



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

**The Planning Act 2008 (as amended)
Section 53 and Section 54: Rights of entry**

Request by RiverOak Strategic Partners Ltd for
authorisation under Section 53 in relation to
the proposed Manston Airport

Project Reference: TR020002

Recommendation Report in relation to Land at
Freehold title Numbers K803975, K837264,
K891199, K806190, K873633 and K873634.

11 September 2016

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TABLE OF CONTENTS

1.	INTRODUCTION	5
1.1	BACKGROUND	5
1.2	RELATIONSHIP WITH ROIC AUTHORISATION DECEMBER 2016	5
1.3	THE AUTHORISATION REQUEST	6
1.4	NOTIFICATION OF PERSONS WITH INTEREST IN THE LAND	7
1.5	STRUCTURE OF THE REPORT	8
2.	LEGISLATION, GUIDANCE AND ADVICE	9
2.1	LEGISLATION	9
2.2	GUIDANCE AND ADVICE	11
3.	THE PROPOSED DEVELOPMENT	13
4.	THE AUTHORISATION REQUEST	14
4.1	SUMMARY OF THE AUTHORISATION REQUEST	14
4.2	PROPOSED SURVEYING AND/OR LEVEL TAKING WORKS TO BE CARRIED OUT	15
5.	THE INSPECTORATE'S ASSESSMENT	17
5.1	THE REQUIREMENTS OF S53	17
5.2	THE REQUIREMENTS OF S54	28
5.3	DURATION OF THE ACCESS REQUEST	29
5.4	CONDITIONS OF ACCESS	30
5.5	HUMAN RIGHTS ACT 1998	32
5.6	THE HABITATS REGULATIONS	33
6.	THE INSPECTORATE'S RECOMMENDATION	34
7.	ADDITIONAL MATTERS	35
7.1	PAYMENT OF THE CORRECT FEE	35
7.2	OUTSTANDING INFORMATION SOUGHT FROM THE APPLICANT	35

APPENDIX 1: SCHEDULE OF CORRESPONDENCE

APPENDIX 2: PLAN IDENTIFYING THE LAND

LIST OF TABLES

Table 1.1: List of Occupiers	6
Table 4.1: Further information submitted by the Applicant in support of their s53 authorisation request.....	15
Table 4.2: Summary of the proposed activities as set out in Schedule 5 of the Application	16
Table 5.1: History of attempted site access by ROIC and RSP	19
Table 5.2: Attempts by the Applicant to agree voluntary access with the landowner following submission of the authorisation request	21

1. INTRODUCTION

1.1 Background

- 1.1.1 This Recommendation Report has been produced in response to a request for authorisation to access land under s53 of the Planning Act 2008 (PA2008). The request is hereafter referred to as the authorisation request.
- 1.1.2 The authorisation request was made by RiverOak Strategic Partners Ltd (RSP)('the Applicant') in respect of a proposed Nationally Significant Infrastructure Project (NSIP) for Manston Airport ('the Proposed Development').
- 1.1.3 The Planning Inspectorate (the Inspectorate) has delegated authority on behalf of the Secretary of State for Housing, Communities and Local Government (SoS) to determine the authorisation request.
- 1.1.4 An application for a development consent order ('DCO') for the proposed development was received by the Planning Inspectorate ('the Inspectorate') on 17 July 2018, which was accepted on 14 August 2018.
- 1.1.5 References highlighted in square brackets in the text below direct the reader to relevant correspondence received or sent by the Inspectorate. The correspondence can be identified by reference to the Schedule of Correspondence in Appendix 1 of this Recommendation Report.

1.2 Relationship with ROIC authorisation December 2016

- 1.2.1 The RSP authorisation request is subsequent to two previous authorisation requests made in respect of the Proposed Development.
- 1.2.2 The first authorisation request was made by RiverOak Investment Corporation (ROIC) on 1 July 2016 to access land for the purposes of baseline environmental surveys (the First authorisation request).
- 1.2.3 The First authorisation request was authorised by the Inspectorate on behalf of the SoS on 16 December 2016.
- 1.2.4 ROIC notified the Inspectorate on 14 March 2017 that all rights and interests of the promoter had been transferred to RSP. RSP's notification email indicates that the Proposed Development, personnel and consultants remain the same as promoted by ROIC. RSP was unable to access the site, since the s53 authorisation was granted to ROIC.

- 1.2.5 RSP subsequently submitted a new authorisation request (the Second authorisation request) in April 2017. However, as the Applicant and Landowner entered into a voluntary licence agreement on 3 August 2017 (the Licence), the Second authorisation request was subsequently withdrawn.
- 1.2.6 The Applicant states that the current authorisation request is made following unsuccessful attempts to negotiate an extension to the voluntary licence agreement. Since this is a new authorisation request it should be considered on its own merits but because the Landowner and the nature of the Proposed Development and the Applicant team have not changed, the Inspectorate considers that the history of the First authorisation request has relevance to this Recommendation Report.

1.3 The Authorisation Request

- 1.3.1 The Applicant has requested access to the land identified in green on the key plan and four individual plans at Appendix 2 to the report ('the Land') by way of the authorisation request [APL-001] as revised by a resubmitted plan on 31 May 2018 [APL-006].
- 1.3.2 The authorisation request made under s53 was received electronically by the Inspectorate on 30 January 2018 and in hard copy on 31 January 2018.
- 1.3.3 The Land is comprised of six freehold titles and one area of unregistered land, all of which are owned by Stone Hill Park Limited previously known as Lothian Shelf (718) Limited (company number 9223403) ('the Landowner') (freehold title numbers: K803975, K837264, K891199, K806190, K873633 and K873634). The request to access land was modified by the Applicant's letter and revised plan identifying the Land received on 31 May 2018 [APL-006], which excluded the unregistered land.
- 1.3.4 The Land identified in green is occupied by the following organisations ('the Occupiers'), as notified to the Inspectorate in section 1.3 of the Applicant's authorisation request (as amended by APL-002 and APL-003):

Table 1.1: List of Occupiers

Occupier	Nature of Interest
Secretary of State for Defence	Leaseholder (Leasehold title number K803975)
South Eastern Power Networks Plc	Leaseholder (Leasehold title numbers K716128 and K894125)

A-Line Oceana Limited	Occupier
Avman Engineering Ltd	Occupier
C.J. Montgomery Limited	Occupier
David Steed	Occupier
Hunglish Limited	Occupier
Instro Precision Limited	Occupier
Polar Helicopters Ltd	Occupier
Powermain Ltd	Occupier
Southern Water Services Limited	Occupier

- 1.3.5 The Applicant states in section 1.3 of its authorisation request that it is not seeking authorisation in respect of the interests held by any leaseholders or occupiers and has excluded these interests from the authorisation request.

1.4 Notification of Persons with Interest in the Land

- 1.4.1 A copy of the Applicant's letter dated 30 January 2018 notifying the Landowner that the Applicant had made an application to the Inspectorate under s53, in respect of the Land, is provided in Schedule 9 of the Applicant's authorisation request. This letter informed the Landowner that it could provide comments on the Applicant's authorisation request to the Inspectorate.
- 1.4.2 The Landowner subsequently wrote to the Inspectorate stating that the Applicant's notification letter had been received at its registered office on the 5 February 2018 and that the authorisation request had been received on 2 February 2018 [LDO-001]. Furthermore it stated that the letter had been issued without stating the relevant response date outlined in the Inspectorate's non-statutory Advice note five: Section 53 – Rights of Entry¹ (AN5), whereas the letter included within the Applicant's authorisation request permitted a 21 day response period. On this basis, the Landowner requested an extension of time to the 21 February 2018 to provide their initial response to the authorisation request.
- 1.4.3 An extension of time was granted by the Inspectorate [PIN-004], although the Landowner was able to respond by the 20 February 2018 with comments on the authorisation request.

¹ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

- 1.4.4 AN5 advises that landowners should be given a period of not less than 14 days to provide comments on the authorisation request to the Inspectorate, starting the day after the expected date of receipt of the notification letter. Consequently the relevant notice period is deemed to have been provided.
- 1.4.5 The authorisation request excludes authorisation in respect of the interests held by any other leaseholders or occupiers. Consequently, the Inspectorate did not consult the occupiers in respect of the authorisation request and the Applicant did not provide notification to these occupiers.
- 1.4.6 The Applicant provides correspondence in APL-006 that demonstrates that voluntary access is agreed to Avman Engineering Ltd, David Steed and Polar Helicopters.
- 1.4.7 The final plan identifying the Land submitted by the Applicant [APL-006] encompasses all of the occupier interests identified in Table 1.1.

1.5 Structure of the Report

- 1.5.1 This Recommendation Report is structured as follows:
- **Section 1:** Introduction;
 - **Section 2:** Legislation Guidance and Advice: summary of the legislation, guidance and advice considered in the Recommendation Report;
 - **Section 3:** The Proposed Development: a brief description of the Proposed Development to which the authorisation request relates;
 - **Section 4:** The Authorisation Request: a description of the documents and correspondence that make up the authorisation request and a summary of the proposed activities for which access is sought;
 - **Section 5:** The Inspectorate's Assessment: analysis of the authorisation request against the relevant legislation, guidance and advice described in Section 2, and consideration of the correspondence received from the Landowner;
 - **Section 6:** The Inspectorate's Recommendation: the recommendation having considered the information in Sections 2 to 5 above; and
 - **Section 7:** Additional matters.
- 1.5.2 The Recommendation Report incorporates a schedule of correspondence (including voluntary negotiation correspondence) at Appendix 1 and a key plan and four individual plans identifying the individual land parcels at Appendix 2. The Recommendation Report is accompanied by a draft Authorisation Notice of the form recommended should a decision be taken to grant authorisation.

2. LEGISLATION, GUIDANCE AND ADVICE

- 2.0.1 This section outlines the relevant legislation, guidance and advice considered in the determination of the request made under s53 and presented in this Recommendation Report.

2.1 Legislation

PA2008

- 2.1.1 S53 of the PA2008 gives the SoS a limited power to authorise entry onto private land without the owner or occupier's consent, for certain purposes in connection with development consent orders.

- 2.1.2 Under s53(1), the SoS can confer the power on any person to

"at any reasonable time enter any land for the purpose of surveying and taking levels of it, or in order to facilitate compliance with the provisions mentioned in subsection (1A) in connection with -

- (a) an application for an order granting development consent, whether in relation to that or any other land, that has been accepted by the Secretary of State,*
- (b) a proposed application for an order granting development consent, or*
- (c) an order granting development consent that includes provision authorising the compulsory acquisition of that land or of an interest in it or right over it.*

(1A) Those provisions are any provision of or made under an Act for the purpose of implementing –

- (a) Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended from time to time,*
- (b) Council Directive 92/43/EC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended from time to time, or*
- (c) Any EU instrument from time to time replacing all or any part of either of those Directives."*

- 2.1.3 The SoS may only exercise powers under s53(1) in relation to any land if it appears to them that the proposed applicant is considering a distinct project of real substance genuinely requiring entry onto the land (s53(2)(a)).

- 2.1.4 The SoS's power to authorise a person to enter land for the purpose of undertaking activities under s53(1) expressly extends to include the 'power to search and bore for the purpose of ascertaining the nature

of the subsoil or the presence of minerals or other matter in it', subject to subsections (9) and (10) of s53 (s53(3)).

