- 12.3. Right from the outset, this Application resulted in over 2,000 Relevant Representations - more than 10 times the national average for DCO applications. Analysis submitted during the Examination showed that contrary to the SMAa_Cllr's representations, a marginal majority (52%) of these individual Relevant Representations and a significant majority (93%) of local Residents' Associations and Community Groups' Relevant Representations were **strongly opposed** to the proposed development³⁶.
- 12.4. Ongoing and sustained submissions throughout the DCO Examination, overwhelmingly from local residents opposed to the development, also helped inform over 5 rounds of Written Questions from the ExA, totalling 682 pages of questions to the Applicant - more than 13 times the average for any DCO application³⁷.
- 12.5. As the SoS will be further aware, strong local opposition has also been evidenced by the highly successful Crowdfunder fundraising campaign in support of Jenny Dawes' Judicial Review of the Manston Airport DCO. At the time of writing, this campaign has raised over £110,000 in donations, predominantly from thousands of local residents with significant concerns

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https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-004701-Five10Twelve_JJH_Corrected.pdf

over the negative impacts of the development on the local area and economy³⁸.

- 12.6. In light of the above, the SMAa_Cllr's comments with regards to local support for the proposed development are, at best, disingenuous and arguably a deliberate misrepresentation. In any case, unsubstantiated claims of such support can be given little weight or credence.

13. Misrepresentation of the TDC Local Plan and Local Council

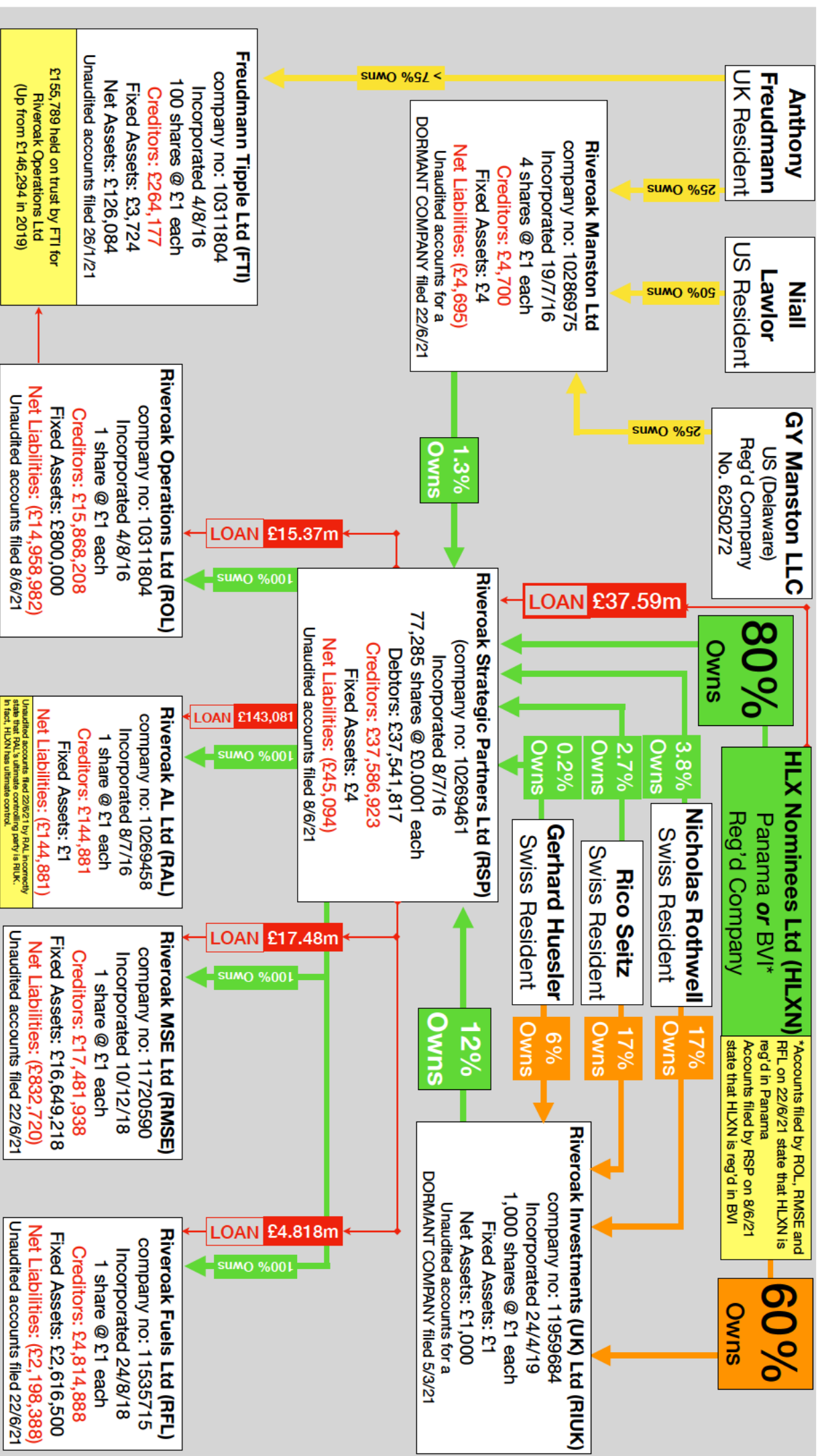
- 13.1. The SMAa_Cllrs continue to misrepresent the TDC Local Plan as safeguarding the Manston site for airport related uses. In fact, the TDC Local Plan reflects a "holding position" carried over from previous iterations of the Local Plan, pending the DCO decision. This is made explicit in policy SP07, which states:

*"Whether or not the DCO is confirmed, the future use and development of Manston Airport and/or other policies affected by the outcome of the DCO process **will be determined through the early review of the Plan**".* (Bold added for emphasis).

- 13.2. In his email of 24/6/21, SP asserts without any evidence that a majority of the Council supports the the division to grant the DCO. There is no evidence for this statement nor any basis for it or any recorded vote, either formal or otherwise, on TDC Councillors' views on this issue.
- 13.3. The only official record of any of the TDC Councillor's views on the DCO is in fact the SoSFT's First Consultation. This resulted in representations from four TDC councillors in support of the proposed development - the three SMAa_Cllrs and Trevor Shonk, ref [TRO20002-005815](#). This was matched by four representations from TDC councillors opposing the development - Cllr Tricia Austin, ref [TRO20002-005794](#), Cllr Becky Wing, ref [TRO20002-005792](#), Cllr Liz Green, ref [TRO20002-005719](#) and Cllr Mike Garner, ref [TRO20002-004822](#).

Appendix 001

Summary of Applicant's Group Accounts



Appendix 002

Summary of Tony Freudmann's Career
History

Tony Freudmann / Anthony Freudmann

Founding Director and lead applicant, Riveroak Strategic Partners Ltd

Timeline / Career History since being struck off as solicitor for 27 counts of misappropriation of client funds in 1992.

