



RiverOak Strategic Partners

3.1 Statement of Reasons

TR020002/APP/3.1

A faint, dark purple illustration of the tail section of an aircraft, showing the horizontal stabilizer and vertical fin, is positioned in the background of the lower half of the page.

Project Name: Manston Airport Development Consent Order
Regulation: Regulation 5(2)(h) of the Infrastructure Planning
(Applications: Prescribed Forms and Procedure)
Regulations 2009, as amended
Date: July 2018

Manston Airport Development Consent Order

Statement of Reasons

July 2018

Application draft

Scheme Name Manston Airport DCO
Promoter's Name RiverOak Strategic Partners Ltd
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Document Number TR020002/APP/3.1
2009 Regulations 5(2)(h)

1 INTRODUCTION

- 1.1 This Statement of Reasons has been prepared on behalf of RiverOak Strategic Partners Ltd ('RiverOak'). It relates to the application for a development consent order ('DCO') by RiverOak to the Planning Inspectorate ('PINS') under the Planning Act 2008 ('the PA 2008') for their proposal for powers to acquire, construct, operate and maintain an international air freight hub on the former site of Manston Airport in the South East of England.
- 1.2 RiverOak are proposing to reopen Manston Airport as an international air freight hub ('the Proposed Development'). The history of the site is briefly described in section 6 of this Statement and more detailed description can be found in the Planning Statement (**Document TR020002/APP/7.2**) which accompanies this application.
- 1.3 The Proposed Development would include both the use of the existing airport infrastructure and the introduction of new facilities and in summary, would include:
- 1.3.1 an area for cargo freight operations, including 19 cargo stands; and
 - 1.3.2 facilities for other airport-related development, including:
 - (a) a passenger terminal and associated facilities;
 - (b) an aircraft teardown and recycling facility;
 - (c) a flight training school;
 - (d) a base for at least one passenger carrier;
 - (e) a fixed base operation for executive travel; and
 - (f) business facilities for aviation related organisations.
- 1.4 The Proposed Development is an airport-related nationally significant infrastructure project ('NSIP') under sections 14(1)(i), 23(4) and 23(5)(b) of the PA 2008 as the alteration of an airport, the effect of which *'is to increase by at least 10,000 per year the number of air transport movements of cargo aircraft for which the airport is capable of providing air cargo transport services'*. In summary, the Proposed Development will be capable of handling at least 10,000 air cargo movements per year, indeed it is forecast that it will be capable of handling more than 8 times the threshold in the Planning Act 2008. Further explanation of this is included in NSIP and Associated Development Justification (**Document TR020002/APP/2.3**).
- 1.5 As an NSIP, the Proposed Development requires a DCO under the PA 2008. This statement forms part of the application for a DCO that has been submitted to PINS for their consideration.
- 1.6 The following chapters contained within this Statement of Reasons provide the justification for the application, including a description of the proposal and the need for the development. The document provides further detail about the compulsory powers being sought under the DCO and the reasoning behind those powers being sought.

2 PURPOSE OF DOCUMENT

- 2.1 This Statement has been prepared in compliance with the requirements of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APR 2009) and the PA 2008, both as amended; and Guidance related to procedures for compulsory acquisition produced by the Department for Communities and Local Government as updated September 2013 (the Guidance).
- 2.2 This Statement is required because the DCO will authorise the compulsory acquisition of land and/or rights in land as described in section 8 and Appendix 1 of this document.
- 2.3 Paragraphs 31 and 32 of the Guidance acknowledge that the APR 2009 require a statement of reasons and Paragraph 32 advises that:
- “The statement of reasons should seek to justify the compulsory acquisition sought, and explain in particular why in the applicant’s opinion there is a compelling case in the public interest for it. This includes reasons for the creation of new rights”.*
- 2.4 This Statement sets out the reasons for seeking powers for the compulsory acquisition of land and/or rights in land, or for the temporary use of land. These powers are being sought to ensure that RiverOak has the requisite powers to construct, operate and maintain the Proposed Development.
- 2.5 This statement shows that there is a compelling case in the public interest for the relevant land to be subject to the powers of compulsory acquisition and certain other powers within the DCO.
- 2.6 The use of powers of compulsory acquisition in these circumstances is legitimate and proportionate, and any interference with the human rights of those with interests in the land proposed to be acquired is justified.
- 2.7 This Statement forms part of a suite of documents accompanying the application submitted in accordance with section 55 of the PA 2008 and Regulation 5 of the APR 2009 and should be read alongside those documents. In particular, RiverOak has submitted the following documents relating to the compulsory acquisition powers sought as part of the Proposed Development:
- 2.7.1 this document;
- 2.7.2 plans showing the land over which the various interests or rights over land would be acquired. The Land Plans (**Document TR020002/APP/4.2**);
- 2.7.3 a Book of Reference containing details of the interests or rights in land which may be acquired and the names and addresses of all those who may be affected by the proposed acquisition of those interests or rights. The Book of Reference (**Document TR020002/APP/3.3**);
- 2.7.4 a statement to explain how the proposals contained in the DCO will be funded. The Funding Statement (**Document TR020002/APP/3.2**); and
- 2.7.5 a report setting out a detailed explanation of the justification for the Proposed Development. (**Document TR020002/APP/7.4**).