- 2.1.5 The SoS's power to authorise a person to enter land to undertake activities under s53(1) of the PA2008 also expressly includes the '*power to take, and process, samples of or from [any of the categories specified in s53(3A)(a) to (3A)(f)] found on, in or over the land'* (s53(3A)). This allows for sampling of or from any of the following found on, in or over the land:

- (a) *water,*
- (b) *air,*
- (c) *soil or rock,*
- (d) *its flora,*
- (e) *bodily excretions, or dead bodies, of non-human creatures, or*
- (f) *any non-living thing present as a result of human action.*

S54 of the PA2008 deals with rights of entry to Crown Land. The provisions primarily require that where s53 authorisation is sought in relation to Crown Land:

(2) A person must not enter Crown land unless the person ("P") has the permission of—

- (a) a person appearing to P to be entitled to give it, or*
- (b) the appropriate Crown authority.*

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

- 2.1.6 For NSIPs that require development consent under the PA2008, the Environmental Impact Assessment (EIA) Directive² is transposed into legislation in England and Wales by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations³). Regulation 8 of the EIA Regulations sets out the general provisions for determining whether or not a proposed NSIP is 'EIA Development' as defined by the EIA Regulations. This report refers to the EIA Regulations which implement the EIA Directive referred to in s53(1A).

The Conservation of Habitats and Species Regulations 2017

² Directive 85/337/EEC was amended three times and codified by 2011/92/EU, which has itself been amended by 2014/52/EU.

³ This report also makes reference to submissions under the Infrastructure Planning (EIA) Regulations 2009 (the EIA Regulations 2009).

- 2.1.7 Under Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), the SoS is required to have regard to the requirements of the Habitats Directive⁴ so far as they may be affected by the exercise of the SoS' functions under the PA2008. This report refers to the Habitats Regulations which implement the Habitats Directive referred to in s53(1A).
- 2.1.8 There is a system of strict protection under the Habitats Regulations, for certain species known as European Protected Species.
- 2.1.9 Any authorisation which may be granted by the SoS under s53 does not extend to authorising entry onto land for any activity which may lead to the committing of an offence under Regulation 43 of the Habitats Regulations.

Human Rights Act 1998

- 2.1.10 The Inspectorate, when determining an authorisation request, must also have regard to the requirements of the Human Rights Act 1998 and in particular, Article 1 of the First Protocol of the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe on 4 November 1950, that gives a right to protection of property. Any interference with this right should be lawful and proportionate, balancing the right of individuals to peaceful enjoyment of their property against the public interest.
- 2.1.11 If the Inspectorate is minded to grant an authorisation for a request under s53, this would need to be justified and proportionate, balancing the wider public interest. Authorisations can be granted subject to appropriate conditions and there is a statutory right to claim compensation for any damage caused to land or chattels.

2.2 Guidance and Advice

- 2.2.1 There is no separate statutory guidance in respect of the application of s53. However, the Department for Communities and Local Government (DCLG) (now the Ministry of Housing, Communities and Local Government) has produced a non-statutory guidance note⁴ on fees ('the Guidance') which is principally intended to aid interpretation of the Infrastructure Planning (Fees) Regulations 2010 (SI 2010/106) (Paragraph 1 of the Guidance). Annex A to the Guidance contains a table setting out the policy intention and interpretation of each regulation.
- 2.2.2 In relation to s53, Annex A to the Guidance states that the policy intention is that:

⁴ Planning Act 2008. The Infrastructure Planning (Fees) Regulations 2010 guidance, DCLG, March 2017.

"Applicants are expected to act reasonably, first seeking to obtain relevant information or permission to access land directly before seeking authorisation under these provisions. Specifically, applicants should only submit requests for those aspects of information, or access to parcels of land, where they consider they have been unreasonably refused that information or access and the Secretary of State's intervention is necessary as a last resort"

- 2.2.3 There is no prescribed procedure for making a request under s53. The Inspectorate's AN5¹ has been produced and published to assist applicants and those with an interest in the land to which the authorisation request relates. It sets out the information that the Inspectorate, on behalf of the SoS, would expect to receive, although it has no statutory status.

3. THE PROPOSED DEVELOPMENT

- 3.0.1 The Proposed Development is referred to as the Manston Airport Development. According to Section 4 of the authorisation request [APL-001] it consists firstly of the 'Principal Development' comprising all works proposed within the airport structure including air cargo stands and facilities, four new passenger aircraft stands, and a new passenger terminal, and secondly of 'Associated Development' including, amongst other things, an aircraft recycling facility, a flight training school and ancillary highway works.
- 3.0.2 On 17 July 2018 the Applicant submitted its application for development consent to the Inspectorate.
- 3.0.3 On 14 August 2018 the Inspectorate accepted the application for examination. The acceptance decision is available here:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-002548-TR020002%20Notification%20of%20Decision%20to%20Accept%20Application%20FINAL.pdf>

4. THE AUTHORISATION REQUEST

- 4.0.1 This section describes the authorisation request documents and the related correspondence assessed by the Inspectorate when considering the authorisation request.

4.1 Summary of the authorisation request

- 4.1.1 On 30 January 2018, the Inspectorate received in hard copy the authorisation request from the Applicant under s53 for authorisation to enter third party land in connection with the Proposed Development [APL-001].

- 4.1.2 The authorisation request consists of:

The Authorisation Request;

Tab 1: Annex B to Advice Note 5;

Tab 2: s53 Access Plan Sheets 1 - 5;

Tab 3: Up to date official copies and title plans in relation to the Land;

Tab 4: Schedule detailing the proposed surveys;

Tab 5: Proposed authorisation conditions;

Tab 6: Evidence to demonstrate that the Applicant has made all reasonable efforts to obtain access to the Land and that this application has been made as a last resort from 10 February 2016 to 1 July 2016;

Tab 7: Evidence to demonstrate that the Applicant has made all reasonable efforts to obtain access to the Land and that this application has been made as a last resort from 2 July 2016 to 2 April 2017;

Tab 8: Evidence to demonstrate that the Applicant has made all reasonable efforts to obtain access to the Land and that this application has been made as a last resort from 4 October 2017 to 22 December 2017;

Tab 9: Evidence of notification of this application to the Landowner; and

Tab 10: Consent of the Defence Infrastructure Organisation.

- 4.1.3 Further information requested by the Inspectorate has also been received from the Applicant during the process. These additional documents have been considered by the Inspectorate as part of the authorisation request. The further information received from the

Applicant is listed in Table 4.1. Additional information relating to the authorisation request has also been requested from the Landowner, which is summarised in the Schedule of Correspondence (Appendix 1). The Schedule also lists other submissions made to the Inspectorate, including correspondence relating to voluntary licence negotiations submitted by both the Applicant and the Landowner.

Table 4.1: Further information submitted by the Applicant in support of their s53 authorisation request

Document Reference (see Appendix 4)	Description of document (date received)
APL-002	Response to the Inspectorate's letter dated 20 February 2018 (8 March 2018).
APL-003	Further response to the Inspectorate's letter dated 20 February 2018 (9 March 2018).
APL-004	Response to the Inspectorate's letter dated 16 March 2018 (3 April 2018).
APL-005	Further response to the Inspectorate's letter dated 16 March 2018 (5 April 2018).
APL-006	Response to the Inspectorate's information request dated 17 May 2018 (31 May 2018).
APL-010	Response to the Inspectorate's information request dated 15 and 16 August 2018 (30 August 2018).

4.2 Proposed surveying and/or level taking works to be carried out

- 4.2.1 Paragraph 2.2 of the authorisation request [APL-001] summarises the proposed activities for which access is sought under the authorisation request. This is duplicated in Table 4.2 below. Schedule 4 of the application sets out the detail of the proposed activities.
- 4.2.2 The activities listed in Table 4.2 comprise standard surveys that may be undertaken in relation to an EIA or HRA process.

Table 4.2: Summary of the proposed activities as set out in Schedule 5 of the Application

Type of Survey	Purpose of Survey
Additional ecological surveys – reptiles (February to August)	Walkover (February/early March to place mats (refugia) with subsequent checks from late March in order to determine reptile presence/absence and then, if and where present, any population size class of reptiles; removal/additional placement of refugia (felts/tins) as appropriate.
Additional ecological surveys – bats (barn owls) (January to August)	Site walkover/transects (after dusk/pre-dawn) to survey bat presence/absence and activity across the entire proposed development site; deployment and checks of static detectors; internal/external building inspections (possibly requiring use of ladders) to survey for barn owl, with possible deployment of tell tales (sheets) to collect bat droppings; and possible deployment of static monitoring devices; dusk and after dark/pre-dawn roost surveys of buildings/structures and possibly some trees using bat detectors, infrared cameras. Any potential tree roosts requiring (appropriately trained and licensed) climbing might also involve ladders, tree climbing gear.
Additional ecological surveys – birds (January to July)	Site walkover/transects (after dusk/pre-dawn) to survey bird presence/absence across the proposed development site and to understand the status of any protected or otherwise notable species and habitats on site.
Additional ecological surveys – invertebrates (April to September)	Site walkover to sample invertebrates across the entire proposed development site; sampling to include following methods sweep-netting, beating, suction sampling, targeted netting, pitfall traps, water traps, and direct observation. Sampling involves various equipment including shallow plastic trays, hand nets, modified garden leaf blower, small plastic cups buried in ground for pitfalls, etc.
Additional ecological surveys – botanic interest (May to July)	Site walkover (with quadrat sampling) for entire application site.
Additional ecological surveys – badgers, other mammals	Site walkover looking for field signs and/or evidence of presence of badgers across the proposed development site.

5. THE INSPECTORATE'S ASSESSMENT

- 5.0.1 This section sets out the Inspectorate's assessment of the authorisation request, including compliance with the tests of s53 of the PA2008 and relevant guidance. All correspondence received and issued by the Inspectorate has been considered in this assessment.
- 5.0.2 No correspondence from Persons with Interest in Land has been received by the Inspectorate in respect of the authorisation request except from the Landowner. It is noted that as all Occupier interests have been excluded from the s53 authorisation request, no other Persons with Interest in Land have been contacted by the Applicant or the Inspectorate.

5.1 The Requirements of s53

S53(1)

- 5.1.1 The s53 authorisation request seeks authorisation under subsection 53(1)(b) of the PA2008 for the right of entry to the Land for the purposes of surveying and taking levels of the land in connection with a proposed application for an order granting development consent.
- 5.1.2 Subsequent to the s53 authorisation request the Applicant has submitted an application for development consent, which was accepted for examination on 14 August 2018. The acceptance decision can be viewed here:

<https://infrastructure.planninginspectorate.gov.uk/document/TR020002-002548>

- 5.1.3 Section 53 authorisation requests relating to accepted applications fall under subsection 53(1)(a) '*an application for an order granting development consent, whether in relation to that or any other land, that has been accepted by the Secretary of State*'.

S53(1A)

- 5.1.4 The application for development consent was accompanied by an EIA prepared under the EIA Regulations and a Report to Inform the Appropriate Assessment provided in respect of the Conservation of Habitats and Species Regulations 2017. The Proposed Development is therefore subject to the provisions of both the EIA Directive and the Habitats Directive.
- 5.1.5 The cover letter accompanying the s53 authorisation request [APL-001] states that access is required in order to facilitate compliance with the European Directives, whilst section 8.1 of the application clarifies that "*Although the Environmental Statement to be submitted with the application will be sufficient for it to be examined, we believe that the assessment would be more robust and the mitigation*

proposed would be able to be more specific if further surveys, as detailed in Schedule 4, are carried out".

S53(1) and (1A) The Inspectorate's considerations

- 5.1.6 The Applicant's application for development consent has been accepted for examination. Consequently the Inspectorate now considers that the s53 authorisation request falls under s53(1)(a) of the PA2008.
- 5.1.7 The development consent application was accompanied by a Report to Inform the Appropriate Assessment and by an EIA detailing the requirement for further surveys. Consequently the Inspectorate is satisfied that the s53 authorisation request is also consistent with the provisions of s53(1A) in that it further facilitates compliance with the provisions of the EIA and Habitats directives.