Month	Year	Details	Notes/Result
Dec	2018	Appointed director of Riveroak MSE Ltd (Co. No. 11720590)	Creditors of £17,481,938 and net liabilities of £832,720 , (as of 22/6/21)
Aug	2018	Appointed director of Riveroak Fuels Ltd (Co. No. 11535715)	Creditors of £4,814,888 and net liabilities of £2,198,388 , (as of 22/6/21)
Aug	2016	Appointed director of Riveroak Operations Ltd (Co. No. 10311804)	Creditors of £15,868,208 and net liabilities of £14,958,982 (as of 8/6/21)
Jul	2016	Appointed director of Riveroak Manston Ltd (Co. No. 10286975)	Creditors of £4,700 and net liabilities of £4,695 (as of 22/6/21)
Jul	2016	Appointed director of Riveroak Strategic Partners Ltd (Co. No. 10269461)	Creditors of £37,586,923 and net liabilities of £45,094 (as of 8/6/21)
Jul	2016	Appointed director of Riveroak AL Ltd (Co. No. 10269458)	Creditors of £144,881 and net liabilities of £144,881 (as of 22/6/21)
Jun	2013	Appointed director of Annax Aviation Ltd	Notice for compulsory strike-off issued 13/9/16 Compulsory strike-off discontinued 2/11/16 Notice for voluntary strike-off 25/7/17 Dissolved on 10/10/17
Jun	2013	Appointed director of Annax Aviation Airports Ltd (Co. No. 08575369)	Notice for compulsory strike-off issued 13/9/16 Compulsory strike-off discontinued 2/11/16 Notice for voluntary strike-off 25/7/17 Dissolved on 10/10/17

Jun	2012	Acted as Managing Director for Integral Ltd (Co. No. 06602485) in joint venture (JV) to operate Black Forest Airport Lahr. Freudmann continued to pursue this venture as late as October 2012 ¹ , even after petition was raised for compulsory liquidation of Integral in July 2012. Airport employees “brought labour court proceedings” after having been unpaid for over four months, (Nov-Feb 2012). ² Black Forest Airport Lahr GmbH filed for bankruptcy after Integral “ <i>refused to make further payments to the company</i> ”. ³	Petition raised for compulsory liquidation of Integral on 25/7/12 Dissolved on 14/5/20
Feb	2012	Appointed director of SDCI Ltd (Co. No. 07959698)	Dissolved on 8/10/13
Dec	2009	Appointed director of FTI 1 Ltd (Co. No. 07104963)	Dissolved on 23/11/10
Mar	2009	Appointed director of Active Energy Ltd (Co. No. 0652070)	Resigned 4/2/11
Feb	2009	Appointed director of Seligo Holidays Ltd (Co. No. 06826231)	Dissolved on 12/10/10
Feb	2009	Appointed director of Majestic Travel (Holdings) Ltd (Co. No. 06819488)	Dissolved on 28/9/10
Jan	2009	Appointed director of The Travel Club Ltd (Co. No. 00517063) - a pioneer of package holidays established in London since 1953	In administration Sep 2010-2011 Creditors voluntary liquidation from Sep 2011 Dissolved on 20/2/13
Jan	2009	Appointed director of Austria Travel Limited (Co. No. 03148324)	In administration Sep 2010 - Oct 2011 Dissolved 1/2/12
Jan	2009	Appointed director of Upminster Travel Ltd (Co. No. 03190152)	Dissolved on 22/7/14 Outstanding charge against the company on behalf of Lloyds TSB Bank PLC ⁴
Aug	2008	Appointed director of Alpha Consolidations Ltd (Co. No. 06671867)	Dissolved on 1/5/12
Nov	2007	Unpackaged Holidays (Holdings) Ltd (Co. No. 05369653)	Dissolved on 11/5/10
Nov	2007	Appointed director of UHN Ltd (Co. No. 06414012)	Dissolved on 8/6/10
Mar	2007	Appointed director of Carefree Travel Group Ltd (Co.	Dissolved on 8/2/11

¹ [REDACTED] accessed 19/11/21)

² *ibid*

³ Appendix: Black Forest Airport Lahr: Emails from mayor of Lahr / local newspaper reports

⁴ [REDACTED]

		No. 02739020)	
Mar	2007	Appointed director of Carefree Travel (International) Ltd (Co. No. 01364089)	Dissolved on 10/8/10
Nov	2006	Appointed director of Unpackaged Holidays Ltd (Co. No. 02439664)	In administration Mar 2009 - Jul 2010 Compulsory liquidation Mar 2010 - Jan 2016 Dissolved on 8/5/16 Outstanding charge against the company on behalf of Barclays Bank PLC⁵
Apr	2005	Appointed director of Freudmann Tipple International Ltd (Co. No. 05429140)	Creditors of £264,177 Net assets of £126,084. £155,789 held in trust for Riveroak Operations Ltd (as of 26/1/21)
Jan	2002	Appointed director of Freudmann Ltd (Co. No. 04352403)	Creditors of £9,786 Net assets of £21,936
Sep	1997	Appointed director of Locate in Kent Ltd (Co. No. 03230721)	Resigned 22/2/02
May	1995	Appointed director of Kent International Business Park Ltd (Co. No. 02521945)	Resigned on 28/2/05 In administration 5/8/05 - 27/7/06 Dissolved on 6/8/10 Outstanding charge against the company on behalf of Bank of Scotland, created 12/12/03⁶
???	1994	Appointed Senior Vice President of Wiggins Group PLC, (latterly Planestation Group PLC, Co. No. 00397916) Mar 2001: Civil Aviation Authority (CAA) submits evidence to House of Commons Transport hearing regarding Wiggins financial irregularities, mismanagement and failure of its subsidiary business, EUjet, based at Manston. ⁷ Dec 2003: Freudmann embroiled in legal proceedings surrounding debt of c. £2m to Funen County taxpayer	"Let go" by Wiggins/Planestation in Feb 2005 ⁹ In administration Jul 2005 - Jul 2006 Creditors voluntary liquidation commenced 25/7/06 Dissolved on 9/3/12 2x Outstanding charges against the company, including 1

		following collapse of Odense Airport ⁸	for inter company debt ¹⁰
May	1992	Appointed Secretary of British Gas Housing Services Ltd (Co. No. 01572833)	Resigned 5/5/93
Jul	1991	Application made for disciplinary proceedings against Tony Freudmann, prior to a hearing of the Solicitor's Disciplinary Tribunal for 27 counts of misappropriation of client funds. The Tribunal found that Freudmann had <i>"indulged in a deliberate and deceitful course of conduct over a long period of time"</i> .	Struck off the solicitor's roll for 27 counts of misappropriation of client's funds in hearing dated 29/10/92 ¹¹
May	1991	Appointed director of Bellstone Hall Company Ltd (Co. No. 00272836)	Resigned 12/5/94

Appendix 003

Local News Reports (Odense Airport / Funen County)

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PROFESSION

Wiggins is considering dropping Odense

AF: JACOB VESTERGAARD

published January 07, 2004 at. 01:00



1.1

PlaneStation has the opportunity to terminate the contract with half a year's notice if the cancellation comes before the end of the year. Photo: Peter Leth-Larsen



AIRPORT: Parent company provided half a billion. Arbitration of DKK million DKK will be paid as soon as possible

Odense Airport risks being left without a tenant this summer, if the English PlaneStation is serious about its considerations of saying the contract with the joint municipal company.

- During the next week, we decide whether we will stay or leave Odense Airport, say Deputy CEO Tony Freudmann from PlaneStation, which is a subsidiary of the listed WigginsGroup plc.

Must pay tax

Shortly before Christmas, an arbitration board decided that PlaneStation should pay in the region of DKK 16 million. DKK to Odense Airport Smba as soon as possible.

The amount amounts to several years of lease, which PlaneStation has so far refused to pay because the company claims the owner has not made a pledge to extend the runway so that even the largest aircraft can ease and land.

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However, the Board states that PlaneStation itself has acknowledged that it would be economically unreasonable to extend the runway further.

Half a billion. kr. added

Until Monday, it was unknown whether the Plan Station would be able to pay the amount.

The parent company Wiggins was in the process of bleeding, partly because it lacked working capital to expand its global network of smaller airports, partly because it dragged around a large and very expensive short-term loan.

But Monday, the company's previous shareholders approved a rescue plan consisting of a capital injection of just over half a billion. DKK from several large institutional shareholders, who as consideration receive co-ownership in the company.

In addition, the company changes its name to PlaneStation Group plc in order to signal, in the future, rates at airports rather than development of construction projects.