- 2.8 The following paragraphs provide a step by step guide to enable a person with an interest in land affected by the proposals to use the DCO documentation to find out how RiverOak's proposals may affect the land in which they have an interest.
- 2.9 **Step 1:** Look at the **Land Plans (Document TR020002/APP/4.2)** and find the area (plot(s)) of land in which you have an interest.
- 2.10 **Step 2:** Note the colour of the plot and the number of the plot.
- 2.11 The **colour of the plot** will give you an initial indication of the purpose for which the land in that plot is required:
- 2.11.1 **pink plots** - compulsory acquisition of land
 - 2.11.2 **blue plots** – compulsory acquisition of new rights over land / imposition of restrictive covenants restricting use of land
 - 2.11.3 **green plots** - temporary possession and use of land
 - 2.11.4 **orange plots** – permanent acquisition of subsoil only
 - 2.11.5 **orange plots with blue hatching** – permanent acquisition of subsoil and acquisition of permanent rights over land
 - 2.11.6 Note the **plot number** – this will enable you to identify the land where it is referred to in other DCO documents – see Step 3 below.
- 2.12 **Step 3:** Use the plot number(s) to find references to the land in other DCO documents, such as
- 2.12.1 this **Book of Reference (Document TR020002/APP/3.3)** - this provides a brief description of each plot (including an approximate area measurement) and details of persons who own, lease or otherwise occupy or have an interest in the land; and
 - 2.12.2 the draft DCO (**Document TR020002/APP/2.1**).
- A condensed version of the 3-step guide, to assist with using the DCO documentation is set out at Appendix 2 of this document.
- 2.13 This Statement is structured as follows:
- 2.13.1 section 3 outlines the description of the proposal;
 - 2.13.2 section 4 outlines the need for and the benefits of the Proposed Development;
 - 2.13.3 section 5 summarises the scope of the compulsory acquisition powers and certain other powers set out in the DCO;
 - 2.13.4 section 6 is a description and location of the land over which the compulsory purchase powers are sought;
 - 2.13.5 section 7 sets diligent inquiry process/methodology

- 2.13.6 section 8 sets out the purpose for which compulsory acquisition powers are sought;
- 2.13.7 section 9 provides the justification for seeking powers of compulsory acquisition and certain other powers which are set out in the DCO;
- 2.13.8 section 10 outlines RiverOak's approach to the acquisition of land and rights by agreement;
- 2.13.9 section 11 identifies other consents which are or may be required in addition to the powers sought in the DCO;
- 2.13.10 section 12 covers special considerations and impediments;
- 2.13.11 section 13 provides justification of the interference with the Human Rights; and
- 2.13.12 Section 14 comprises summary and conclusions.