Other requirements

- 5.1.8 There are no further requirements relating to an authorisation under s53(1)(a) of the PA2008. However Annex A of The Infrastructure Planning (Fees) Regulations 2010 guidance produced by the Ministry for Housing, Communities and Local Government (MHCLG, formerly DCLG) discusses policy intentions and provides high level interpretation of the 2010 Regulations as it relates to s53.
- 5.1.9 Item 3 of the annex discusses fees in respect of authorisation under sections 52 and 53 of the PA2008. Applicants are expected to '*act reasonably, first seeking to obtain relevant information or permission to access land directly before seeking authorisation under these provisions. Specifically, applicants should only submit requests for those aspects of information, or access to parcels of land, where they consider they have been unreasonably refused that information or access and the Secretary of State's intervention is necessary as a last resort*'.
- 5.1.10 The Inspectorate has considered the test of acting reasonably in terms of i). the need to undertake the surveys identified and ii). an unreasonable refusal of access (voluntary licence negotiations).

The need to undertake the surveys identified – Applicant and Landowner comments

- 5.1.11 The Applicant provides an explanation as to why s53 authorisation is being sought in section 2 of their authorisation request [APL-001]. Authorisation is sought in order to carry out surveys to support the production of an ES (required under the EIA Regulations). The authorisation request also highlights that further survey information would make the assessment more robust and the mitigation more specific (paragraph 8.1 of APL-001]. The application accepted for examination on 14 August 2018 also highlights that further survey

information would confirm or otherwise the conclusions of the worst-case assessment with respect to effects on biodiversity.

- 5.1.12 The surveys proposed to be carried out on the land are summarised in Table 4.2 of this report, and further information is provided in Schedule 4 of the Applicant's authorisation request [APL-001].
- 5.1.13 The Landowner has not challenged the need for the surveys identified in the s53 application or the need for the Applicant to enter the land to undertake these surveys. However, the Landowner has challenged the need for the Applicant to undertake the surveys under s53 of the PA2008 rather than under a voluntary licence agreement, similar to the agreement achieved temporarily in 2017. This is discussed in detail in section 5.2 of this report.

The need to undertake the surveys identified – the Inspectorate's considerations

- 5.1.14 The Inspectorate has considered whether the Applicant has a need to enter the land, in light of the correspondence from the Applicant and the Landowner to undertake the surveys identified. The surveys proposed by the Applicant relate to information that would clarify the Applicant's worst case assessment of likely significant effects and of its mitigation proposals relating to its EIA. The Landowner does not dispute the need for the Applicant to undertake the surveys.
- 5.1.15 The Inspectorate considers that the Applicant has demonstrated a need to undertake the surveys outlined for the purposes of confirming the mitigation proposals and refining the worst-case assessment and therefore the s53 authorisation request is consistent with the requirements of s53(1A) of the PA2008.

Unreasonable refusal of access (voluntary licence negotiations) - Applicant and Landowner comments

- 5.1.16 The history of attempted site access under voluntary agreement is complex and requires discussion of the timeline regarding previous s53 authorisation requests and interactions between the Applicant, ROIC (as the previous Applicant), and the Landowner. A summarised history of the access discussions is presented in Table 5.1 below:

Table 5.1: History of attempted site access by ROIC and RSP

Date	Details of activity
February 2016	Voluntary access negotiations commenced between the ROIC and the Landowner.
July 2016	Authorisation request submitted by ROIC to the Inspectorate. The Inspectorate commenced correspondence with the Applicant, Persons with Interest and Landowner

S53 and S54 Recommendation Report
Land at Freehold title Numbers K803975, K837264, K891199, K806190,
K873633 and K873634

	(represented by Herbert Smith Freehills).
October 2016	The Landowner formally refused access to ROIC following voluntary licence negotiations.
December 2016	The Inspectorate authorised access to ROIC under s53.
March 2017	During a public inquiry relating to change of use of two buildings on site by the Landowner, the Applicant confirmed that all rights to the project had transferred from ROIC to RSP in December 2016, one day prior to the first authorisation and that there was no legal relationship between the two organisations, although all individuals and project details remained the same.
April 2017	The Landowner refused access to RSP to the site as the s53 was authorised to ROIC as a separate legal entity.
April 2017	RSP applied for consent under s53 for the same survey access applied for by ROIC.
August 2017	A voluntary access agreement was achieved between the Landowner and RSP therefore the s53 authorisation request was not determined. The Applicant was able to undertake certain survey works during the period 3 August 2017 and 16 December 2017.
October 2017	Discussions regarding an extension of the voluntary access agreement commenced in October 2017 with the Landowner's new legal representation (Pinsent Masons). An extension was not agreed due to a disagreement regarding payments to the Landowner of monies outstanding under the voluntary agreement, the inclusion of a new land parcel not previously consulted on, and a requirement to provide certain information (relating to the NSIP justification and financial standing).
January 2018	The Applicant submitted the authorisation request that is the subject of this Recommendation Report.
February 2018	RSP attempted to access the site under provisions within s172 and s174 of the Housing and Planning Act 2016 (HPA2016). The Applicant was denied access by the Landowner under these powers.
January – March 2018	The Inspectorate sought further information/ clarification regarding the application, including a revised plan to identify the land.
April 2018	RSP submitted an application for development consent in respect of Manston Airport to the Inspectorate.

May 2018	RSP withdrew the application for development consent.
May 2018	The Inspectorate received a revised plan identifying the land.
July 2018	RSP submitted an application for development consent in respect of Manston Airport to the Inspectorate.
August 2018	The Inspectorate accepted the application for examination.
August 2018	The Inspectorate issued questions in relation to the s53 authorisation request to the Applicant and Landowner and received responses from the latter.

5.1.17 Throughout the process outlined above, the Inspectorate has received updates from both the Landowner and the Applicant regarding progress on a voluntary licence agreement and has encouraged the achievement of a voluntary agreement.

5.1.18 Extensive correspondence has been received from both organisations regarding voluntary licence negotiations, which is documented in the Schedule of Correspondence at Appendix 1 of this report and in Table 5.2 below. Prior to 16 February 2018, the correspondence is incorporated into Volume 2 of the authorisation request and therefore does not have a separate entry in the Schedule of Correspondence. The discussion regarding the correspondence below is necessarily a summary of the representations made due to the large volume of material submitted to the Inspectorate.

Table 5.2: Attempts by the Applicant to agree voluntary access with the landowner following submission of the authorisation request

No	Date	Details of correspondence
n/a	4/10/17 – 18/12/17	Schedule 8 of APL-001 provides exchanges of correspondence between the Applicant and Landowner, including a draft licence and identification of a new land parcel.
1	16/02/2018	Email from Pinsent Masons attaching letter to BDB regarding access under s172 and s174 HPA2016, arguing that use of such powers is an abuse of process and arguing that the Applicant had failed to engage in voluntary negotiations before employing s172 and s174 powers.
2	26/02/2018	Two emails from Landowner enclosing six attachments: 1. Letter dated 13 February 2018 (received 14 February

S53 and S54 Recommendation Report
Land at Freehold title Numbers K803975, K837264, K891199, K806190,
K873633 and K873634

		<p>2018) from Tony Freudmann, RSP giving notice of access pursuant to sections 172 and 174 of the HPA2016;</p> <p>2. Letter dated 16 February 2018 from SHP legal advisers addressed to BDB in relation to this matter;</p> <p>3. Letter dated 16 February 2018 from SHP legal advisers addressed to BDB in relation to voluntary access;</p> <p>4. Letter of Claim dated 22 February 2018 addressed to BDB seeking various undertakings from BDB by 23 February 2018;</p> <p>5. Letter from BDB dated 23 February 2018 confirming that RSP intended to gain access to SHP's land on 1 March 2018 and that it intended to seek a warrant if access was obstructed.</p> <p>6. Letter dated 26 February 2018 from SHP legal advisers addressed to BDB requesting an undertaking that BDB would provide details regarding its attempts to secure a warrant, including location of court, timing of application and the sworn evidence that it proposes to file.</p>
3	12/03/2018	<p>Email from Landowner attaching two letters:</p> <p>Letter to RSP_12.03.2018 – highlighting unreasonable behaviour relating to the s172/s174 notification, challenging the basis for the project being an NSIP and requiring information to be provided in that respect and outlining SHP's willingness to engage 'constructively on agreeing a voluntary licence agreement'. This latter agreement would be subject to a series of undertakings including reimbursements and confirmation that access under s172/s174 would not be attempted.</p> <p>Letter- Pinsents 5.3.18 - letter from BDB to Pinsent Masons confirming notice periods under s172 of the HPA2016, an NSIP justification document and a request to re-enter voluntary licence negotiations on the 2017 terms having demonstrated that the project is an NSIP.</p>
4	29/03/18a	<p>Landowner email commenting on the RSP NSIP justification, which challenges the status of the Proposed Development as an NSIP and includes annexes comprising a legal interpretation and QC opinion regarding the Applicant's NSIP justification.</p>
5	29/03/18b	<p>Landowner email request to confirm that the 29/03/18a NSIP discussion would be considered in both the s53 determination and in the acceptance process of any application for development consent.</p>
6	6/04/18	<p>Landowner email disagreeing with the status of the project being an NSIP and raising the need for a cap on Air Traffic Movements or an EIA of the maximum traffic movements.</p>

S53 and S54 Recommendation Report
Land at Freehold title Numbers K803975, K837264, K891199, K806190,
K873633 and K873634

7	10/04/18a	<p>Email from Pinsent Masons containing correspondence from Pinsent Masons regarding the DCO application for Manston Airport.</p> <p>The cover letter requests confirmation that previous correspondence (eg as set out in this table) will be fully considered in an acceptance process. The letter highlights the Landowner's concerns regarding RSP's engagement in voluntary access negotiations and restates arguments relating to the NSIP justification. The letter summarises other matters that the Landowner considers to be deficiencies with the application.</p>
8	10/04/18b	Email from Pinsent Masons containing three enclosures to the letter that were inaccessible in the 10/04/18a email.
9	12/04/18	Landowner email providing update on voluntary licence negotiations and enclosing letter to BDB dated 11 April 2018. The letter sets out legal costs relating to s172/s174 processes and requests clarifications regarding number of days of survey (for which a charge will be provided) and confirmation of new voluntary licence terms.
10	13/04/18	Landowner email expressing disappointment with the Applicant's preference not to publish application documents during acceptance and highlighting the financial burden that an examination would place on a landowner. Also states that the proposals are also <i>'causing delay to its own plans for the Site'</i> .
11	10/05/18	<p>Landowner email providing update on voluntary licence negotiation attaching four emails:</p> <ol style="list-style-type: none"> 1. Email communications between SHP and BDB (17-18 April 2018); 2. Email from BDB, attaching letter addressed to SHP dated 19 April 2018 and copy of the new licence agreement proposed by RSP, the letter refuses to pay costs associated with the s172/s174 process; 3. Email from SHP, attaching letter addressed to BDB dated 27 April 2018; 4. Email from SHP to BDB dated 8 May 2018, chasing response to letter of 27 April 2018. <p>The cover email asks BDB to confirm: agreement to the conditions proposed in previous correspondence; confirm the corporate status of RSP; provide full details of the intrusive surveys that they had sought to be included in a new licence agreement (this was a new request). The email also proposed a meeting with the Inspectorate.</p>
12	30/05/18	Landowner response to the Inspectorate's request for information to the Applicant dated 17 May 2018 incorporating correspondence chasing a response on

S53 and S54 Recommendation Report
Land at Freehold title Numbers K803975, K837264, K891199, K806190,
K873633 and K873634

		voluntary licence negotiations.
13	12/06/18	Landowner's comment on BDB's response to the Inspectorate's request for information dated 17 May 2018, focusing on matters relating to negotiation of voluntary licence agreements.
14	20/06/18	Landowner email enclosing letter to BDB dated 20 June 2018, which responds to BDB's position regarding access negotiations.
15	20/06/18	Email from BDB enclosing correspondence between Landowner and RSP regarding voluntary access negotiations, enclosing: SHP letter dated 15.6.18 – letter from BDB to Landowner stating that it would be prepared to enter into a voluntary agreement under the previous terms of the licence and rebutting additional provisions proposed by Landowner; 2018.06.18 Letter to BDB – Letter from Landowner to BDB dated 18 June 2018 noting an increase in the extent of survey access requested and challenging RSP's position regarding terms and reimbursements; PDF letter SHP-20.6.18 – Letter from BDB to the Landowner reiterating its position that it will re-enter a voluntary agreement with the Landowner based on the same terms as the 2017 agreement.
16	21/06/18	Email from BDB containing letter from BDB to the Landowner dated 21 June 2018. The letter agrees to pay certain legal and security costs in respect of access, whilst refusing to pay costs in relation to s172 and s174 and responses to other terms.
17	25/06/18	Email from Landowner enclosing letter to BDB dated 25 June 2018 raising a series of queries relating to the voluntary access negotiation and financial reimbursements.
18	16/07/18	Pinsent Masons' response to, and observations on, Section 51 Advice and PINS' meeting note dated 11 May 2018. The document suggests that ' <i>It is our clear view that it is an abuse of process for such an application (and such an applicant) to be allowed to continue with its section 53 application seeking entry onto the Airport Site</i> '. The document reiterates a number of arguments relating to the status of the project as an NSIP, the capability of the existing site and the need to assess the maximum theoretical capability of the airport.
19	17/07/18	Email from BDB enclosing a letter response to Pinsent Masons' correspondence dated 16 July 2018.