Will pay enough

- With the new capital in the back, we can easily pay the arbitration, says Tony Freudmann from London.
- But by principle and for the sake of our many shareholders, we will first be allowed to read the 50-page decision, which is currently being translated, he says.
- But there must be no doubt that we should pay, says Tony Freudmann.

By February

During the arbitration proceedings, both parties have signed and subsequently extended a supplementary agreement to the original lease agreement, which allows PlaneStation to terminate the contract with half a year's notice if the termination comes before January 31 this year.

Otherwise, the lease agreement entered into in 1999 will continue for the rest of the total 30-year contract period.

Promising discussions

- The next few days we will put some long-term plans, among other things regarding our future in Odense, says Tony Freudmann.
- "On the one hand, we have no income, but on the other hand, the cooperation with the Danish owners and the crew in Odense has been good over the past few months," he says.
- "At the same time, we have had several promising discussions with Sterling and with various charter operators on passenger flights to Greece and Cyprus," said Deputy Managing Director.

Not a tenant in the back

The chairman of the board of Odense Airport Smba takes a possible termination in a stretched arm.

- We cross that bridge when we reach it, says Frants Bernstorff-Gyldensteen, who represents Funen County and the municipalities of

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- 20:46 **Fyn politicians' politicians on wishes for E20 expansion: - A bit like pissing in the pants to keep warm**
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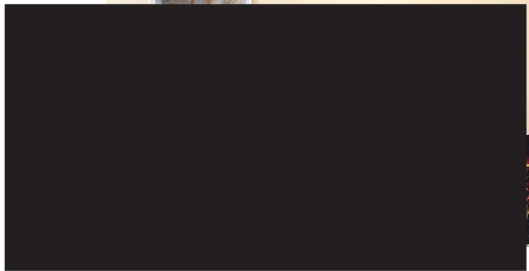


PROFESSION

The hunt for Wiggins entered

BY: KLAUS A. JENSEN

published January 20, 2004 at: 01:00



In April 2000, the contract with Wiggins for the lease of Odense Airport was signed. Now just over three and a half years later, Odense Airport's owners must file for Wiggins's subsidiary PlanaStation bankrupt since the company owes DKK 18 million in rent. Photo: Hans Østergaard



COMPANY RIGHTS: On Monday, Odense Airport requested its tenant bankruptcy - it can pull the rug away under listed Wiggins Group Mayor Jan Boye (K) (Radio 3)

Yesterday, Odense Airport requested dinner at the bankruptcy court in Odense's tenant, PlaneStation Denmark A / S, bankruptcy.

Thus, the hunt for money with the English parent company, the Wiggins Group, has gone in, because even PlaneStation Denmark owns only debt. Wiggins guarantees in the contract with the airport's owners for its Danish subsidiary, which since August 2001 has accumulated a debt of DKK 18 million for the Funen taxpayers.

Political crisis meeting

At the same time as the petition for bankruptcy, the political representative committee behind the municipal Odense Airport is extraordinarily called for a crisis meeting on Thursday, 5 February.

At the meeting, the board must account for the dramatic course around the airport lease and for the plans that are now being used to create traffic. The City Council and county council politicians must also decide on the financing of an expected deficit this year of DKK 6 million in Odense Airport Smba, says Director Anders Møller Jensen, County of Funen, who has half of ownership in Beldringe.

Requirements are passed through the

Chairman of the Board of Representatives, Mayor Jan Boye (K), has previously stated that the claim against the British tenant will be carried through.

This means that the Funen airport owners may have to pull their legs away under listed Wiggins through a bankruptcy request by an English law.

Yesterday, Tony Freudmann, Managing Director of Wiggins Group, did not comment on the bankruptcy petition against the Danish subsidiary.

More auditing

reservations The request against PlaneStation Denmark will be processed at the probate court in Odense this week.

In its 2002 accounts, the company had a negative equity of DKK 13 million.

It is also clear from the accounts, which are the most recently published, that the Danish tenant has an unspecified debt of almost seven million kroner to his English owner. Moreover, the audit has, in several contexts, made reservations for the accounting valuation in the company.

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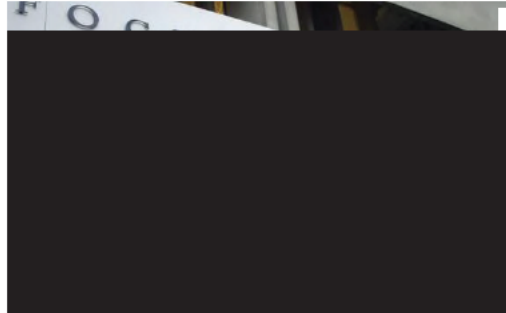


PROFESSION

PlaneStation bankruptcy - debt of 23 million

BY: KLAUS A. JENSEN

published September 16, 2004 at: 01:00



1.1

Knud K. Damsgaard, Focus Attorneys in Odense, became curator of the bankruptcy estate PlaneStation Denmark / Landside. Photo: Hans Østergaard



JURA: Odense Airport has to go through new arbitration to get money out of tenants

Odense Airport's former tenant, PlaneStation Denmark A / S, was declared bankrupt by a six-year delay at the bankruptcy court in Odense. The company, which has since been changed to Landside A / S, now has a debt to the municipal airport owners of DKK 23.7 million, said lawyer Bo Tverskov, who represented Odense Airport in the bankruptcy court.

British PlaneStation Group's Danish subsidiary, with a posted negative equity of DKK 25.5 million in the latest published accounts from June, both without value and insolvency, noted Bo Tverskov in court.

With the bankruptcy decree, Odense Airport has been given the opportunity to demand the repayment of the large debt directly from the UK parent company, which in the contract with the airport guarantees its Danish subsidiary.

PlaneStation rejects

But the money is not resolved on the other side of the North Sea, and for the time being, listed PlaneStation Group has declined to pay for the debt in Denmark. This is done according to Fyens Stiftstidende information, among other things, with reference to the fact that the company's former CEO and co-owner Oliver Iny has acted without the necessary powers at the conclusion in 2000 of the lease agreement in Beldringe.

Odense Airport has already brought the dispute before a Danish arbitration, which now has to decide on the extent of the guarantee obligation. An earlier arbitration has already made an order that PlaneStation Denmark owes Odense Airport the large million amount.

Since the arbitration award last December, PlaneStation's debt to Odense Airport has grown from DKK 18 to 23.7 million, because the company has not been solved by its lease contract until the end of June.

Only paper money

The values in the Danish company amount to DKK 8000 in cash and a small amount in foreign currency, and then PlaneStation has an outstanding VAT receivable of approx. NOK 900,000 for the period from 1 January to 1 July this year, it appeared from the court's proceedings on the bankruptcy case.

The amount arises because Odense Airport, up to the termination of the

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over South Fyn: No
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lease agreement, a few months ago has continued to bill - including VAT - to PlaneStation. Previously, the tenant has subsequently and completely, according to the rules, raised a total of DKK 3 million with ToldSkat in VAT refund - even though the PlaneStation Group has not actually paid its bills.

Bo Tverskov let in the bankruptcy court understand that the VAT receivable probably only exists as a paper money, since ToldSkat will hardly be reimbursed any longer if PlaneStation Group had to make claims against the Danish authorities from London where the enclosures are located.

Lawyer is incompetent

Attorney Bo Tverskov is the deputy chairman of Odense Airport's board of directors, and it cost him yesterday the role of curator of the bankruptcy estate on the basis of an objection from lawyer Lars Bruun, Accura Lawyers in Copenhagen, who represented the PlaneStation Group.

Lars Bruun argued that the Odense lawyer has a problem of impartiality because a case concerning the lease agreement is still pending.

He asked for an impartial curator, and the wish came to court lawyer Alex Nymark, who appointed lawyer Knud K. Damsgaard, Focus Lawyer in Odense, as curator.