3 DESCRIPTION OF THE PROPOSED DEVELOPMENT

- 3.1 Full details of the land to be subject to compulsory acquisition powers are set out in the Land Plans (**Document TR020002/APP/4.2**) and in the Book of Reference (**Document TR020002/APP/3.3**) accompanying the application for the DCO.
- 3.2 Chapter 3 of the Environmental Statement (ES) (**Document TR020002/APP/5.2-1**) sets out full description of the Proposed Development. The Proposed Development shall consist of the following principal components:
 - 3.2.1 Runways and taxiways suitable for the take-off and landing of a broad range of cargo aircraft;
 - 3.2.2 An area for cargo freight operations able to handle at least 10,000 movements per year and associated infrastructure, including:
 - (a) A new Air Traffic Control (ATC) tower;
 - (b) A new fire station; and
 - (c) A new fuel farm.
 - 3.2.3 Facilities for other airport related development, including:
 - (a) A new passenger terminal and associated facilities;
 - (b) An aircraft teardown and recycling facility;
 - (c) A flight training school;
 - (d) A base for at least one passenger carrier;
 - (e) A fixed base operation for executive travel; and
 - (f) Business facilities for airport related organisations.

- 3.2.4 A detailed description of the Proposed Development is provided in **Chapter 3 of the ES (Document TR020002/APP/5.2-1)**.
- 3.3 The aims and purpose of the Proposed Development are to reopen and develop Manston Airport as a dedicated air freight facility, which also offers passenger, executive travel, and aircraft engineering services. The facilities for air freight and cargo operations would be able to handle a minimum of 10,000 air freight air traffic movements per year, and the airport and facilities at the airport would be compliant with European Aviation Safety Agency (EASA), or other relevant licensing organisation standards.
- 3.4 A glossary of airport and aviation related terminology is included as part of the DCO application in document (**Document TR020002/APP/1.4**).
- 3.5 A summary of the works to be undertaken as part of the Proposed Development are presented below:
- 3.5.1 upgrade of Runway 28 to allow CAT II/III operations;
 - 3.5.2 realignment of the parallel taxiway (Alpha) to provide EASA compliant clearances to runway operations;
 - 3.5.3 construction of 19 EASA compliant Code E stands for air freight aircraft;
 - 3.5.4 installation of new high mast lighting for aprons and stands;
 - 3.5.5 construction of 65,500m² of cargo facilities;
 - 3.5.6 construction of a new air traffic control tower;
 - 3.5.7 refurbishment and improvement of the existing airport fuel farm;
 - 3.5.8 existing fire station replacement;
 - 3.5.9 complete fit-out of airfield navigational aids (nav-aids);
 - 3.5.10 construction of new aircraft maintenance hangars;
 - 3.5.11 development of the 'Northern Grass Area' for airport related businesses;
 - 3.5.12 demolition of the redundant 'old' Air Traffic Control Tower;
 - 3.5.13 highway improvement works, both on and off site; and
 - 3.5.14 extension of passenger service facilities including an apron extension to accommodate an additional aircraft stand and doubling of the current terminal size.

4 THE NEED FOR AND THE BENEFITS OF THE PROPOSED DEVELOPMENT

4.1 The legislative and national policy statement context

- 4.2 Section 104 (3) of the PA 2008 states that the Secretary of State must decide an application in accordance with any “relevant policy statement”, unless the circumstances in subsections (4) to (8) apply.
- 4.3 Section 104(2)(a) of the PA 2008 makes clear that a “relevant national policy statement” for the purposes of section 104(3) is one that “has effect” in relation to the development.
- 4.4 Paragraph 1.40 of the Airport NPS (June 2018) states that it: “has effect in relation to the delivery of additional airport capacity through the provision of a Northwest Runway at Heathrow Airport” and at paragraph 1.41 that it “does not have effect in relation to an application for development consent for an airport development not comprised in an application relating to the Heathrow”
- 4.5 The Proposed Development, not being the provision of a Northwest Runway at Heathrow, is not therefore the development for which relevant national policy has effect. Where no NPS has effect, section 105 provides that in examining an application under this section, the SoS must have regard to—
- “(a) any local impact report (within the meaning given by section 60(3)) submitted to the [Secretary of State] before the deadline specified in a notice under section 60(2),*
- (b) any matters prescribed in relation to development of the description to which the application relates, and*
- (c) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State’s decision.”*
- 4.6 Paragraph 1.41 of the Airports NPS states, in terms, that the Airport NPS will be “important and relevant” in relation to other airport development as per section 105 of the PA 2008.
- 4.7 The policy context is covered in further detail in the Planning Statement **Document TR020002/APP/7.2** accompanying the DCO application and a summary of the policy context that supports the need for the Proposed Development is set out briefly below.