20	18/07/18	Email from Pinsent Masons containing York Aviation Note – challenging whether the proposed Manston Airport development is an NSIP.
21	27/07/18	Email from Landowner comprising two letters addressed to BDB: Letter dated 27/07/18 – highlights time elapsed since last correspondence from BDB; and Letter dated 25/06/18 (previously issued by email on 25 June 2018) – raises a number of points regarding the voluntary licence requirements, including Landowner costs in administering entry/financial payments and clarification of responses in BDB's letter dated 21 June 2018.
22	30/08/18	Email from landowner comprising a letter dated 29 August 2018 and 47 enclosures of correspondence between the Applicant and the Landowner.

Applicant's position regarding voluntary licence agreement

- 5.1.19 The Applicant's position can largely be summarised as that it will sign a voluntary access agreement based on the same terms as the 2017 agreement [APL-008]. The Applicant is not prepared to commit to the additional terms sought by the Landowner which include restriction in the duration of individual survey notices; a requirement to demonstrate that the surveys being undertaken are confirmed on access; no access until a bond/escrow is in place to cover security costs; reimbursement of costs relating to access sought under s172/s174 of the HPA2016; an uncapped reimbursement of legal and professional fees associated with the voluntary licence agreement (a cap of [REDACTED] is agreed); an undertaking that s172/s174 powers will not be applied. The Applicant notes that although payments in respect of voluntary access were delayed, these were paid in full by 1 February 2018 and amounted to [REDACTED] out of a total [REDACTED] paid by the Applicant [APL-006].
- 5.1.20 The Applicant notes that the Landowner has previously sought information relating to the capability of the Proposed Development or the definition of the project as an NSIP as well, prior to signing any agreement [eg APL-006].
- 5.1.21 The Applicant also considers that the refusal to extend the voluntary licence coincides with a change in legal representation from Herbert Smith Freehills to Pinsent Masons by the Landowner [APL-006].
- 5.1.22 On the basis that the Landowner is only prepared to grant a voluntary licence subject to terms additional to those set out in the previous voluntary licence agreement (and which the Applicant considers it is

unable to accept); and that negotiations over a voluntary licence have been ongoing since October 2017, the Applicant considers that it has been unreasonably refused access.

Landowner's position regarding voluntary licence agreement

5.1.23 The Landowner's position [eg LDO-002 and LDO-022] can be summarised as follows:

- the Applicant has not been unreasonably refused access and that the Applicant's s53 authorisation request was premature;
- the Applicant has not engaged in meaningful negotiation regarding voluntary access (the negotiations comprise blocks of time without contact from the Applicant to the Landowner);
- additional conditions to the voluntary licence agreement requested by the Landowner were reasonable;
- the Landowner previously granted access in 2017 for a period of approximately 4.5 months, without commercial benefit, and that continuation of access was only refused due to overdue payment of costs by the Applicant relating to that access (in the order of 42 days). The Landowner acknowledges that payments were settled but highlights that RSP had been advised that a Statutory Demand was in the course of being served when it made payments;
- the financial status of RSP is uncertain, since payments relating to the voluntary licence agreement were made by Freudmann Tipple Limited rather than RSP;
- use of the s172/s174 HPA2016 powers demonstrated unreasonable behaviour on the part of the Applicant and amounted to an abuse of process in light of the voluntary negotiations and ongoing s53 process and that it has incurred substantial legal costs in resisting access under the HPA2016 powers; and
- assertions and claims made by the Applicant in its correspondence are misleading and inaccurate.

5.1.24 The Landowner also maintains that it is not refusing access (meaning that there is no unreasonable refusal) but will allow access subject to provision of information relating to the capability of Proposed Development and the definition of the project as an NSIP; reimbursement of costs under s172/s174 of the HPA2016; reimbursement of legal costs relating to the voluntary licence agreement; and provision of bonds/escrow in respect of costs relating to future access (relating to security and legal/administrative costs).

Efforts to agree voluntary access - the Inspectorate's consideration

5.1.25 Tables 5.1 and 5.2 outline that RSP (and previously ROIC) had attempted to access Manston Airport for the purposes of surveys over

a period of approximately 1.5 years, prior to achieving voluntary access.

- 5.1.26 ROIC had previously received a clear refusal of access in October 2016 following voluntary licence negotiations over a period of eight months and following agreement to all licence terms, which was considered to be an unreasonable refusal for the purposes of the first authorisation request.
- 5.1.27 RSP attempted to access the site under the ROIC s53 authorisation notice in spring 2017 but was refused access. This is not considered to be an unreasonable refusal because although the individuals, Proposed Development, consultants and legal team remained the same, RSP was no longer the legal entity authorised under the first s53 authorisation notice.
- 5.1.28 RSP and the Landowner agreed voluntary access for a period of approximately 4.5 months between August and December 2017 following submission of the second s53 authorisation request. The Inspectorate notes that the survey access sought in Schedule 4 of the authorisation request [APL-001] is primarily for the period January to August (excepting invertebrate surveys, which extend from late April to early September). Consequently whilst the Applicant had survey access for a period of time in 2017, non-renewal of the licence occurred just prior to the key period for which access was sought under the current s53 authorisation.
- 5.1.29 Negotiations regarding a voluntary extension of the licence commenced in October 2017, culminating in a refusal to extend the voluntary licence agreement in December 2017. The Inspectorate is unable to conclude whether the refusal to extend the voluntary licence agreement amounted to an unreasonable refusal of access because the Landowner has indicated that the Applicant was 42 days late in paying monies due under the voluntary agreement and had therefore breached the terms of that agreement, although the Landowner acknowledged that payments were made following notice to RSP that a Statutory Demand (under s123(1)(a) of the Insolvency Act 1986) was in the course of being served. The Applicant had already paid [REDACTED] in fees under the licence at that point.
- 5.1.30 Subsequent to the refusal to renew the voluntary licence agreement, the Applicant and the Landowner continued to negotiate voluntary access to the site. In January 2018, the Applicant submitted the current authorisation request. The Applicant also attempted to access the site under the provisions of s172/s174 of the HPA2016 in February 2018 [LDO-002], counter to s51 advice⁵ issued by the Inspectorate

⁵ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-Advice-00100-1-170926%20Manston%20Airport%20-%20Project%20Update%20meeting%20FINAL.pdf>

regarding the appropriate mechanism for seeking site access. RSP was refused access to the site under the HPA2016 in March 2018 [LDO-004 and LDO-005]. The Inspectorate has no further comment in relation to attempted access under other regulatory regimes.

- 5.1.31 Subsequent to the refusal, the Applicant continued to exchange correspondence with the Landowner regarding site access. The Landowner has suggested that the Applicant's engagement is intermittent and only to imply that there is a willingness to engage. The Applicant meanwhile claims that the conditions for voluntary access are too onerous but that it would be happy to enter a voluntary licence agreement under similar terms to the previous agreement.
- 5.1.32 In the course of considering the s53 authorisation request, the Inspectorate has received multiple representations from the Landowner, challenging the basis for the project, challenging assumptions made by the Applicant and recommending that an application for development consent should not be accepted for examination. Furthermore, the Landowner has clearly stated that it is '*committed to its plans to regenerate the site*' [LDO-010 and LDO-011] and has previously submitted Town and Country Planning applications in respect of the site.
- 5.1.33 Negotiations over voluntary access have been ongoing since October 2017. The Inspectorate therefore considers that based on the duration and protracted nature of the negotiation process the Applicant has received an unreasonable refusal of access for the purposes of s53 of the PA2008.
- 5.1.34 The Inspectorate is therefore satisfied that the Applicant does require entry onto the land in order to carry out surveys required to inform the project and that the Secretary of State's involvement is necessary as a last resort. The criteria in s53(1)(a) and s53(1A) of PA2008 in respect of 'the Land' have been met and the requirements of MHCLG guidance have also been met. The Inspectorate therefore recommends that survey authorisation may be granted in relation to the surveys sought.

5.2 The Requirements of s54

- 5.2.1 The Applicant has identified areas of Bona Vacantia and Crown Land within the proposed area of survey. Entry onto Crown Land requires demonstration that the authorised person has permission from a person appearing to be entitled to give it, or the appropriate Crown authority.

Efforts to agree access to Bona Vacantia land

- 5.2.2 The Applicant has identified Bona Vacantia land [APL-006 and APL-010] and provided correspondence in respect of that land with the Government Legal Service as well as a location plan. The

correspondence confirms that the Government Legal Service '*would still not object to any party having access for site survey work*'.

Efforts to agree access with the Crown Estate

- 5.2.3 The Applicant's authorisation request identifies that certain land within the airport site is Crown Land. Crown Land is subject to the provisions of s54 of the PA2008. The Inspectorate wrote to the Applicant to request confirmation that the Applicant had permission to enter Crown Land [PIN-009]. The Applicant's letter of 31 May 2018 [APL-006] provides correspondence from the Defence Infrastructure Organisation confirming that the MOD has '*no objection to the ecological and other surveys being carried out over the former airport land, within those areas that are shown as safeguarding areas on the plans i.e. land over which the MOD retains a legal interest...*'.

S54 – the Inspectorate's consideration

- 5.2.4 Based on the correspondence provided in relation to Bona Vacantia land and MOD assets, the Inspectorate considers that the responses meet the requirement of s54(2)(a) of the PA2008 in that the Applicant has permission to access these parcels of land from persons appearing entitled to give it.

5.3 Duration of the access request

- 5.3.1 As set out in paragraphs A9.1 and A9.2 of AN5, it is anticipated that any authorisation would, in most cases, be expressed to expire either 12 months after the date of the authorisation (or the date of the submission of a DCO application if earlier than expiry of that 12 month period).
- 5.3.2 The authorisation request [APL-001] sought access until 15 September 2018 (approximately 8 months from the date of the authorisation request) and acknowledged that this would exceed the DCO application date. The Applicant indicated that the assessment would be more robust and the mitigation would be more specific if authorisation was allowed for this duration.
- 5.3.3 The Inspectorate wrote to the Applicant on 15 and 16 August 2018 requesting confirmation of their revised duration of the s53 authorisation. The Applicant confirmed that it would require authorisation until the 19 October 2019 in order to allow a full survey season.
- 5.3.4 The statement made by the Applicant is unsupported and inconsistent with Schedule 4 of the authorisation request which indicates early September to be the latest date required for access. The Inspectorate therefore considers that the authorisation should be allowed for a period of 12 months in line with AN5.

