CITY AIRPORT DEVELOPMENT PROGRAMME
(CADP)

The London City Airport Limited (King George V Dock)
Compulsory Purchase Order 2015

The London City Airport Limited (Rights Over Land) Order 20XX

The London City Airport Limited (King George V Dock)
Supplementary Compulsory Purchase Purchase Order 2016

NEED FOR THE DEVELOPMENT
REBUTTAL PROOF OF EVIDENCE

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LONDON CITY AIRPORT (KING GEORGE V DOCK) COMPULSORY PURCHASE ORDER 2015

LONDON CITY AIRPORT (RIGHTS OVER LAND) ORDER 20XX

LONDON CITY AIRPORT (KING GEORGE V DOCK) SUPPLEMENTARY COMPULSORY PURCHASE ORDER 2016

REBUTTAL PROOF OF EVIDENCE ON THE NEED AND RATIONALE FOR THE ORDERS

LOUISE CONGDON
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1 INTRODUCTION

1.1 In this Rebuttal Proof of Evidence, I respond to points made in the evidence of other parties to the Appeal. This Proof should be read in conjunction with my main Proof of Evidence LCY/CPO/LC/1, to which I cross refer as necessary.

1.2 In this Rebuttal Proof, I deal chiefly with points raised in Evidence by the Greater London Authority Land and Property Limited (GLALP) and principally those set out in the evidence of Mr Justin Kenworthy, which cross refer to some of the points made in the evidence of Mr Kirk MacDiarmid. I make no comment on the evidence on behalf of the Docklands Light Railway Ltd or HACAN East, save that to note in respect of the latter that it does not raise additional points of relevance over and above those which I have rebutted in relation to the Planning Appeal.

1.3 In this Proof of Evidence, I address points raised by Mr Kenworthy in relation:

- the Benefits of the Scheme;
- the Extent of Acquisition.

1.4 Where I do not mention a particular point, this does not necessarily mean that the point is accepted in Mr Kenworthy’s evidence and in the evidence of the other parties to the Inquiry.
2 THE BENEFITS OF THE SCHEME

Challenge to the Benefits

2.1 At paragraph 2.32 of his Proof of Evidence, Mr Kenworthy states clearly that the “benefits are acknowledged to be significant and are a material consideration in the determination of the CPOs and Rights Order” but then goes on to express doubt as to whether they would be delivered in full. This is not a question that was raised at the Planning Appeal by Mr Painting, also of Barton Willmore. Indeed, the extent or deliverability of these benefits, should the CADP scheme proceed, was not questioned at all in the Mayor of London’s case to the Planning Appeal, as I set out at paragraphs 3.2 to 3.4 of my main Proof of Evidence (LCY/CPO/LC/1). It is unclear why Mr Kenworthy now considers the quantum and deliverability of the benefits to be in question given their previous acceptance by the Mayor of London.

2.2 In making his comments, at paragraph 5.8 of his Proof, on whether these benefits are sufficient to justify a compelling case in the public interest for the acquisition of the land and rights in question and in relation to the alleged uncertainty of delivery of the benefits in particular, Mr Kenworthy draws on the ‘Trad Scaffolding’ case. I note that there are substantial differences between the CADP proposals and the more tenuous and uncertain nature of the delivery of the full proposed development in the above case. This case is not considered to be comparable to the proposed CADP CPO as explained by Sean Bashforth in his Rebuttal Proof (LCY/CPO/SB/4). Nonetheless, I note that there are the following relevant differences in terms of the delivery of the economic benefits:

→ there were uncertainties over the financial viability to Tesco of the first phase of the development¹;
→ there was no committed developer for Phase 2, which resulted in uncertainty as to the precise form of development and the level of benefits it would generate²;
→ there would be potential loss of jobs and economic activity if an alternative site could not be found for Trad Scaffolding³.

