

NNF21

Our formal record of concern re opportunity to respond

28th June 2019



1. This is a formal expression of concern by No Night Flights that there will now be an inadequate chance for us to comment on the issue that matters most to us and to the thousands of residents who we represent – the noise that would be generated by a new 24/7 airport should this DCO be awarded.
2. We appreciate that the ExA has six months by statute to complete the examination. We are not sure what guidance is given about what that actually means in practice.
3. We appreciate too that neither the ExA nor the Manston Airport Project Team at PINS can control when RSP submits its responses.
4. However, this notionally “front-loaded” DCO application process has become very heavily back-loaded. RSP’s proposal shifts and changes at every set of questions and ISHs. RSP’s proposal differs in many important respects to the proposal that was first submitted. It differs to an even greater degree to the proposal that was consulted on.
5. NNF maintains its position that RSP has never, ever, consulted properly on its proposals and that the consultation that it did carry out fell far short of what is required of it. This failure has made the examination process even more important for residents as we try to identify and comment on the issues that have the potential radically to affect our future life. Of course, the majority of residents simply have no idea about the many changes that RSP has made to its application and what these changes might mean for them. Only a small percentage of those who will be affected should the DCO be awarded are actively still engaged in this highly technical and document-heavy process.
6. We appreciate that the ExA thinks that the consultation is now a closed subject. However, the aim of the statutory consultation process is to provide the public with the information that will allow us and other consultees to reach an informed view as to the likely impact of the project on our life and on the local area. RSP has not done this and the current proposal is a long way away from the one consulted on. In the light of RSP’s failure so far to provide key information that the ExA is still requesting at D9, it is clear that – even at this eleventh hour – the public still does not have the information that it needs properly to assess the impact of the proposals. Moreover, no action has been taken since the application was submitted to update the public on what RSP’s proposal now looks like (we mean this last comment as a criticism of the developer, and not of either the ExA or PINS).
7. 175 pages of Written Questions from the ExA will inevitably generate an enormous volume of responses from all the parties for today’s deadline. In the case of RSP, we predict that its submissions will carry its trademark style of being ill-indexed and

opaquely referenced, such that it is a major consumer of time simply to find the responses in which we might be most interested. Given that this enormous volume of information may well not become available to the public until sometime in w/c 1st July – which is during the working week – residents will be particularly disadvantaged as we will have just a couple of evenings in which we can analyse it and then respond by midnight on 5th July.

8. Kent County Council and Stone Hill Park have already expressed serious concern about this. We add our voice formally, and on the record, to theirs.
9. This is particularly important to No Night Flights as we are anticipating that we will want to respond to what RSP may say about the noise contours that we commissioned from the CAA. Let's be clear. A reasonable and diligent developer would have provided the public with those noise contours as part of the statutory consultation. It is RSP's failure to do this that has brought us to where we are now – with evidence about the main harm that this proposal will inflict on local people being explored right up against the final examination cut-off point. It is clear that our opportunity to put in a thorough and well-thought out response will be extremely limited given the time constraints now upon us. Moreover, we will not have the chance to call in the CAA's expertise should we think it necessary to do so.
10. Is there any reason why we could not make our submission on 9th July? This would still be an inadequate amount of time for us to give this issue the attention that it clearly deserves, but it would be of some small help, at least.