5.4 Conditions of access

Conditions proposed by the Applicant and Landowner

- 5.4.1 In its authorisation request, the Applicant proposed a number of draft conditions that could be attached to an authorisation (APL-001). The Inspectorate requested comments from the persons with interest on the draft conditions should the Secretary of State be minded to grant authorisation [PIN-013].
- 5.4.2 The Landowner proposed that the following conditions should be attached to an authorisation [LDO-002]:
- Condition preventing access until a bond, escrow account or other form of security has been put in place to cover 3rd party security costs;
 - Condition preventing access until a bond, escrow account or other form of security has been put in place to fund SHP's time and costs associated with dealing with access, including security, invoicing, accounting and other administrative costs;
 - Restrict duration of any one notice of entry to a 'reasonable period'; and
 - Include a requirement for authorised persons accessing the site to provide confirmation of the authorised surveys they are undertaking on site.
- 5.4.3 **Condition preventing access until a bond, escrow account or other form of security is in place (security)** – Condition 10 of the draft Authorisation requires the Applicant to reimburse the Landowner for reasonable additional security costs (including administrative costs) eg if security is already in place on site, the provision would cover any increased requirement over and above the existing security provision that results from the Authorised Surveys but the Applicant would not be expected to cover the costs of existing security.
- 5.4.4 **Condition preventing access until a bond, escrow account or other form of security is in place (administrative and other costs)** – The Applicant suggests that the costs requested are approximately [REDACTED] and any additional costs relating to the s172/s174 HPA2016 process. The Inspectorate does not consider that s172/s174 HPA2016 are relevant to the consideration of the s53 authorisation requests. Furthermore, the Inspectorate does not consider that such a general condition is reasonable, since any additional costs relating to the provision of security are addressed by Condition 10 of the draft Authorisation.
- 5.4.5 **Restrict duration of notice** – Condition 2 of the draft Authorisation restricts entry to working days/working hours subject to alternative hours for bats, reptiles or birds. Condition 11 of the draft Authorisation requires the Applicant to provide details of dates, times

and time periods for which access is required. Therefore the Inspectorate considers that a further restriction on the duration of a notice is unnecessary. However, the Applicant is expected to act reasonably in supplying the necessary information outlined in Condition 11 and this should be sufficiently specific to allow the Landowner to manage access.

5.4.6 **Confirmation of authorised surveys** – Condition 13 of the draft Authorisation has been amended to include "*(j) where requested, produce evidence of the identity of the surveyor and of the authorised survey that is being conducted*".

5.4.7 The Inspectorate issued the revised conditions for comment. The Applicant suggested minor amendments such as address details, and minor typographical errors, which have been incorporated into the final set of conditions. In addition, the Applicant proposed amendment of draft Condition 11 to reflect the consideration of 'reasonable' administrative costs 'directly' associated with allowing access and draft Condition 13 regarding notice periods. The Applicant stated that a 14 day notice period was too onerous given the weather dependent nature of the surveys that might require sudden changes in plans/personnel. The Inspectorate considers that it is appropriate to provide reasonable notice of surveys to the Landowner and has therefore retained this condition as previously worded.

5.4.8 In its letter dated 29 August 2018 [LDO-022] the Landowner made further comments/proposed amendments:

- A preference to comment on the authorisation period – in line with AN5, the recommended Authorisation would expire 12 months after the date of authorisation, therefore no further exchange of correspondence is considered necessary in this respect;
- Confirmation of the surveys sought to the extent that they differ from the s53 application – the recommended Authorisation is only in respect of the surveys sought in the original s53 application, therefore further confirmation is not required;
- Operation Stack definition reference to Licensor rather than Landowner – the definition is amended to Landowner;
- Inclusion of a statement making the Authorisation non-transferable – the recommended Authorisation is specific to the Applicant, therefore the inclusion of such a statement is not considered to be necessary;
- Inclusion of a statement procuring that '*no other Authorised Person shall enter the land otherwise in accordance with the terms of this Authorisation*'. Since Condition 3 restricts access except for the authorised surveys, the additional wording is considered to be surplus to requirements;
- Amendment of Condition 11 to reduce risk of non-payments and to cover reasonable administrative costs (in the opinion of the

Landowner). The Inspectorate considers that the wording of the condition makes provision for the payment of reasonable costs and does not consider that further amendment is necessary in relation to financial provisions;

- Amendment of Condition 12 regarding evidence of authority to survey and confirmation of authorisation by the Applicant - The Inspectorate considers that this is addressed by s53(4) of the PA2008 and by the notice provisions in Condition 12 and therefore does not require additional provision;
- A restriction on the duration of a notice – s53 of the PA2008 does not restrict the duration of notices and the Inspectorate considers that restricting the duration of a notice could interfere with the ability of the Applicant to carry out the Authorised Surveys. Consequently, the Inspectorate does not consider that such an amendment would be reasonable;
- Amendment of Condition 14 to include the Applicant. The definition of Authorised Person includes the Applicant, therefore no amendment is considered necessary;
- Amendment of Condition 14(i) deleting the word 'existing' – the word is deleted in order to avoid restrictions on future usage of the site by the Landowner;
- Incorrect paragraph referencing – amended paragraph numbering;
- Condition 17(b) typographic error – amended;
- Amendment of Condition 18 to restrict access in the event that '*the Landowner notifies the Applicant that the site is about to be used for any matters that relate to Operation Stack*'. This provision is considered to be too general and might serve to restrict survey access unnecessarily. Revised wording of this condition has been provided for clarity.

Conditions proposed by the Inspectorate

- 5.4.9 If the Secretary of State is minded to authorise entry, the Inspectorate recommends that the authorisation is subject to the conditions set out in the schedule of conditions attached to the draft authorisation notice.
- 5.4.10 These conditions have been prepared having regard to both the comments from the Applicant and the Landowner and their agents, to ensure that the legitimate interests of the Landowner are protected.

5.5 Human Rights Act 1998

- 5.5.1 Article 1 of the First Protocol of the European Convention gives a right to protection of property. Any interference with this right should be lawful and proportionate so that the right of individuals to peaceful enjoyment of their property should be balanced against the public

interest of facilitating applications for development consent under the Act.

- 5.5.2 If the Secretary of State is minded to grant authorisation for this s53 application, it is considered that granting an authorisation which is in accordance with the provisions of s53 (which includes a right to compensation for any damages caused to any land or chattels) and which is granted subject to specific conditions tailored to the circumstances of this request, would be justified and proportionate in the wider public interest.

5.6 The Habitats Regulations

- 5.6.1 Under Regulation 9 of the Conservation of Habitats and Species Regulations 2010 (as amended) ('the Habitats Regulations'), the Secretary of State is required to have regard to the requirements of the Habitats Directive⁶ so far as they may be affected by the exercise of the Secretary of State's functions. There is a system of strict protection under the Habitats Regulations, which transposes the Directive, for certain species known as European Protected Species.
- 5.6.2 Any authorisation which may be granted by the Secretary of State under s53 does not extend to authorising entry onto land for any activity which may lead to the committing of an offence under Regulation 41 of the Habitats Regulations.
- 5.6.3 The Secretary of State should note that if he is minded to grant authorisation, draft condition 8a) provided in Annex 1 to Appendix 4 of this Recommendation Report specifies that entry is only authorised if the activities undertaken in connection with such entry will not constitute an offence in themselves and subject to all necessary consents, if any, in relation to the carrying out of the surveys having first been obtained.

⁶ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (as codified) (the 'Habitats Directive')

6. THE INSPECTORATE'S RECOMMENDATION

- 6.0.1 The Inspectorate recommends that the Applicant is granted authorisation to enter the Land for the purpose of surveying and to facilitate compliance with the relevant directives. The Inspectorate recommends that the authorisation given to the Applicant is in the format of the recommended Authorisation.
- 6.0.2 The Inspectorate recommends that the authorisation is granted for a duration of 12 months following the date of authorisation.

7. ADDITIONAL MATTERS

7.1 Payment of the correct fee

- 7.1.1 The correct fee of £1,500 has been paid by the Applicant (transferred by BACS) and received by the Inspectorate on 29 January 2018.

7.2 Outstanding information sought from the applicant

- 7.2.1 The Inspectorate requested details of voluntary access agreements with occupiers. The Applicant acknowledges that it will need to seek occupier approval when accessing occupier land but states that as this land is excluded from the s53, the information requested is not required at this stage [APL-010]. The Inspectorate considers that it would be preferable to have plans outlining all excluded interests in green but that the wording of the authorisation notice, which excludes entry onto the occupier land is sufficient to address this matter in respect of the Proposed Development.
- 7.2.2 There is no other information which the Inspectorate has requested from the Applicant which is considered to be outstanding at the time of issuing this recommendation report.

APPENDIX 1: SCHEDULE OF CORRESPONDENCE

SECTION 53: SCHEDULE OF CORRESPONDENCE

Proposed Development	Manston Airport
Development Reference	TR020003
Applicant	RiverOak Strategic Partners Ltd
Applicant's Agent	Bircham Dyson Bell
Landowner	Stone Hill Park Limited
Landowners' Agent	Pinsent Masons
Occupiers	South Eastern Power Networks Plc
	Secretary of State for Defence
	South Eastern Power Networks Plc
	Avman Engineering Ltd, Hangar 1, Kent International Airport, Manston, CT12 5BL
	Polar Helicopters Ltd, Hanger 10, Kent International Airport, Spitfire Way, Manston, CT12 5FF
	Taft International Transport Limited, Weatherfield Lodge, Each End, Ash, Canterbury, CT3 2BZ
	Powermain Ltd, Unit 4, Spitfire Way, Manston, CT12 5BU
	Hunglish Limited, Building 521, Spitfire Way, Manston Airport, CT12 5FF
	A-Line Oceana Limited, 3 High Street, St Lawrence, Ramsgate, Kent, CT11 0QL



	Instro Precision Limited, Hornet Close, Pysons Road Industrial Estate, Broadstairs, Kent, CT10 2YD
	The Trustees of the RAF Manston History Museum, RAF Manston History Museum, Manston Road, Ramsgate, CT12 5DF
	The Trustees of the RAF Manston Spitfire & Hurricane Memorial Museum, Manston Road, Ramsgate, CT12 5DF
	C.J. Montgomery Limited Hoo Farmhouse, Minster, Kent
	Southern Water Services Limited, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX
	Southern Gas Networks PLC, St Lawrence House, Station Approach, Horley, Surrey, RH6 9HJ
	McNicholas Construction (Holdings) Limited, Tempsford Hall, Sandy, Bedfordshire, SG19 2BD
	The Met Office, Fitzroy Road, Exeter, EX1 3PB

NB the definitions used in this Schedule are for interpretation of this Schedule only, not the Authorisation

Abbreviations / Document Prefixes used in this Schedule:

- APL-xxx** Submission by Applicant (RiverOak Strategic Partners (RSP)) or their Agent (BDB)
- PIN-xxx** Correspondence produced by the Planning Inspectorate
- LDO-xxx** Submission by Landowner (Stone Hill Park Limited (SHP)) or their Agent (Pinsent Masons)