2.3 I now set out why I consider the assessment of benefits to be robust and the public benefits from CADP substantial.

¹ Appendix JK3, Inspector’s Report, paragraph 10.24
² Ibid, paragraph 10.29.
³ Ibid, Paragraphs 10.43-10.44.
Policy in relation to the Airport’s role in Regeneration

2.4 At paragraphs 2.16, 5.21 and 5.22 of his Proof of Evidence, Mr Kenworthy claims that neither the London Plan nor the Development Plan for the London Borough of Newham provide support for the role which the Airport plays in the continuing regeneration of the Royal Docks and surrounding areas. I do not agree as I set out at paragraphs 3.20 to 3.24 of my main Proof of Evidence (LCY/CPO/LC/1). In particular, I highlight the express support given in the Newham Core Strategy for the role of the Airport in the regeneration of the area:

The London Plan (Policy 6.6) emphasises the importance of optimising existing airport capacity for example, improving access and other passenger facilities, and the Council supports this in line with the airport’s acknowledged economic role.”

2.5 Policy J1 of Newham’s Core Strategy\(^5\) is also clear as to the important role which the Airport plays as a key Employment Hub in meeting the objective to “attract investment in growth sectors and support the existing business base, maximising quality employment potential and creating a dynamic business environment by selective protection and development of quality premises and places.”

and

“Continued development and promotion of the Arc of Opportunity and employment hubs elsewhere as high quality business environments with a high standard of supporting infrastructure, capable of competing as one of London’s prime locations for economic development.”

2.6 Furthermore, examination of the ‘Vision for the Royal Docks’\(^6\), whilst not part of the Development Plan, makes clear the extent to which the presence and growth of the Airport is integral to the delivery of the Vision. The Foreword makes clear the advantage conferred on the area by the presence of a successful airport. The Vision articulates the significance of the Airport in the image of the area:

“The area has much going for it. The waterfront, the airport, ExCel, the University of East London, the historic presence of Tate and Lyle and the proximity to Canary Wharf and the O2 Centre means that it is ideally placed as a business and leisure destination.”\(^7\) (emphasis added)

2.7 The document goes on to discuss the drivers for growth and regeneration in the area, noting:

\(^4\) Newham 2027, Newham’s Local Plan – the Core Strategy (CD7.3.6), March 2012, Paragraph 5.37.

\(^5\) Newham’s Core Strategy, Adopted Version January 2012 (CD7.3.6), Policy J1.

\(^6\) Vision for the Royal Docks, the Mayor of London & the Mayor of Newham (CD7.2.7).

\(^7\) Ibid, Page 6.
The synergy between Canary Wharf, The City, City Airport and Greenwich Peninsula means the Royal Docks is becoming a global meeting place – a centre for the exchange of knowledge and ideas and the natural place for business services, logistics and leisure. (emphasis added)

2.8 Indeed, the Vision expressly states that “we welcome the consented development of the airport”, which clearly refers to the growth of the Airport up to 120,000 annual aircraft movements as consented in 2009.

2.9 Overall, it is clear that the Airport and its continued growth up to its consented movement capability is seen as an essential element of the drive to regenerate the Royal Docks. Aviation is a dynamic business and the Airport needs to be able to improve its facilities to accommodate the new generation of aircraft to ensure that it can continue to deliver and expand the international connectivity which is seen as a key element of the attractions of the Royal Docks to new investment.

The Extent of Benefits

2.10 Mr Kenworthy relies on the summary of the benefits of the CADP proposals compared to the Without Development Case given by his colleague Mr Painting at Appendix 1 to his Proof of Evidence to the Planning Appeal (GLA-2.2). This table, reproduced at Appendix JK2, presents the net benefits of the development on the basis of the Airport reaching 6 mppa only in 2025, rather than the higher growth projection of 6.5 mppa, in line with the Planning Condition now proposed as the upper limit on passenger throughput. In my evidence to the Planning Inquiry and that of Dr Smith for the London Borough of Newham (LBN-3.1), the scope for faster growth in passenger numbers using the Airport, up to the higher passenger limit of 6.5 mppa, was now seen as more likely in the light of strong growth achieved in the latter part of 2015. Hence, the Higher Passenger Growth Sensitivity Test is the more appropriate basis for considering the full expected economic benefits of the CADP proposals. These are set out Section 3 of my Proof of Evidence (LCY/CPO/LC/1), with the Operational Impacts summarised in Table 3.3. In all cases, the benefits are greater than shown in JK2.