ALSO READ

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Search hunt for Wiggins entered

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Odense Airport sentenced to a ghost room

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MEST LÆSTE - LIGE NU



Fyn
F-16 fly brager over Sydtyen: Ingen grund til alarm

To: Secretary of State for Transport
% Planning Inspectorate,
National Infrastructure Planning

Date: 3 December 2021
Our Ref: SoS/R/030

Email: manstonairport@planninginspectorate.gov.uk

For the attention of the Manston Airport Case Team

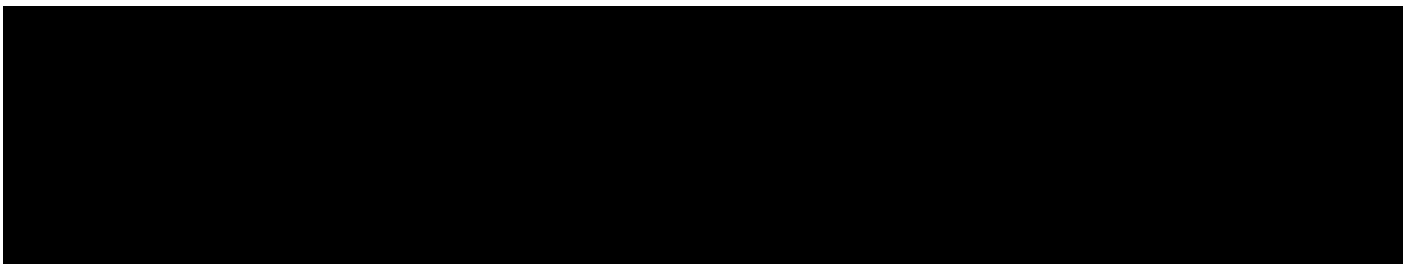
1. This submission is in response to the Secretary of State for Transport's ("SoSFT") letter of 21 October 2021 and specifically paragraph 6.
2. We submit our comment to the First Round of Consultation herewith as a formal consultation response to the Second Round of Consultation. Unless otherwise stated, all URL links included in this document were accessed on 3/12/21 and should remain current.
3. Our comment is primarily in response to the following representations:
 - Cllr Ash Ashbee, ref [TRO20002-005449](#) ("AA1")
 - Cllr Ash Ashbee, ref [TRO20002-005732](#) ("AA2")
 - Cllr Stuart Piper, ref [TRO20002-005389](#) ("SP")
 - Cllr Lynda Piper, ref [TRO20002-005586](#) ("LP")

4. Responses in a personal capacity

- 4.1. Recent information provided through FOI¹ has confirmed that representation AA2, provided on Thanet District Council ("TDC") letterhead and purporting to speak on behalf of the Council, was neither put before the entire Council for approval nor reviewed by TDC Officers. As such, the FOI response confirms in communications from TDC's Information Governance Officer dated 4/11/21 that:
 - 4.2. *"the response referred to in your question was Councillor Ashbee's*

personal response". (Bold added for emphasis).

- 4.3. We will therefore treat AA2 as such and would respectfully ask that the SoSFT also treat AA2 as a personal response on behalf of Cllr Ash Ashbee rather than the views of TDC.
- 4.4. It is our understanding that the above-named local councillors, (collectively "**SMAa_Cllrs**"), are prominent members of the Save Manston Airport Association, ("**SMAa**"), with correspondingly partisan views with regards to the proposed development. Indeed, Cllr Ashbee is pictured in the front row of SMAa's "DCO Celebration" event wearing an SMAa t-shirt².
- 4.5. Whilst councillors are of course free to support local causes, it is of some concern when personal views and causes are misrepresented as those of the entire council, as confirmed at para 4.2. It is our further understanding that these personal interests or affiliations have not been declared in any of the SMAa_Cllr representations, nor in any council meetings relating to the proposed development.
- 4.6. As the SoSFT will be aware, SMAa is a constituted body "*campaigning hard for the return of Manston Airport to commercial use*"³, with close affiliations to the Applicant, Riveroak Strategic Partners, ("RSP").
5. We do not intend to address here the SMAa_Cllrs personal opinions or views expressed as regards the broader issues of Need, Brexit or Covid since these have been adequately addressed by aviation forecasting experts, including the SoSFT's appointed Independent Aviation Assessor, ("**IAA**"), Ove Arup, as well as aviation experts appointed by Jenny Dawes, (York Aviation), Ramsgate Town Council/Nethercourt Action Group, (Alan Stratford Associates) and in our own suite of representations to this and previous consultations.
6. We believe these independent reports add further weight to the existing body of evidence which shows overwhelmingly there is no evidence of need for the proposed development, including but not limited to TDC's own extant evidence base, produced by Avia Solutions⁴, and the findings of the Planning Inspectorate

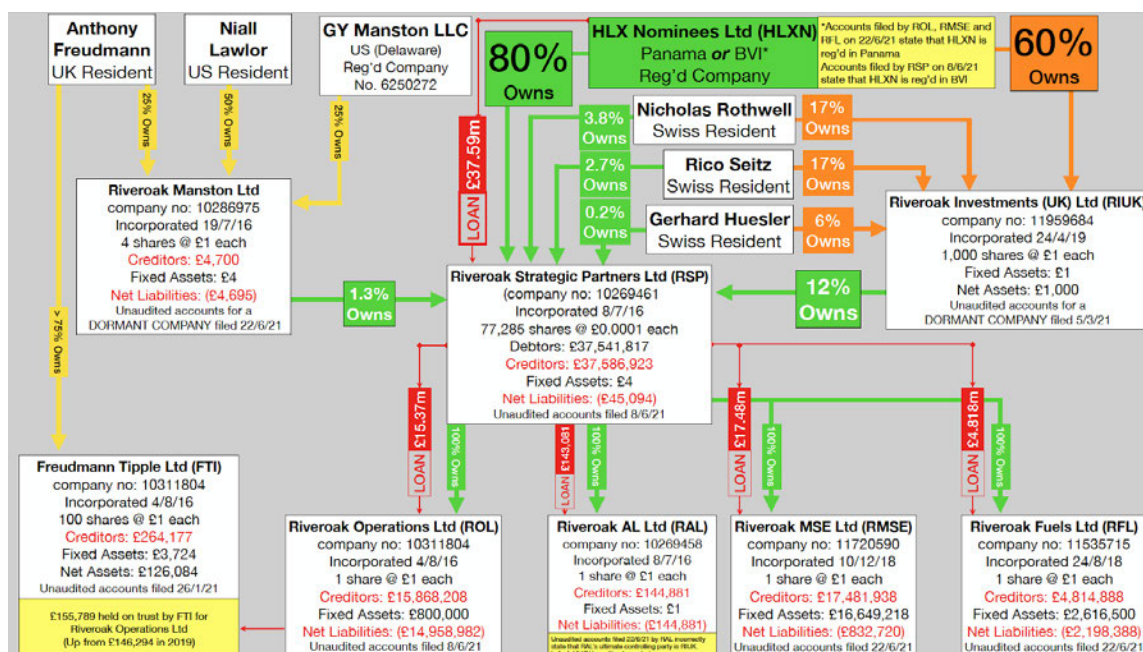


7. **Inward Investment**

- 7.1. The SMAa_Cllr's make reference to the alleged benefits to the local area of an inward investment by the Applicant, with AA1 specifying an assumed inward investment sum of “over £300m”.
- 7.2. As elected members, SMAa_Cllrs will be aware that no assumptions can be made with regards to the availability of such levels of investment by prospective developers without some degree of due diligence.
- 7.3. As SMAa_Cllrs and the SoSFT will be further aware, section 9.8 of the ExA Report details significant issues and concerns raised during the Examination with regards to the Applicant's Funding required to meet its then CPO obligations, (assumed at the time to be less than £20m), concluding at para 9.8.69 that:

*“Given the number of different companies and their holdings outlined by the Applicant or revealed by the ExA undertaking due diligence, this is not an immediately transparent system of funding and **the ExA concludes that there is insufficient evidence that the Applicant itself holds adequate funds**”*

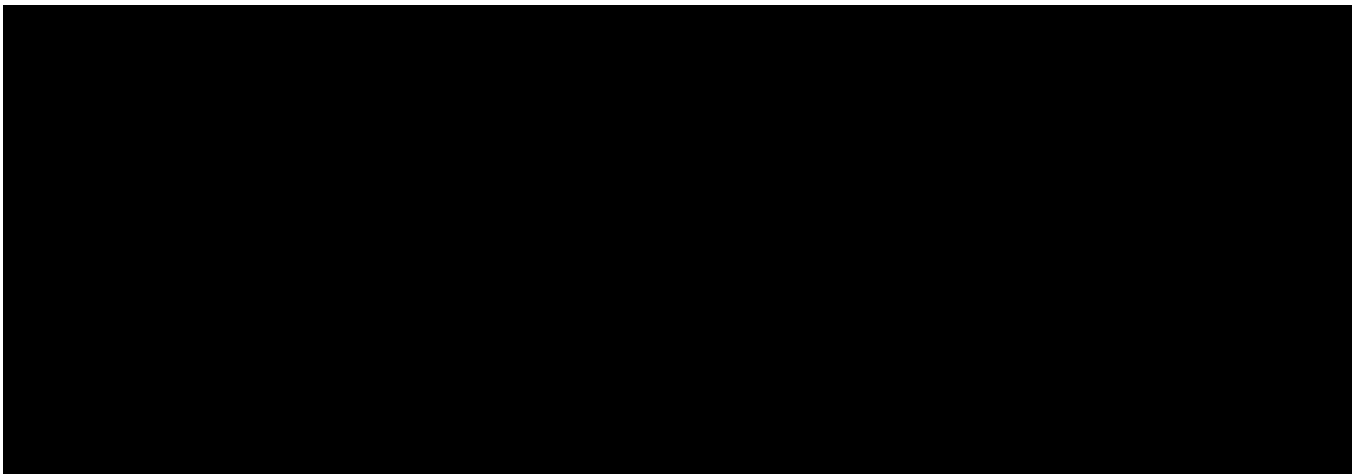
- 7.4. Since July 2019, the Applicant has filed updated unaudited accounts with Companies House for its group of companies, subsidiaries and parents. These are dated between 5/3/21 - 22/6/21⁶. These accounts show that the Applicant is carrying a debt to its Ultimate Controlling Party (UCP) of £37,586,817, with no evidence of how this debt can be serviced or how or where these sums have been spent, (other than land purchases on behalf of the UCP totalling around £19.26m). Summary of group accounts as follows and attached at Appendix 001.



- 7.5. There is some uncertainty as to the situs of the Applicant's Ultimate Controlling Party (UCP) or any details of any alleged investors or the identities of its shareholders.
- 7.6. Previously registered in Belize at the start of the Examination, the UCP is recorded as being based in Panama in accounts filed by the Applicant's subsidiary companies on 22/6/21. It is also recorded as being based in British Virgin Islands (BVI) in accounts filed by the Applicant on 8/6/21.
- 7.7. In any event, there is still no evidence available as to the existence of any proposed investment sums available - either £300m or otherwise.
- 7.8. The Applicant has consistently failed to provide any details as to the identity of its alleged investors or ultimate shareholders. This poses both a significant financial risk to the delivery of the scheme and - arguably - a security and liability risk in granting approval for development of an international cargo airport on British soil, developed, owned and operated by unknown individuals or entities.
- 7.9. **We respectfully submit that representations by the SMAa_Cllrs cannot assume that investment sums of up to £300m will necessarily be forthcoming and no alleged benefits may be assumed.** As SP rightly states on page 7 of his submission, *"This is never going to happen without major investment"*.
- 7.10. Similarly, there is little or no evidence within its unaudited accounts of access to c. £300m of how or where RSP, its subsidiaries or its UCP have spent upwards of £37.5m in this process to date - other than the £19.27m

land purchases - given that:

- BDB Pitmans does not appear to have filed any representations for or on behalf of the Applicant since 31/1/20, including in the SoSFT First Round of Consultations;
- BDB Pitmans is however still engaged in seeking to avoid payment of the Applicant's costs in respect of the Consent Order of Mrs Justice Lang dated 12 October 2020⁷;
- Recent responses to the SoSFT's First Consultation from significant Interested Parties ("IPs"), including both Network Rail⁸ and the Defence Infrastructure Organisation⁹, point to an under-resourced Applicant, with reports of lack of engagement, response or negotiation regarding crucial factors, including those identified by the SoSFT;
- Similarly, local reports emerged on 30/11/21 of compulsory purchase letters mistakenly - and very recently - being sent by the Applicant to concerned and distressed homeowners living adjacent to the proposed development¹⁰. This suggests, at best, lack of care, attention and professionalism characteristic of an under-resourced organisation. The timing of these letters - sent on the day of the SoSFT's original second consultation deadline (19/11/21) - also does not inspire confidence in the Applicant or its approach to dealing with key issues surrounding its application, including the Book of Reference, in a timely, efficient or professional manner.
- Having initially reported a donation of £100,000 towards Isle of Thanet Trees and Woods Initiative on 16/12/19¹¹, recent local media reports of 6/3/21 indicate some back-tracking



on behalf of the Applicant, stating that *"RSP agreed to help fund the buying of trees for Thanet. They initially donated £20,000 with the promise of more money later"*¹²;

- This small donation was also referred to by RSP as evidence of its *"individual commitment"* with regards to Climate Change. We respectfully ask that the SoSFT does indeed treat this small donation of £100k, subsequently downgraded to c. £20k and a promissory note, as evidence of the Applicant's *"individual commitment"* towards addressing climate change.
- It should also be noted that the Applicant misrepresented this small donation in its submission to the SoSFT dated 31/1/20 as *"the private sector contribution to the £1m tree planting project"*¹³. This *"£1m initiative"* was primarily funded through public funding via the Forestry Commission's Urban Tree Challenge Fund Initiative.
- Despite its claims of having spent upwards of £37.5m to date, claiming to have access to c. £300m in funds and promising thousands of new local jobs, it does not appear from accounts filed at Companies House or from its public dealings that the Applicant has to date employed a single local person or increased its employee headcount at all beyond its 6 directors;
- Although obviously not operational, one area of current activity that might benefit from an experienced team - local or otherwise - is in community engagement. Despite the significant issues, concerns and opposition to the proposed development by the local community - particularly in Ramsgate - the Applicant's only efforts towards community engagement to date have been focused solely on founding director, Tony Freudmann, regularly attending closed private meetings and "barbecues" in church halls hosted by Save Manston Airport Association ("SMAa") to a partisan audience of supporters.