ID	DATE	FROM	TO	SUMMARY DESCRIPTION OF DOCUMENT AND CONTENTS	HORIZON LINK	Redacted Y/N
Applicant correspondence						
APL-001	30/01/2018	BDB	PIN	Application Letter		N
APL-001	30/01/2018	BDB	PIN	Schedule 1: s53 completed check list		N
APL-001	30/01/2018	BDB	PIN	Schedule 2: Plan A (key plan)		N
APL-001	30/01/2018	BDB	PIN	Schedule 2: Plan A (0121)		N
APL-001	30/01/2018	BDB	PIN	Schedule 2: Plan A (0122)		N
APL-001	30/01/2018	BDB	PIN	Schedule 2: Plan A (0123)		N
APL-001	30/01/2018	BDB	PIN	Schedule 2: Plan A (0124)		N
APL-001	30/01/2018	BDB	PIN	Schedule 3: Title register - K803975		N

APL-001	30/01/2018	BDB	PIN	Schedule 3: Title plan - K803975		N
APL-001	30/01/2018	BDB	PIN	Schedule 3: Title register - K837264		N
APL-001	30/01/2018	BDB	PIN	Schedule 3: Title plan - K837264		N
APL-001	30/01/2018	BDB	PIN	Schedule 3: Title register - K891199		N
APL-001	30/01/2018	BDB	PIN	Schedule 3: Title Plan - K891199		N
APL-001	30/01/2018	BDB	PIN	Schedule 3: Title register - K806190		N
APL-001	30/01/2018	BDB	PIN	Schedule 3: Title plan - K806190		N
APL-001	30/01/2018	BDB	PIN	Schedule 3: Title register - K873633		N
APL-001	30/01/2018	BDB	PIN	Schedule 3: Title Plan - K873633		N
APL-001	30/01/2018	BDB	PIN	Schedule 3: Title register - K873634		N

APL-001	30/01/2018	BDB	PIN	Schedule 3: Title Plan - K873634		N
APL-001	30/01/2018	BDB	PIN	Schedule 4: detailing proposed surveys		N
APL-001	30/01/2018	BDB	PIN	Schedule 5: Proposed conditions		N
APL-001	30/01/2018	BDB	PIN	Schedule 6: Evidence of reasonable efforts to obtain access to land: 10/02/2016 – 01/07/2016		N
APL-001	30/01/2018	BDB	PIN	Schedule 7: Evidence of reasonable efforts to obtain access to land: 02/07/2016 – 02/04/2017		N
APL-001	30/01/2018	BDB	PIN	Schedule 8: Evidence of reasonable efforts to obtain access to land: 04/10/2017 – 22/12/2017		N
APL-001	30/01/2018	BDB	PIN	Schedule 9: Copy of letter sent to landown (SHPL) dated 22/12/2017		N
APL-001	30/01/2018	BDB	PIN	Schedule 10: Consent of Defence Infrastructure Organisation		N
APL-002	08/03/2018	BDB	PIN	Reply to request for further information		N

APL-002	08/03/2018	BDB	PIN	Schedule 1: Plan A (key plan)		N
APL-002	08/03/2018	BDB	PIN	Schedule 1: Plan A (0121)		N
APL-002	08/03/2018	BDB	PIN	Schedule 1: Plan A (0122)		N
APL-002	08/03/2018	BDB	PIN	Schedule 1: Plan A (0123)		N
APL-002	08/03/2018	BDB	PIN	Schedule 1: Plan A (0124)		N
APL-002	08/03/2018	BDB	PIN	Schedule 3: Title TT30211 Register		N
APL-002	08/03/2018	BDB	PIN	Schedule 3: Title TT30211 Plan		N
APL-002	08/03/2018	BDB	PIN	Manston Airport Development Consent Order NSIP Justification		N
APL-003	09/03/2018	BDB	PIN	Schedule 2: Crown Land – Email exchange with Ministry of Defence		N

APL-004	03/04/2018	BDB	PIN	Reply to request for further information		N
APL-004	03/04/2018	BDB	PIN	Schedule 1: Correspondence relating to plots 5 and 6 – Copy Access Licence dated 3 August 2017		N
APL-004	03/04/2018	BDB	PIN	Schedule 1: Correspondence relating to plots 5 and 6 – Email from Bircham Dyson Bell to Pinsent Masons dated 5 October 2017		N
APL-004	03/04/2018	BDB	PIN	Schedule 1: Correspondence relating to plots 5 and 6 – Email from Bircham Dyson Bell to Pinsent Masons dated 8 December 2017		N
APL-004	03/04/2018	BDB	PIN	Schedule 1: Correspondence relating to plots 5 and 6 – Email from Bircham Dyson Bell to Pinsent Masons dated 01 December 2017		N
APL-004	03/04/2018	BDB	PIN	Schedule 1: Correspondence relating to plots 5 and 6 – Email from Bircham Dyson Bell to Pinsent Masons dated 12 December 2017		N
APL-004	03/04/2018	BDB	PIN	Schedule 1: Correspondence relating to plots 5 and 6 – Email from Bircham Dyson Bell to Pinsent Masons dated 14 December 2017		N
APL-004	03/04/2018	BDB	PIN	Schedule 2: Bona Vacantia Land – Email exchange between Bircham Dyson Bell and Government Legal Department		N

APL-004	03/04/2018	BDB	PIN	Schedule 2: Bona Vacantia Land – Bona Vacantia Land Plan		N
APL-004	03/04/2018	BDB	PIN	Schedule 3: Negotiations for voluntary access – Letter from Bircham Dyson Bell to Pinsent Masons dated 23 February 2018		N
APL-004	03/04/2018	BDB	PIN	Schedule 3: Negotiations for voluntary access – Letter from Bircham Dyson Bell to Pinsent Masons dated 28 February 2018		N
APL-004	03/04/2018	BDB	PIN	Schedule 3: Negotiations for voluntary access – Letter from Pinsent Masons to Bircham Dyson Bell dated 1 March 2018		N
APL-004	03/04/2018	BDB	PIN	Schedule 3: Negotiations for voluntary access – Letter from Bircham Dyson Bell to Pinsent Masons dated 5 March 2018		N
APL-004	03/04/2018	BDB	PIN	Schedule 3: Negotiations for voluntary access – Letter from SHP to ROSP dated 12 March 2018		N
APL-004	03/04/2018	BDB	PIN	Schedule 3: Negotiations for voluntary access – Letter from Bircham Dyson Bell to SHP dated 14 March 2018		N
APL-004	03/04/2018	BDB	PIN	Schedule 3: Negotiations for voluntary access – Letter from SHP to Bircham Dyson Bell dated 28 March 2018		N
APL-004	03/04/2018	BDB	PIN	Schedule 3: Negotiations for voluntary access – Letter from Bircham Dyson Bell to SHP dated 29 March 2018		N

APL-005	05/04/2018	BDB	PIN	Reply to request for further information		N
APL-005	05/04/2018	BDB	PIN	Schedule 1: Letter from the Ministry of Defence to Bircham Dyson Bell dated 5 April 2018		N
APL-005	05/04/2018	BDB	PIN	Schedule 2: Plan A (key plan)		N
APL-005	05/04/2018	BDB	PIN	Schedule 2: Plan A (0121)		N
APL-005	05/04/2018	BDB	PIN	Schedule 2: Plan A (0122)		N
APL-005	05/04/2018	BDB	PIN	Schedule 2: Plan A (0123)		N
APL-005	05/04/2018	BDB	PIN	Schedule 2: Plan A (0124)		N

APL-006	31/05/2018	BDB	PIN	<p>Response to the Inspectorate's information request dated 17 May 2018 enclosing</p> <ul style="list-style-type: none"> • Schedule 1: Correspondence with occupiers • Schedule 2: Plan A • Schedule 3: Ministry of Defence correspondence • Schedule 4: Correspondence with Government Legal Service • Schedule 5: Correspondence with SHPL 	<div></div> <p>Schedule 2 (Plan A) missing – sharepoint access!</p>	Y
APL-007	20/06/2018	BDB	PIN	<p>Email from BDB enclosing correspondence between Landowner and RSP regarding voluntary access negotiations, enclosing:</p> <p>SHP letter dated 15.6.18 – letter from BDB to Landowner stating that it would be prepared to enter into a voluntary agreement under the previous terms of the licence and rebutting additional provisions proposed by Landowner;</p> <p>2018.06.18 Letter to BDB – Letter from Landowner to BDB dated 18 June 2018 noting an increase in the extent of survey access requested and challenging RSPs position regarding terms and reimbursements;</p> <p>PDF letter SHP-20.6.18 – Letter from BDB to the Landowner reiterating its position that it will re-enter a voluntary agreement with the Landowner based on the same terms as the 2017 agreement.</p>	<div></div>	Y

APL-008	21/06/2018	BDB	PIN	Email from BDB containing letter from BDB to the Landowner dated 21 June 2018. The letter agrees to pay certain legal and security costs in respect of access, whilst refusing to pay costs in relation to s172 and s174 and responses to other terms.		Y
APL-009	17/07/2018	BDB	PIN	Email from BDB enclosing a letter response to Pinsent Masons correspondence dated 16 July 2018.		N
APL-010	31/08/2018	BDB	PIN	Email from BDB enclosing a letter dated 30 August 2018 to the Inspectorate's correspondence dated 15 and 16 August 2018 and including a plan of Bona Vacantia Land		Y
Planning Inspectorate correspondence						
PIN-001	02/02/2018	PIN	BDB	Acknowledgement and fee letter to applicant		N
PIN-002	02/02/2018	PIN	SHP	Acknowledgement letter to affected landowner		N
PIN-003	05/02/2018	PIN	BDB	Request for further information from the applicant		N
PIN-004	07/02/2018	PIN	SHP	Confirmation of extension of time to 21 February 2018 for landowner response to authorisation request		N
PIN-005	20/02/2018	PIN	BDB	Request for further information from the applicant		N

PIN-006	16/03/2018	PIN	BDB	Request for further information from the applicant		N
PIN-007	29/03/2018	PIN	BDB	Email forwarding BDB correspondence of 29 March 2018 (LDO-006)		Y
PIN-008	20/04/2018	PIN	SHP	Email responding to SHP email dated 13 April 2018 (LDO-013)		N
PIN-009	17/05/2018	PIN	BDB	Request for further information from the applicant		N
PIN-010	30/07/2018	PIN	SHP	Email requesting a response to BDB's letter dated 31 May 2018 (APL-006)		N
PIN-011	30/07/2018	PIN	SHP	Email correcting submission date for landowner response to letter		N
PIN-012	15/08/2018	PIN	SHP	Request for further information from the landowner		N
PIN-013	15/08/2018	PIN	BDB	Request for further information from the applicant		N
PIN-014	16/08/2018	PIN	SHP	Email and letter enclosing revised draft conditions for comment		N

PIN-015	16/08/2018	PIN	BDB	Email and letter enclosing revised draft conditions for comment		N
Landowner correspondence						
LDO-001	07/02/2018	SHP	PIN	Reply to request for comments on the application from the landowner and request for extension of time to original request for comment on the s53 authorisation request		N
LDO-002	16/02/2018	Pinsent Masons	PIN	Information on s172 and 174 Housing and Planning Act 2016 process		N
LDO-003	20/02/2018	SHP	PIN	Reply to request for comments on the application from the landowner		Y
LDO-004	26/02/2018	SHP	PIN	Email in two parts containing information on s172 and 174 Housing and Planning Act 2016 process		Y
LDO-005	12/03/2018	SHP	PIN	Information on s172 and 174 Housing and Planning Act 2016 process and comments on applicant's letter dated 5 March 2018		Y
LDO-006	29/03/2018	SHP	PIN	Reply to landowner's NSIP justification document		Y