2.11 On this basis, the benefits are, hence, even more extensive than those which Mr Kenworthy acknowledges to be significant at paragraph 2.32 of his Proof of Evidence. Overall, and whether assessed on the basis of 6 mppa or the higher figure of 6.5 mppa, I consider these benefits to represent a compelling case in the public interest for the development to proceed, particularly in the light of the policy support for the role which the Airport plays in the regeneration of the Royal Docks and the contribution which its growth can make towards the realisation of the job creation targets.

9 Ibid, Page 34.
2.12 At paragraph 5.9 of his Proof of Evidence, Mr Kenworthy points out that the employment creation figures cited in the Statement of Reasons (CD17.1.7) relate to the increase in employment over the baseline 2014 position rather than the net employment position when the With Development scenario is compared to the Without Development scenario. The Net impacts are set out relative to the Higher Passenger Sensitivity case in Table 3.3 of my Proof of Evidence (LCY/CPO/LC/1). These remain substantial and should be given significant weight.

2.13 At paragraph 5.23 of his Proof of Evidence, Mr Kenworthy goes on to raise questions as to whether there are alternative development scenarios that could deliver some or all of the benefits but require less land to be compulsorily required. I deal with this contention in Section 3 in terms of the scope to reduce the extent of acquisition whilst enabling the Airport to delivery capacity for 6 to 6.5 mppa.

Indirect and Induced Effects

2.14 Mr Kenworthy goes beyond noting the distinction between gross and net benefits to raise questions about the extent to which it is valid to include indirect and induced impacts within the assessed jobs and GVA benefits at paragraph 5.9 of his Proof of Evidence. The inclusion of indirect and induced employment and GVA benefits was at no time queried by Mr Painting or the Mayor of London at the Planning Appeal.

2.15 The inclusion of such benefits in the assessment of the economic benefits arising from a development is the standard practice as set out in the Homes and Communities Agency Additionality Guide Fourth Edition 2014. I attach the relevant extract at Appendix A. Section 4.5 makes clear that the assessment of “The economic impact (jobs, expenditure or income) of an intervention is multiplied because of knock-on effects within the local economy.” These knock on effects are defined to include supply chain linkages from the purchase of goods and services locally and an income multiplier as a result of expenditure locally of incomes earned from the activity in question. These are typically known as indirect and induced effects, which Mr Kenworthy appears to dispute.

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10 Paragraph 4.5.2.
2.16 I set out, at paragraph 6.42 of my Proof of Evidence to the Planning Appeal (LCY/PLAN/LC/1), the use of a combined ‘Type II’ multiplier relevant for the local area of 0.3, i.e. for every 10 direct on-site jobs 3 additional jobs are created through the local supply chain and secondary rounds of local spending. This is a low multiplier due to the localised study area under consideration, reflecting leakage of supply chain purchases beyond the local area but reflecting the limited scope for substitution or displacement as there are no other airports which can deliver benefits locally. As noted, this multiplier is considered to be somewhat conservative in the light of more recent evidence on the structure of the local economy.

2.17 My company, York Aviation LLP, carries out numerous airport economic impact assessments using this standard approach, including for airports such as Birmingham, Leeds Bradford, Newcastle, Manchester and Stansted. In particular, this same approach was used for the assessment of the potential economic benefits of the development of the Airport at London Ashford. Extracts from the Inspector’s Report and decision letter covering the socio-economic impact are attached at Appendix B. The same approach was adopted in respect of the economic impact of the extension to Birmingham Airport’s Runway (extracts in Appendix C), which was granted planning approval by Solihull Borough Council in November 2009. In both these cases, as well as in the other economic impact assessments undertaken, the inclusion of indirect and induced effects is accepted as the standard approach.

2.18 I find Mr Kenworthy’s querying of the validity of including indirect and induced benefits in the consideration of the benefits to the public of a development somewhat surprising as it is clear that such benefits are relied on by his firm in promoting other planning applications. In Appendices D and E, I include extracts from recent planning applications being promoted by Barton Willmore which clearly rely on the existence of indirect and induced effects in assessing the benefits.

2.19 Appendix D contains extracts from the Environment Statement for an extension to the DHL Cargo Handling Facility at East Midlands Airport. In this case, the operational impacts were considered to be largely through the retention of existing on-site operational employment as DHL were considered likely to relocate if unable to expand their facility. However, substantial construction employment impacts were claimed with a total indirect/induced multiplier of 2.84, i.e. with indirect/induced impacts claimed to create almost 2 additional jobs for every 1 on-site construction job created, some six times the indirect/induced multiplier used in relation to the CADP employment. These impacts are, of course, transient as they apply only during the construction phase.