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8. **Due Diligence - Executive Team (Tony Freudmann)**

- 8.1. SP's Representation - specifically his email dated 9/7/21 - takes issue with Ramsgate Town Council's appointed independent aviation expert, ASA, allegedly being *"very negative of RSP, their intentions and of Mr Tony Freudmann in particular"*. As a councillor commenting on such a divisive local issue, SP cannot be unaware that concern over Mr Freudmann's history and intentions has been the subject of much concern and might warrant some consideration.
- 8.2. As the SoSFT will be aware, Tony Freudmann, ("TF"), is the founding director and lead spokesperson of the Applicant, Riveroak Strategic Partners (RSP), and its subsidiaries.
- 8.3. Despite owning just 0.32% of RSP, since July 2019 TF is the only member of the Applicant's Directors and Executive Team who has made any public statements on behalf of the Applicant and/or engaged in any meaningful way in the ongoing DCO process and consultations.
- 8.4. This is of particular concern given that TF's most recent prior experience leading an airport development proposal, under very similar circumstances at a former military airfield in Germany, (Black Forest Airport Lahr), involved TF continuing to claim to act on behalf of the developer, Integral Ltd, in his stated capacity as Managing Director as late as October 2012¹⁴, at least three months **after** petition was raised for compulsory liquidation of Integral on 25/7/12¹⁵.
- 8.5. Attached at Appendix 002 is a summary of TF's career history since the widely-reported incident of being struck-off the solicitor's roll in 1992 for 27 counts of misappropriation of client's funds. Key findings detailed in this summary are as follows:
 - 8.5.1. Since 1992, TF has been appointed director and/or held senior positions in 29 different companies, including current appointments with the Applicant, (RSP), its 4 subsidiaries, one of its minority parent companies and his two private consultancy businesses.
 - 8.5.2. 18 of the remaining 21 companies where TF served as a Director and/or senior executive have been dissolved. Average length of time from TF's appointment as a director to the company being dissolved

or entering into administration is 3.25 years, with 7 of these 18 companies surviving for less than one year following his appointment.

- 8.5.3. According to accounts filed across the 8 active companies where TF currently holds directorships, these companies have:

Total combined **amount due to creditors of £76,175,501***

Total combined **net liabilities of £13,638,931**

Total combined **fixed assets of £20,070,084****

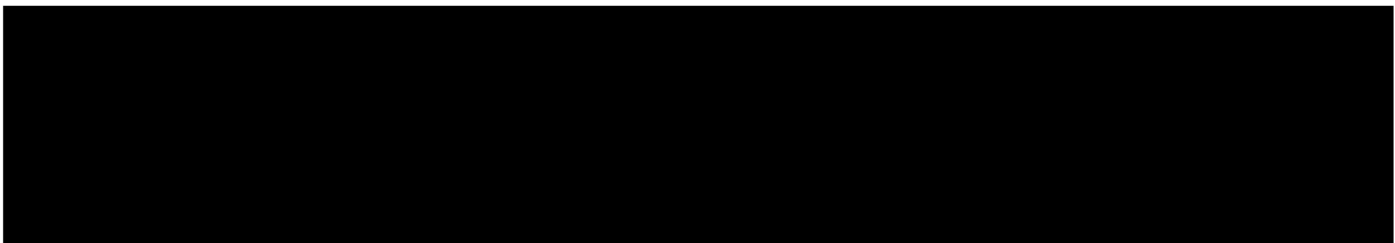
**Total amounts due to creditors is perhaps slightly misleading in that this total figure incorporates "circular" inter-company loans totalling £38,309,915 from RSP to its 4 subsidiaries and a loan of £37,586,923 owed by RSP to its offshore-owned Ultimate Controlling Party¹⁶.*

Perhaps also worth noting the outstanding charge against TF's previous employers, Planestation PLC (now dissolved), for inter-company debt, created in December 2004¹⁷, 2 months before TF was "let go" as Managing Director in Feb 2005.

*** fixed assets include the Manston site (£16.65m) and Jentex Fuel site (£2.61m). Ultimate Beneficial Owners of these sites is HLX Nominees Ltd, with directors/shareholders unknown.*

- 8.5.4. TF's career history includes prior involvement at a senior level during previously failed iterations of cargo operations at Manston, as well as costly and often short-lived attempts to develop and operate air freight hubs internationally at similar regional, former military airbases. These include but are not limited to those at Odense, which ended with outstanding debts to the local authority in excess of £2m¹⁸, and Black Forest Airport Lahr, which ended in 2013, less than a year after opening, with employees going several months without pay¹⁹.

- 8.5.5. In the wider travel and tourism sector, TF was also at the centre of



investigations by BIS, (now BEIS), following the collapse of Upminster Travel Ltd²⁰ and Unpackaged Holidays, having “*failed to pay at least 20 hotels and apartments*” and leaving thousands of holidaymakers stranded having previously pulled out of both ABTA and ATOL cover.

- 8.5.6. TF's numerous other dissolved travel businesses and failed tour operator companies include Seligo Holidays Ltd, Majestic Travel (Holdings) Ltd, The Travel Club Ltd, Austria Travel Ltd, Unpackaged Holidays (Holdings) Ltd, Austria Travel Ltd, Carefree Travel (International) Ltd and other associated (and also dissolved) companies.
- 8.5.7. In light of the above and the attached, any “negative” assessment of TF or his suitability to lead on this DCO bid that may have been expressed by ASA or others may not be entirely without foundation.
- 8.5.8. It is unclear as to why SP - in his role as a local Councillor and community representative - sees fit to dismiss ASA's concerns regarding TF and RSP as “negative” rather than investigate the underlying source and evidence base which give credence to these concerns.
- 8.5.9. It is equally unclear as to why TF, for his part, continues to act as the principle voice on behalf of the Applicant, given both his minor 0.32% stake and his chequered career history, or whether this leadership position is one assumed by TF or granted by the UCP. Either of these possibilities raises significant questions about the Applicant, the UCP and its intentions.
- 8.5.10. SP, the SMAa_Cllrs and - respectfully - the SoSFT might consider such questions and fully consider any associated risks to the impacted communities, risks to reputation (personal and with respect to the public bodies they represent) and/or to risks regarding the deliverability and viability of the proposed development in supporting this Application or granting the DCO.

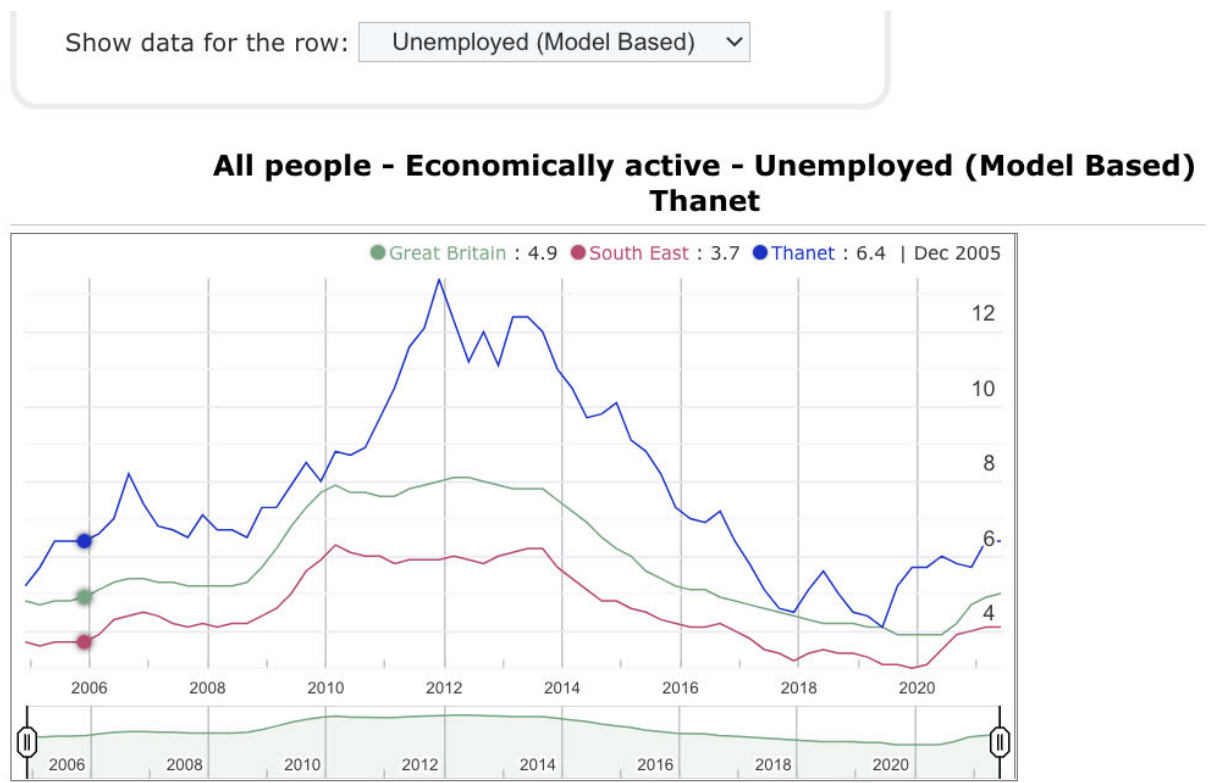
9. **Local Investment and Employment**

- 9.1. Whilst we recognise the SMAa_Cllr's desire to support investment and jobs growth in the area, the SMAa_Cllr's representations appear to imply that this can only be delivered by the Applicant, despite the fact that the TDC Local Plan Jobs Growth Strategy targets a local growth of 5,000 jobs which



are not in any way dependent upon any potential jobs that may or may not be created by the proposed development.