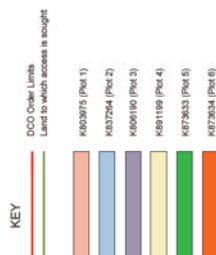
LDO-007	29/03/2018	SHP	PIN	Email to PINS requesting that information submitted in LDO-006 would be considered in both the acceptance process and for the purposes of s53		N
LDO-008	04/04/2018	SHP	APL	Email to BDB regarding access to documents held on their sharepoint system		N
LDO-009	06/04/2018	SHP	PIN	Email to PINS regarding the NSIP justification document		N
LDO-010	10/04/2018	Pinsent Masons	PIN	Email enclosing comment on the DCO application and NSIP justification		Y
LDO-011	10/04/2018	Pinsent Masons	PIN	Email enclosing attachments from LDO-010 in an accessible format		?
LDO-012	12/04/2018	SHP	PIN	Information on s172 and 174 HPA2016 process and voluntary licence negotiation		Y
LDO-013	13/04/2018	SHP	PIN	Email regarding publication of NSIP application documents and noting the delay to its own proposals for the site.		N
LDO-014	10/05/2018	SHP	PIN	Email regarding voluntary licence negotiations and requesting a meeting with the Inspectorate		Y

LDO-015	30/05/2018	SHP	PIN	Landowner response to Inspectorate's request for information from the Applicant dated 17 May 2018		N
LDO-016	12/06/2018	SHP	PIN	Landowner response to BDBs response to the Inspectorate's request for information from the Applicant dated 17 May 2018		Y
LDO-017	20/06/2018	SHP	PIN	Email enclosing letter regarding voluntary licence negotiations		Y
LDO-018	25/06/2018	SHP	PIN	Email enclosing letter to BDB regarding voluntary licence negotiations		Y
LDO-019	16/07/2018	Pinsent Masons	PIN	Email enclosing document responding to s51 advice issued to Applicant and notes of meetings between the Applicant and PINS.		Y
LDO-020	18/07/2018	Pinsent Masons	PIN	Email containing York Aviation Note challenging whether Manston Airport is an NSIP		N
LDO-021	27/07/2018	SHP	PIN	Email containing correspondence to BDB regarding voluntary negotiations		Y
LDO-022	30/08/2018	SHP	PIN	Email from SHP enclosing a letter dated 29 August 2018 responding to the Inspectorate's letter dated 16 August 2018 (the letter refers to the Inspectorate's letter of 15 August).		Y

APPENDIX 2: PLAN IDENTIFYING THE LAND

The plan comprises:

Sheet	Drawing Number
Section 53 Key Plan (Sheet 1 of 5)	NK018417-RPS-MSE-X-DR-C-0125
Section 53 Access Plan (Sheet 2 of 5)	NK018417-RPS-MSE-X-DR-C-0121
Section 53 Access Plan (Sheet 3 of 5)	NK018417-RPS-MSE-X-DR-C-0122
Section 53 Access Plan (Sheet 4 of 5)	NK018417-RPS-MSE-X-DR-C-0123
Section 53 Access Plan (Sheet 5 of 5)	NK018417-RPS-MSE-X-DR-C-0124



Case	Decision	Case	Decision
12	Revised to add DOE comments	TC	CJ 31.05.15
13	Significant new evidence	TC	CJ 30.04.15
14	Plot 7 removed and new adjacent area added	TC	CJ 30.04.15
15	Significant new evidence	TC	CJ 30.04.15
16	Significant new evidence to summary increased to 12m	TC	CJ 30.04.15
17	Revised to add DOE comments	TC	CJ 30.04.15
18	Revised to add DOE comments	TC	CJ 30.04.15
19	Land owned boundary revised	TC	CJ 30.04.15
20	Boundary amended	TC	CJ 30.04.15
21	Revised to add DOE comments	TC	CJ 30.04.15
22	Hedges amended. Note to be removed	JM	CJ 21.11.15
23	Subplotting area and junior property added. Hedges and red line boundary adjusted. May updated.	JM	CJ 11.11.15
24	First time	DOF	CJ 11.11.15



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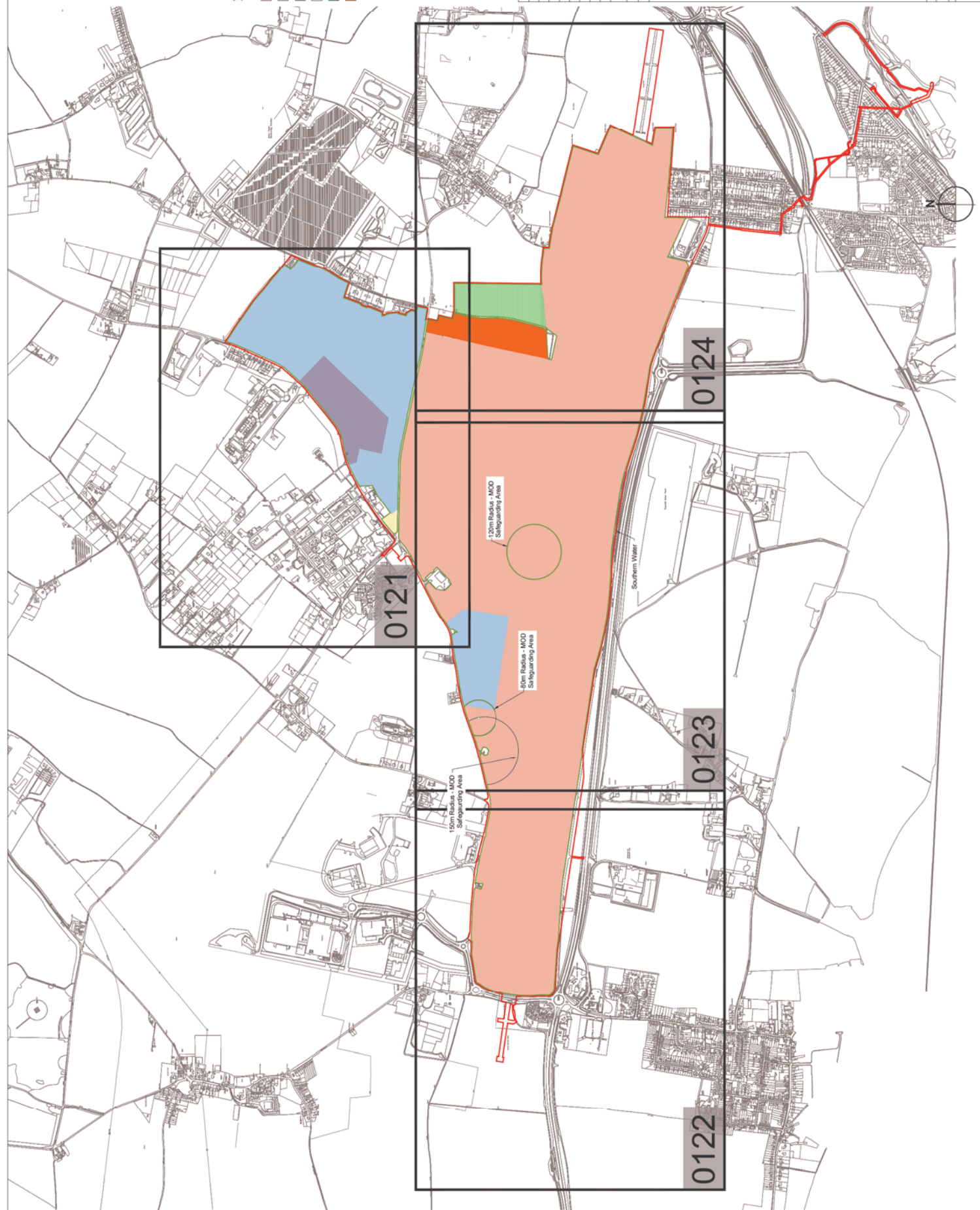
Project Manston Airport Masterplan

Title Section 53 Key Plan -
Sheet 1 of 5

Status	Scale	Date Created
Preliminary	1:7500 @ A1	11.11.16
Project Leader	Drawn By	Checked by

Chemical Substrate	Reaction		Activity
NK018417 - RPS-MSE-X-DR-C-0125	P12	S0	

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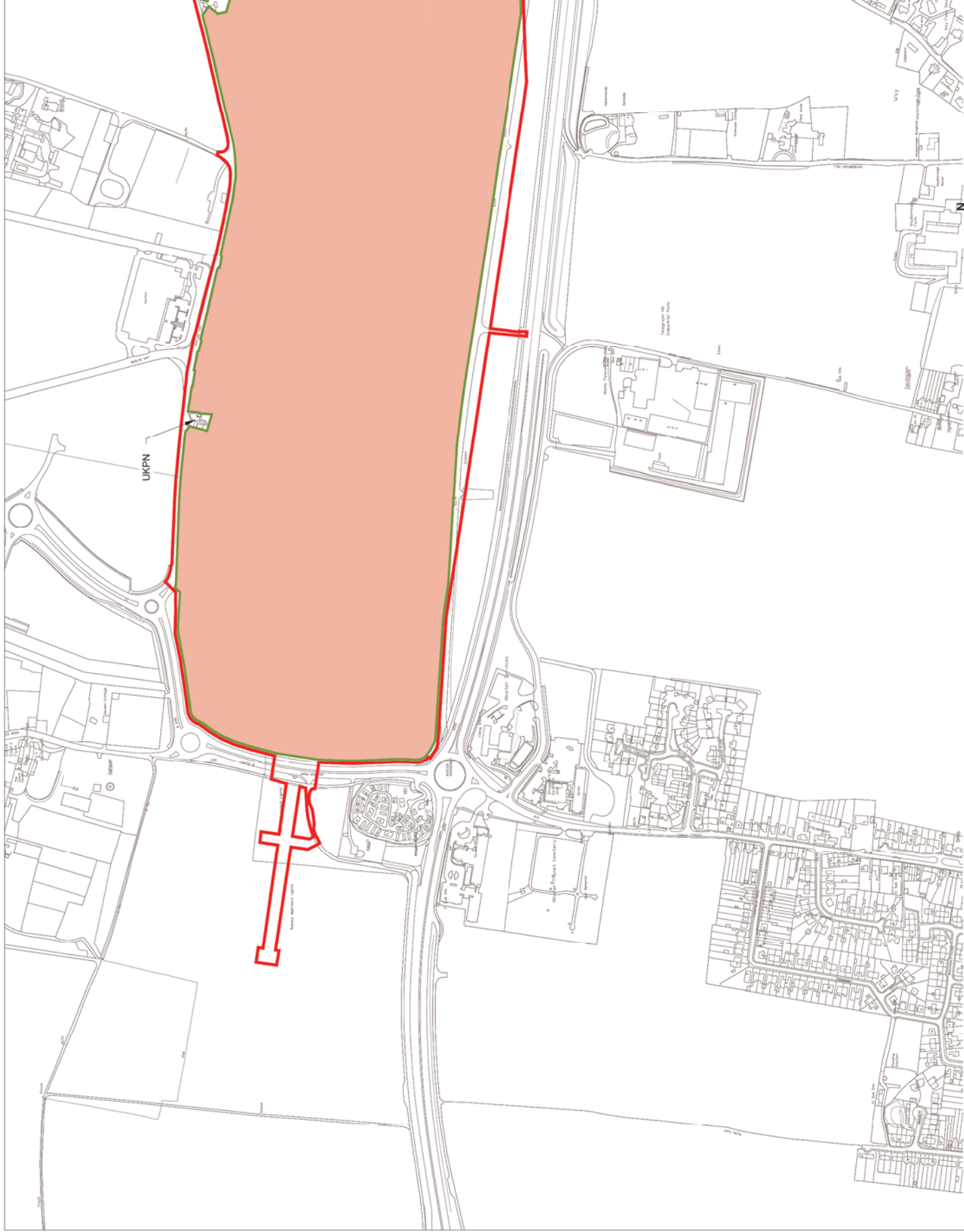
Key Plan