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11 Further explanation is given at paragraph 7.48 of the UES (CD2.6.4). The multiplier would sometimes be expressed as 1.3 to reflect the multiple to the direct employment.
2.20 Appendix E contains extracts from the Planning Statement for the Worcester Bosch Group expansion and the associated Economic Impact Assessment prepared by Amion Consulting. Paragraph 4.3 of the Economic Impact Assessment sets out clearly the basis for the inclusion of indirect, including induced, effects. In this case, a multiplier of 1.5 has been used at the regional level, i.e. 1 additional job supported in the local economy for every 2 additional on-site jobs, almost double the multiplier used in relation to the CADP employment.

2.21 It is clear that, in other development cases, Barton Willmore relies on the existence of indirect and induced effects in setting out the benefits of development. Given specific evidence on the supply chain and induced effects of airports in general and London City in particular, there is no basis for suggesting, as Mr Kenworthy does, that there is uncertainty over such benefits and that they should be excluded from consideration in relation to the extent of public benefits in relation to the Orders. Whilst the predicted level of jobs and wider benefits can never be absolutely guaranteed, Sean Bashforth points out, in Section 2 of his Rebuttal Proof (LCY/CPO/SB/4), the steps which the Airport is committed to taking to ensure that the benefits are delivered locally. Based on our experience in tracking the economic impact of airports such as London City, Birmingham and Manchester over a number of years, I have a high degree of confidence in the overall level of benefits that will be delivered with the growth in passengers and aircraft movements that CADP will facilitate.

PSZ

2.22 Mr Kenworthy cites, at paragraph 5.28 of his Proof of Evidence as part of his claimed harm, the possible jobs and GVA that could be foregone at the Corniche Floating Village and Thames Wharf sites as a consequence of the expanded PSZ with the CADP Development. As I have already pointed out in relation to Mr Painting\(^\text{12}\), this fails to recognise that Without Development, the PSZ is expected to be larger still due to a greater number of business aviation movements using the Airport’s Jet Centre. Such flights would be retained in much greater numbers if the Airport is unable to expand the number of commercial scheduled flights up to the maximum allowed within its movement cap in the absence of the additional CADP facilities and give rise to a larger PSZ.

2.23 Hence, to the extent that the jobs and GVA which can be sustained on these sites are reduced as a consequence of the Airport’s future PSZ, the potential loss of jobs is greater in the Without Development case at 357 compared to 183 With Development, a net improvement of 174 potential jobs. On a net basis, there is no harm in terms of the impact of the PSZ when compared to the Without Development case as Mr Kenworthy points out is the appropriate basis for stating the benefits of CADP. The reduction in the area of these adjacent sites impacted by the PSZ in future is, in practice, a potential benefit of the scheme.

\(^{12}\) Rebuttal Proof (LCY/PLAN/LC/4), paragraph 2.3.
Wider benefits

2.24 At paragraph 5.9 of his Proof of Evidence, Mr Kenworthy also seeks to cast doubt on the wider benefits which would arise by reference to the Statement of Reasons (CD17.1.7) which cited, for illustrative purposes, some of the gross economic benefits (e.g. the amount of business travel passing through the Airport) in 2014. He also confuses such gross measures of wider benefit with the measurable GVA benefits from the Airport’s operation in 2014 (£85.4 million).

2.25 I set out the assessment of the wider benefits of the CADP development in some detail at paragraphs 3.37 to 3.44 of my main Proof of Evidence (LCY/CPO/LC/1). These are clearly expressed in terms of both gross income injections to the local economy and the net GVA benefits. These wider benefits are best summarised as at paragraph 3.44, which set out that the net benefits to the wider economy from the additional business related air connectivity enabled by CADP would amount to £68 million in 2025 at 6.5 mppa. This is in addition to the identified economic impact from the operation of the Airport with CADP which in net terms, compared to the Without Development case, is £63.7 million. I consider that a total GVA uplift of £131.7 million of gross value added in an area in need of regeneration makes a compelling case that the development is in the public interest.