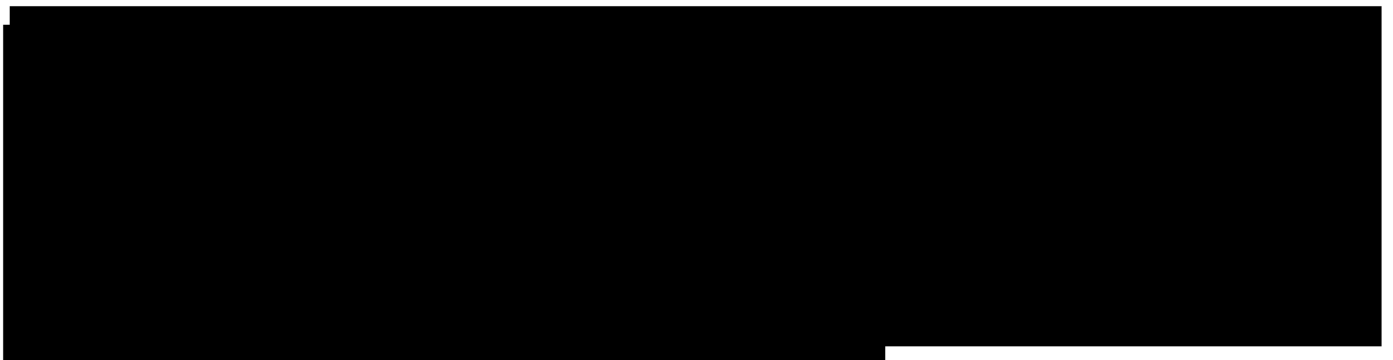
- 9.2. Paras 7-8, above, further set out that the Applicant does not appear to be in any position to be able to guarantee any investment or jobs, either through financial standing or evidence of previous operations.
- 9.3. We note also that whilst [AA2](#) presents a table purporting to show “*published data in relation to unemployment rates within Thanet*”, for the period from 2017-21, no source has been identified for this table or where it has been published.
- 9.4. The table below shows Nomis official labour market statistics for unemployment amongst those economically active (all people) in Thanet²¹ for a time series from 2006 - 2021.



- 9.5. Whilst the figures of around 3.5% - 5.3% for the period from 2017-19 are broadly consistent with those in AA2's table - and, notably, also largely consistent with the national average - it is unclear where AA2 derives her unemployment figures for 2020-21, which appear to be almost double the official Nomis statistics. In any event, the impact of Covid on the region cannot be underestimated during this time period.
- 9.6. Also of note - and omitted from AA2's table - is that the highest peaks of 11.6% - 13.3% unemployment in Thanet occurred from around 2010 - 2014,

during a time when Manston previously operated as a cargo airport; in fact during the peak of its previous commercial freight operations.

- 9.7. There is a long and well-recorded history of over-stating potential economic benefits during previous failed operations at Manston, with previous predictions of 6,000 jobs by 2010, (later altered to 2017), 3,500 jobs by 2018 and 7,500 by 2033. None of these predictions have ever come close to being materialised. In fact, at the time of closure in 2014, Manston employed 144 people, mostly in part-time positions.
- 9.8. It appears illogical to suggest, therefore, that the proposed development offers the solution to Thanet's unemployment issues. In fact, these figures support concerns raised by ourselves and others - including the ExA in its recommendation report - regarding the negative impact of the proposed development on both Ramsgate's ongoing revival and the wider visitor economy of Thanet.
- 9.9. The reality is that the period since the closure of the former Manston Airport in 2014 has seen both a remarkable growth in Thanet's visitor economy, in its wider economy, in ongoing development and in inward investment unmatched during previous airport operations. This includes but is by no means limited to:
- c. £1.2bn invested by Pfizer in and around Sandwich since 2014²²;
 - £18m investment to reopen Dreamland, Margate, in 2014 followed by a further £25m in 2017;
 - Ongoing development and operations of Vattenfall's Kentish Flats windfarms and Ramsgate base²³;
 - £2.2bn Euro investment in London Array's offshore wind farm and onshore substations²⁴;
 - JD Wetherspoon's £5m transformational refurbishment of the Royal Victoria Pavilion on Ramsgate Main Sands;²⁵
 - Blueberry Homes £50m Royal Sands development on Ramsgate Main Sands²⁶;
 - Ramsgate's successful £19.8m Levelling Up Fund award to develop



Ramsgate's port and Royal Harbour.

- 9.10. Many of the above existing and future economic drivers, each offering actual jobs in viable developments - including the windfarms, Royal Victoria Pavilion, Royal Sands and of course Ramsgate's Levelling Up Fund projects - all lie directly under the proposed flight path and facing the harmful prospect of cargo flights overhead at altitudes of c. 600ft - 800ft.
- 9.11. Any suggestion that the proposed development might deliver on the Applicant's promises - or the wishes of the SMAA-Cllrs - also appears at odds with the IAA's draft report and findings that there is no evidence of any need for the proposed development.
- 9.12. Respectfully, we submit that granting development of "a costly building with no practical purpose" is literally the dictionary definition of a folly. Further, that follies are not generally known for generating ongoing employment.
- 9.13. It is notable that throughout the DCO Examination in every subsequent round of Consultation, the Applicant has consistently failed to provide evidence of support for its proposed development from any industry partners, airlines or the kind of freight or logistics companies that would be crucial to its operations, viability or employment predictions.
- 9.14. This was further evidenced during the Applicant's recent self-publicised £16,000 support for an October half-term activities camp with Ramsgate Football Club²⁷, with the Applicant's press release noting its activities to "share the skills and experience of the Manston Airport family", through industry partners "who will talk to the youngsters about the skills needed in a variety of logistic jobs". The press release notes these industry partners as comprising only of TF's long-standing associates, TG Aviation and Polar Helicopters - both small, local General Aviation businesses with a total headcount of 7 employees between the two companies.
- 9.15. Whilst the Applicant's £16,000 support for the local football club should of course be welcomed, this must also be taken in the context of the location of Ramsgate Football Club's home ground at Southwood Stadium, which lies directly under the proposed flightpath and at a distance of less than 1.4 nautical miles, (NM) - see image overleaf. In the event that the DCO is granted and the Applicant's proposed development is delivered, the young footballers and local communities would therefore be facing the prospect of cargo flights flying over the ground every 10-15 minutes at altitudes of less

than 500ft. (See map below). It is unclear whether this was made clear to the young people during the half term sessions or to the football club management.