KEY

DCO Order Limits
Land to which access is sought

- K000075 (P04 1)
- K037264 (P04 2)
- K000180 (P04 3)
- K001189 (P04 4)
- K073033 (P04 5)
- K073034 (P04 6)



P00	Revised to include comments	T01	CJ	11.05.18
P07	P04 7 revision	T02	CJ	04.04.18
P08	Revised to include comments	T03	CJ	29.03.18
P09	Land access boundary revised	T04	CJ	09.03.18
P10	Boundary revised	T05	CJ	07.03.18
P11	Revised to include comments	T06	CJ	24.01.18
P12	Final boundary adjusted. Key updated	T07	CJ	11.11.18
P13	Final issue	T08	CJ	11.11.18
Rev	Description	By	Chk	Date



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Project Manston Airport Masterplan

Title Section 53 Access Plan -
Sheet 3 of 5

Status
Preliminary
GDD
Scale
1:2500 @ A1
Drawn By
DGP
Date Created
11.11.18
Checked By
CJ

Project Number	10018417-RPS-ME&A-DRC-0132	Sheet	P04	50
Project Name	Manston Airport Masterplan	Project Manager		

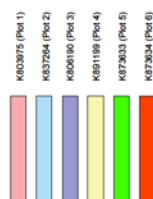
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Key Plan



KEY

Land to which access is sought



File	Description	Rev	Rev Date
P12	Blue shading provided	TC	CJ 3/26/18
P11	Green boundary around Southern Gas area	AMH	CJ 3/26/18
P10	Green boundary around Southern Gas area	TC	CJ 3/26/18
P9	Shading around area	TC	CJ 3/26/18
P8	Play 7 removed and new subgraph area added	TC	CJ 3/26/18
P7	Subgraph area adjacent to County increased to 120m	TC	CJ 3/26/18
P6	Revised to match comments	TC	CJ 3/26/18
P5	Revised to match comments	TC	CJ 3/26/18
P4	Land areas boundary revised	TC	CJ 3/26/18
P3	Boundary revised	TC	CJ 3/26/18
P2	Revised to match comments	TC	CJ 3/26/18
P1	Initial version	AMH	CJ 2/11/18
P0	Initial version and red boundary adjusted. Key created	TC	CJ 11/11/17
P00	First time	DPH	CJ 11/11/17



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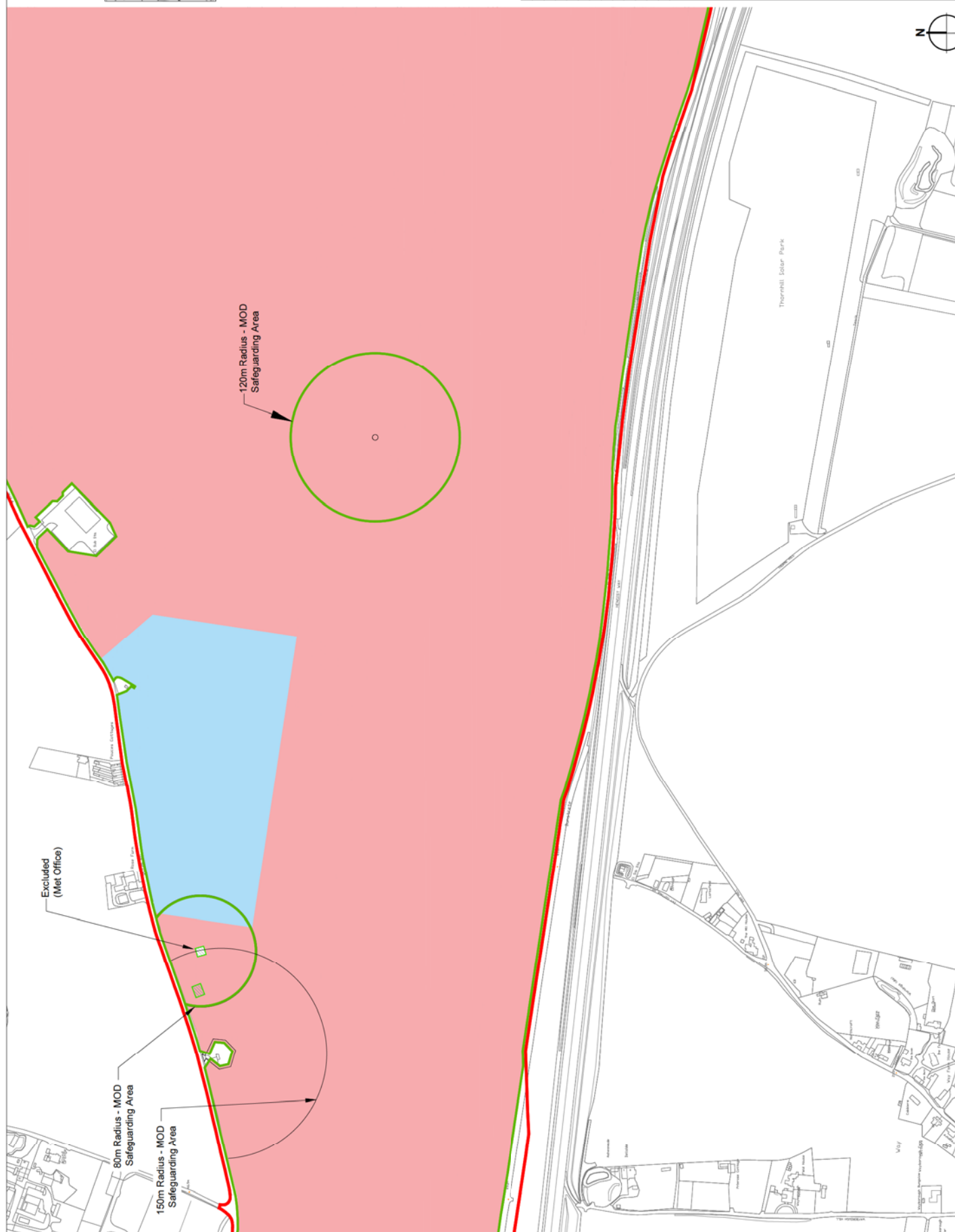
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Project Manston Airport Masterplan

Title Section 53 Access Plan -
Sheet 4 of 5

Status	Scale	Date Created
Preliminary	1:2500 @ A1	11.11.16
Project Leader	Drawn By	Checked by

Document Number	Revision		Subcategory
NK018417-RPS-MSE-X-DR-C-0123	P12	S0	
Project Number	Registration Date	Registration Date	Registration Date



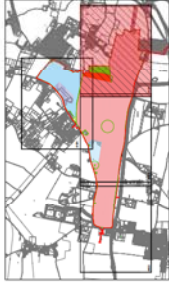
0002-1-2800

0002-1-2800

Notes

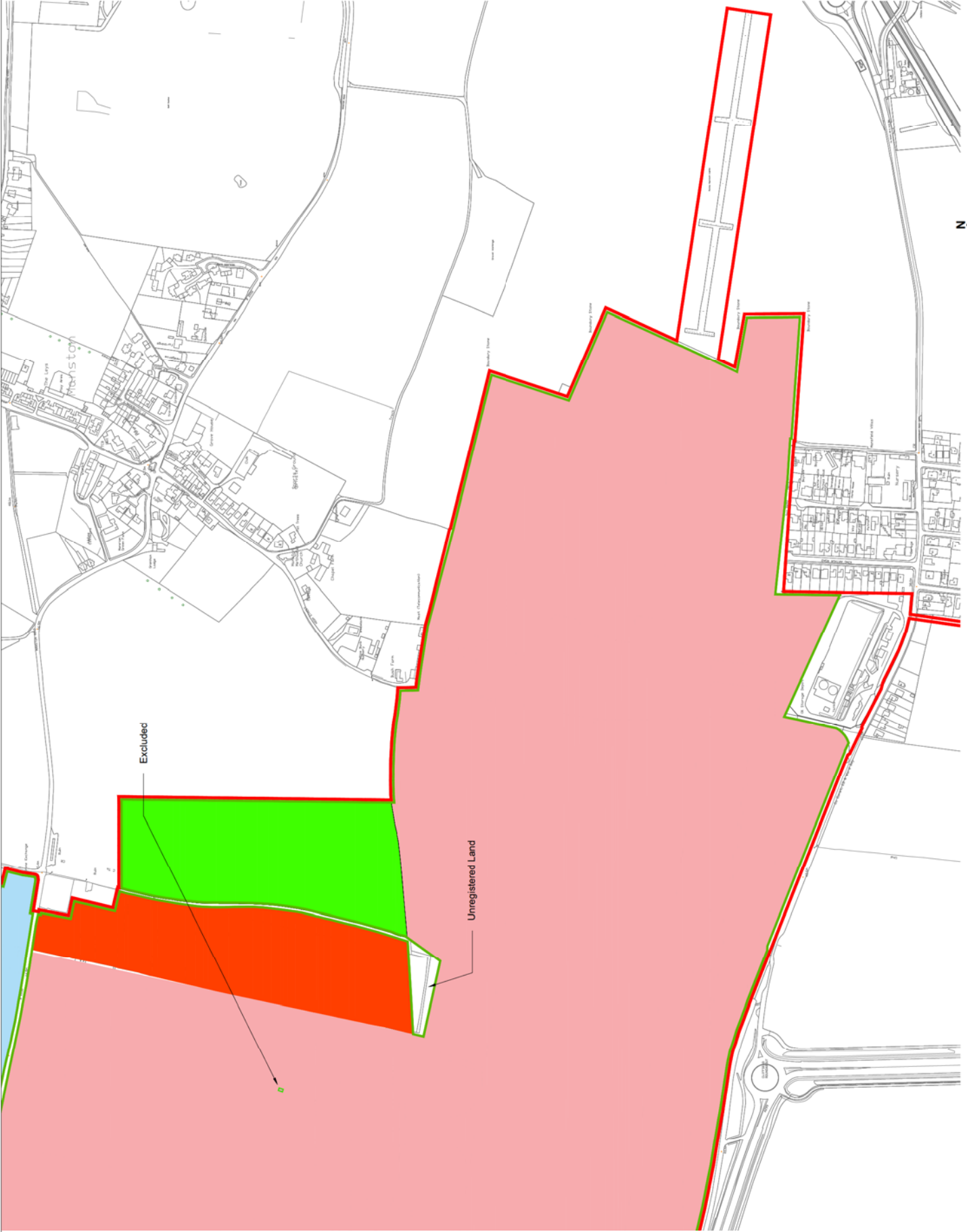
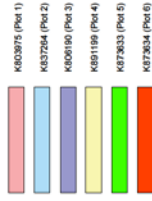
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Key Plan



KEY

DOO Order Limits
Land to which access is sought



Excluded

Unregistered Land

Rev	Description	By	Date
P00	Revised to include comments	TJC	11.05.18
P01	Plot 7 removed	TJC	16.04.18
P02	Revised to include comments	TJC	26.03.18
P03	Land access boundary revised	TJC	26.03.18
P04	Boundary revised	TJC	26.03.18
P05	Revised to include comments	TJC	26.03.18
P06	Notes to be incorporated	JAH	27.11.18
P07	Headline and end line boundary adjusted. Key updated.	JAH	18.11.18
P08	Final Issue	DOO	11.11.18



Registered Office: 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Client



Project

Title

Status
Preliminary
Project Leader
GDO

Scale
1:2500 @ A1

Date Created
11.11.18

Drawn By
CJ

Checked By
CJ

Project Name
MANSTON AIRPORT MASTERPLAN

Project Number
P001

Project Date
11.11.18

Project Status
P001

Project Location
MANSTON AIRPORT

Project Contact
rps@rps.com

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01885 608 100

Project Fax
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Project Address
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



SCALE 1:200