Urgent Need for More Capacity

2.26 Given the rapid take up of existing capacity at the Airport (see LCY/PLAN/LC/1, paragraphs 3.22-3.23), there is an urgent need for the additional airport capacity and for the facilities necessary to accommodate the new generation, larger Code C aircraft, which will be entering service at London City from later this year. As explained in the Rebuttal Proof of Rachel Ness, there is a high degree of certainty that the CADP development will proceed.

2.27 As noted above, there was agreement at the Planning Inquiry that passenger growth was likely to be towards the upper end of the scale, as set out in the Higher Passenger Sensitivity Test. As a result, in order to accommodate this rapid growth, the delivery of Phase 2 as well as Phase 1 of CADP will be required sooner rather than later.

2.28 Hence, there is significantly greater certainty of delivery of the benefits of the development than was the case in the ‘Trad Scaffolding’ case as these benefits are driven by passenger and aircraft movement growth in the first instance, which can only be enabled through the implementation of the CADP development.
3 THE EXTENT OF ACQUISITION

General

3.1 Mr Kenworthy asserts at paragraph 5.14 of his Proof of Evidence that further consideration should have been given to whether there were alternative development options which could have delivered the same capacity with less land take. The alternatives considered are set out in full in Sean Bashforth’s Proof of Evidence (LCY/CPO/SB/1) at paragraphs 3.13 to 3.25. These included other options beyond the ASRP scheme cited by Mr Kenworthy. However, during consideration of these options, it became clear that they either required greater material encroachment into the dock and/or led to new populations being exposed to noise. Furthermore, it also became clear that options which only provided for the replacement of the existing stands and without a full parallel taxi-lane would not be capable of delivering the capacity required for the Airport to attain its consented movement limit of 120,000 noise factored aircraft movements annually having regard to the growth in traffic at peak periods.

3.2 I set out, at paragraphs 5.33 to 5.42 of my Proof of Evidence to the Planning Appeal (LCY/PLAN/LC/1) and in the Need Statement (CD2.1.9) Section 4, how the requirements for each element of the CADP1 facilities was determined relative to the forecast demand in terms of runway capacity required, the number and size of stands and the scale of terminal facilities. My main Proof of Evidence to this Inquiry (LCY/CPO/LC/1) sets out further detail on the requirements at paragraphs 2.13 to 2.39.

3.3 I note at paragraphs 2.39 to 2.41 of my main Proof of Evidence that the Mayor of London has not previously challenged the scale of the CADP development proposed or that it is appropriate for making best use of the existing runway at London City Airport.

3.4 Based on the detailed capacity analysis undertaken, I do not believe that there are alternative options for development at London City Airport which would be capable of delivering the same capacity and benefits. Specifically:

- the parallel taxi-lane is necessary to ensure that the runway can deliver capacity for 45 movements per hour based on the expected fleet mix of aircraft;
- 7 additional aircraft stands are required to accommodate the number of aircraft expected to use the Airport in peak periods and the new stands need to be sized to accommodate the new generation of aircraft;
- the terminal has been sized to overcome current issues of congestion and to provide the necessary facilities to enable the passengers associated with 45 aircraft movements per hour to be accommodated at satisfactory levels of service.
3.5 As explained at paragraphs 2.42 to 2.62 of my main Proof of Evidence, CADP has been designed to meet the strict requirements as set down by the CAA in the Licensing of Aerodromes document\(^\text{13}\) which set out specific dimensions which constrain the positioning of individual facilities and determine, to a large extent, the scope of the land and rights required.

**Specific**

3.6 Mr Kenworthy, at paragraph 5.17 of his Proof of Evidence, makes two specific comments regarding the inclusion of facilities within the CADP1 scheme which did not form part of the ASRP scheme, namely the RVP Pontoon and the full parallel taxi-lane. I note that these facilities are on land which is subject to CPO (Plots L10, L11 and S1) rather than covered by the Rights Order.