10. **"Fear" of "inward migration from London"**

- 10.1. Despite their purported interest in attracting inward investment into the area, submissions by LP, SP and Cllr Trevor Shonk, ref [TRO20002-005815](#), ("TS"), all carry a common thread of disturbingly negative and derogatory comments with regards to many of the local residents and constituents they represent who have moved into the area - particularly from London - irrespective of any benefits, employment and/or investment that this may have brought.
- 10.2. SP, for example, talks of a "fear" of growing numbers of local residents commuting to work in London. This seems entirely at odds with any local council strategy - or indeed national government strategies - with regards to attracting inward investment to the region and/or supporting viable opportunities for employment for local residents, including commuting to work.
- 10.3. Such "fears" are also at odds with interventions such as Thanet Parkway Railway Station, identified as a positive case study on page 10 of the Government's Levelling Up Fund prospectus²⁸ following investment by TDC, Kent County Council ("KCC") and a £12m Getting Building Fund investment *"to utilise improved transport accessibility to spark regeneration, boosting*

job creation and house building”.

- 10.4. SP's “fears” of “*inward migration from London*” have been a consistent theme in his representations in support for the proposed development, having first engaged with the DCO Examination in his submission of 14/1/19²⁹ to denounce alternative plans for the site as a mixed use housing development, as previously proposed and supported by Thanet District Council.

11. **Ramsgate Town Council - ASA Independent Expert's Report**

- 11.1. LP and SP raise concerns over Ramsgate Town Council's appointment of an Independent Aviation Expert, Alan Stratford and Associates Ltd, (“ASA”), and its report submitted during the first round of the current SoS Consultation, ([TRO20002-005680](#))³⁰, dated 8/7/21.
- 11.2. LP falsely states that Ramsgate Town Council's letter and submission of this report to the first round of the SoS Consultation “*did not*” have council support. As LP was herself present at - and voted on - Ramsgate Town Council's resolution with regards to its response to the Consultation in an Extraordinary Meeting of 7/7/21, LP will be aware that the motion to support this response was carried by 10 votes to 4³¹.
- 11.3. LP's statement can only therefore be seen as either a complete misunderstanding of the democratic process during Council Meetings or a deliberate attempt to mislead the SoSFT. In either case, her comments with regards to Ramsgate Town Council's submission and Independent Expert's report must be disregarded since it is a matter of public record that the ASA report has the support of Ramsgate Town Council.
- 11.4. SP similarly casts aspersions on his fellow Councillors at Ramsgate Town Council (RTC) with vague and unsubstantiated references to “*issues at RTC which are about to be investigated*”. These comments are without foundation or evidence of any kind and should therefore also be disregarded.
- 11.5. SP raises questions with regards to the professionalism of RTC's Independent Expert, ASA, seemingly on the basis of the fact that ASA had

²⁹

https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-002940-AS_Cllr%20Rev.%20Stuart%20Piper.pdf

³⁰

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-005680-Ramsgate%20Town%20Council.pdf>

³¹

previously published an online article with regards to the Manston DCO, prior to its more substantial report drafted for RTC, and *“both reports use the same photograph”*.

- 11.6. Questioning and attacking the professionalism of well-established Independent Aviation Experts whose opinions and findings differ from those put forward by the Applicant appears to be a recurring theme. Previous challenges on similar grounds were leveled against Avia Solutions (a GE company), York Aviation and - more recently - the Applicant's own bizarre and highly unprofessional attack on the Ove Arup Draft Report commissioned by SoSFT, posted on its website on 22/10/21³².
- 11.7. It is notable that SP does not have any such concerns as regards the expertise of Dr Sally Dixon, author of the Applicant's Azimuth Report, which SP quotes in his submission and which both SP and the Applicant continue to prefer over evidence showing the lack of need or viability of the proposed development submitted by Ove Arup, York Aviation, ASA, Avia Solutions, the ExA Recommendation Report et al.
- 11.8. This is despite Dr Dixon's own admission during the DCO Examination hearings that *“I have very limited experience in forecasting freight in the South East of England”*.³³
- 11.9. Similarly, SP does not appear to have any concerns as regards the impartiality or expertise of Dr Sally Dixon, although the SoS may note that she has continued to be employed by the Applicant in a number of different roles with very different skillsets since drafting the Azimuth Report. These include leading on the Applicant's Skills and Employment Board³⁴, (which does not appear to have met since February 2020), and - latterly - co-ordinating the Applicant's community engagement programme during October half-term with Ramsgate Football Club.
- 11.10. On balance, Dr Sally Dixon's more recent roles for the Applicant are more in line with her actual expertise in *“reconciling conflicting stakeholder opinions”* in ways that have *“practical significance for airport managers”*, as outlined in her 2014 PhD thesis, *“Managing the Master Planning Process: How do airport managers incorporate stakeholder contribution in*

³² [REDACTED]

³³ Issue Specific Hearing of 21/3/19, (Need and Operations Part 3 Recording, [TR020002-003870](#)), Timecode approximately 01:29:40)

[REDACTED]

*their final master plans?*³⁵.

12. **Misrepresentation of Local Opinion**

- 12.1. AA1, SP and LP all make unsubstantiated claims of support for the development by local residents, with some of these claims (LP and SP) going so far as to claim support by a majority. No evidence has been provided in any of these submissions to support these claims.
- 12.2. As the Secretary of State (SoS) will be aware from the thousands of submissions and representations made by Interested Parties throughout the DCO Examination and his own consultations since July 2019, the Applicant's proposal has deeply divided the local community. These submissions since July 2019 and those submitted to the ExA throughout the Examination stand as perhaps the best evidence of how local opinion is divided and weighted.
- 12.3. Right from the outset, this Application resulted in over 2,000 Relevant Representations - more than 10 times the national average for DCO applications. Analysis submitted during the Examination showed that contrary to the SMAa_Cllr's representations, a marginal majority (52%) of these individual Relevant Representations and a significant majority (93%) of local Residents' Associations and Community Groups' Relevant Representations were **strongly opposed** to the proposed development³⁶.
- 12.4. Ongoing and sustained submissions throughout the DCO Examination, overwhelmingly from local residents opposed to the development, also helped inform over 5 rounds of Written Questions from the ExA, totalling 682 pages of questions to the Applicant - more than 13 times the average for any DCO application³⁷.
- 12.5. As the SoS will be further aware, strong local opposition has also been evidenced by the highly successful Crowdfunder fundraising campaign in support of Jenny Dawes' Judicial Review of the Manston Airport DCO. At the time of writing, this campaign has raised over £110,000 in donations, predominantly from thousands of local residents with significant concerns

over the negative impacts of the development on the local area and economy³⁸.

- 12.6. In light of the above, the SMAa_Cllr's comments with regards to local support for the proposed development are, at best, disingenuous and arguably a deliberate misrepresentation. In any case, unsubstantiated claims of such support can be given little weight or credence.

13. Misrepresentation of the TDC Local Plan and Local Council

- 13.1. The SMAa_Cllrs continue to misrepresent the TDC Local Plan as safeguarding the Manston site for airport related uses. In fact, the TDC Local Plan reflects a "holding position" carried over from previous iterations of the Local Plan, pending the DCO decision. This is made explicit in policy SP07, which states:

*"Whether or not the DCO is confirmed, the future use and development of Manston Airport and/or other policies affected by the outcome of the DCO process **will be determined through the early review of the Plan**". (Bold added for emphasis).*

- 13.2. In his email of 24/6/21, SP asserts without any evidence that a majority of the Council supports the the division to grant the DCO. There is no evidence for this statement nor any basis for it or any recorded vote, either formal or otherwise, on TDC Councillors' views on this issue.
- 13.3. The only official record of any of the TDC Councillor's views on the DCO is in fact the SoSFT's First Consultation. This resulted in representations from four TDC councillors in support of the proposed development - the three SMAa_Cllrs and Trevor Shonk, ref [TRO20002-005815](#). This was matched by four representations from TDC councillors opposing the development - Cllr Tricia Austin, ref [TRO20002-005794](#), Cllr Becky Wing, ref [TRO20002-005792](#), Cllr Liz Green, ref [TRO20002-005719](#) and Cllr Mike Garner, ref [TRO20002-004822](#).