3.7 Dealing with each of the facilities in turn:

- **RVP Pontoon** – Currently, emergency access to the airfield, in the event of an incident, is via the existing RVP\(^\text{14}\) at the western end of the Airport adjacent to the Jet Centre\(^\text{15}\) and with a secondary emergency entrance through the existing Outbound Baggage area. It is essential that the Airport has two full emergency access points, ideally located at least 400 metres apart, in case the incident has blocked one of the access points. With the required expansion of the OBB system in CADP, it becomes impossible to maintain the emergency access point and an alternative location for the second RVP is required. Numerous alternative designs were explored with the required head room to get emergency vehicles through but no solution could be found either through the arrivals building or the east pier. Hence, the only practical solution is to locate the RVP, as a floating pontoon, at the end of the East Pier, which has the added benefit of maximising separation between the two RVP’s to provide rapid access to either end of the airfield.

- **Full Parallel Taxi-lane** - the requirement for the full parallel taxi-lane is set out in detail in the Need Statement (CD2.1.9) and in evidence to the Planning Appeal. I further summarise the case at paragraphs 2.16 to 2.19 of my main Proof of Evidence.

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\(^{13}\) Civil Aviation Authority CAP168, the Licensing of Aerodromes (CD8.1.8)
\(^{14}\) Full emergency rendezvous point with sufficient space for at least 10 emergency vehicles.
\(^{15}\) Through the existing vehicle control point (VCP) where security checks are carried out.
3.8 As I have noted at paragraph 3.1 above, during the consultation phase on the ASRP, it became clear that simply replacing the existing stands would be insufficient to accommodate the growth in aircraft using the Airport in peak periods. Similarly, these additional aircraft movements would bring more passengers using the Airport terminal in those critical peak times. This resulted in the need to extend the terminal eastwards. Hence, the existing second emergency access route through the Outbound Baggage area could no longer be retained and would need to be replaced at the eastern end of the pier and apron leading to the requirement for a new RVP Pontoon.

3.9 At paragraph 5.18 of his Proof, Mr Kenworthy also queries the need for specific plots to facilitate the opening up of Hartmann Road to public access. The road alignment shown reflects the current alignment, which in part is on land within the Airport’s current lease. However, the freehold interest in this land is required to ensure that public access along this road can be guaranteed in perpetuity as required by the planning authorities. The need for this public access is dealt with in more detail in the evidence of Mr Bashforth and Mr Owen.

3.10 In addition, at paragraph 5.40 of his Proof of Evidence, Mr Kenworthy refers to the view expressed in the evidence of Mr Kirk MacDiarmid that permanent rights sought over plots R7 and R8 are excessive. As I explain in my main Proof of Evidence (LCY/CPO/LC/1) at paragraphs 2.55 to 2.59, access through the lock (R8) and the dock (R7) is essential to allow construction of the CADP development and this will be regulated through the Licence now agreed with RODMA, which is not exclusive in respect of Plot R8 and the eastern part of Plot R7 in any event. The rights will continue to be required for the future to ensure that similar access to the infrastructure can be obtained when major maintenance and reconstruction is required at points in the future. Again, the Airport will need unrestricted access to the full area of plots R7 and R8 in order to bring in barges to enable essential repairs to the apron, taxi-lane and piers, to maintain the fish refugia and, in the event of the Airport ceasing operation, to remove the apron over the dock in line with dock restoration obligation in the Section 106 Agreement (CD18.1.25).
3.11 The construction methodology is set out in Section 6 of the UES (CD2.6.4). The Airport requires flexibility to bring barges through the lock and into the dock as required to maintain the construction programme and to comply with the associated conditions. The full extent of rights is required taking into account the need for freedom of movement of the barges within the dock and the extent to which they can be accurately steered within a defined corridor. That said, the number of barges is stated at paragraph 6.127 of the UES to be in the order of 15 a month through the construction period plus a small number of barges carrying plant to the site and other tugs and support vessels on an ad hoc basis. Future ad hoc maintenance activities are likely to require a much lower level of activity. Hence, the level of activity actually proposed certainly is not sufficient to give rise to the potential harm to GLALP’s interests in the development of the Albert Island site as claimed by Mr Kenworthy at paragraphs 5.39 to 5.41 of his Proof of Evidence, particularly when considered in the context of other vessels entering and leaving the docks. This is further discussed in the Rebuttal Proofs of Rachel Ness (LCY/CPO/RN/4) and Sean Bashforth (LCY/CPO/SB/4).
4 STATEMENT OF TRUTH

4.1 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Signed

Louise Congdon

3rd May 2016