Airports NPS (June 2018)

- 4.7.1 The Airports NPS gives the following support for air freight at paragraph 2.7:

Air freight is also important to the UK economy. Although only a small proportion of UK trade by weight is carried by air, it is particularly important for supporting export-led growth in sectors where goods are of high value or time critical. Heathrow Airport is the UK’s biggest freight port by value. Over £178 billion of air freight was sent between UK and non-European Union countries in 2016, representing over 45% of the UK’s extra-European Union trade by value. This is especially important in the advanced manufacturing sector, where air freight is a key element of the time-critical supply chain. By 2030, advanced manufacturing industries such as pharmaceuticals or chemicals, whose components and products are predominantly moved by air, are expected to be among the top five UK export markets by their share of value. In the future, UK manufacturing competitiveness and a successful and diverse UK economy will drive the need for quicker air freight.

4.7.2 There is further support at paragraph 3.23:

The aviation sector can also boost the wider economy by providing more opportunities for trade through air freight. The time-sensitive air freight industry, and those industries that use air freight, benefit from greater quantity and frequency of services, especially long haul. By providing more space for cargo, lowering costs, and by the greater frequency of services, this should in turn provide a boost to trade and GDP benefits

Aviation Policy Framework (2013)

4.7.3 The Aviation Policy Framework, which contains the government's current aviation policy until it is replaced by the emerging Aviation Strategy, contains support for air freight, such as in paragraphs 1.2 and 1.6-1.8:

We believe that aviation infrastructure plays an important role in contributing to economic growth through the connectivity it helps deliver. For example, it provides better access to markets, enhances communications and business interactions, facilitates trade and investment and improves business efficiency through time savings, reduced costs and improved reliability for business travellers and air freight operations.

Although air freight carries a small proportion of UK trade by weight, it is particularly important for supporting export-led growth in sectors where the goods are of high value or time critical. Air freight is a key element of the supply chain in the advanced manufacturing sector in which the UK is looking to build competitive strength. Goods worth £116 billion are shipped by air between the UK and non-EU countries, representing 35% of the UK's extra-EU trade by value.

The express air freight sector alone contributed £2.3 billion to UK GDP in 2010 and facilitates £11 billion of UK exports a year. Over 38,000 people are directly employed in the express industry, which supports more than 43,000 jobs in other sectors of the economy.

A successful and diverse economy will drive a need for quicker air freight. Key components to keep factories working are often brought in from specialist companies in North America and the Far East. To keep production lines rolling this often has to be done at short notice. Access to such services is crucial to keeping UK manufacturing competitive in the global marketplace.

4.7.4 There is further support in paragraph 1.46:

In addition to passengers, goods worth £115 billion were shipped by air freight between the UK and non-EU countries. Although air freight carries a small proportion of UK trade by weight, it accounted for 35% of the UK's extra-EU trade in 2011 by value. It is particularly important for supporting export-led growth in sectors where the goods are of high value or time critical. Air freight is a key element of the supply chain in the advanced manufacturing sector in which the UK is looking to build competitive strength.

4.7.5 The draft UK Aviation Strategy (2017)

4.7.6 The Government has recently consulted on the draft UK Aviation Strategy (*Beyond the Horizon: The Future of UK Aviation Strategy*) which set out the long-term direction for aviation policy making for 2050 and beyond. The final Aviation Strategy is anticipated to be published by the end of 2018 and recognises that aviation is an important vehicle for growth and crucial to building a strong economy, creating jobs and supporting growth right across the UK.

4.7.7 Paragraph 2.10 of the draft strategy states:

'There is a need for existing runways throughout the UK to be more intensively utilised, provided environmental issues are fully addressed'

4.7.8 Paragraph 7.20 further states that:

'The government agrees with the Airports Commission's recommendation that there is a requirement for more intensive use of existing airport capacity and is minded to be supportive of all airports who wish to make best use of their existing runways including those in the South East.'

4.7.9 The Government received 372 responses to its consultation and in April 2018, it published a document entitled '*Beyond the Horizon: The Future of Aviation in the UK – Next steps towards an Aviation Strategy*'¹¹ which sets out how the Government will take account of the responses to the call for evidence through the next phase of development of the Aviation Strategy. Paragraph 1.29 states that: "...the Government is supportive of airports beyond Heathrow making best use of their existing runways"

4.8 **Need and benefits case**

4.9 In summary, there is an urgent need for dedicated air cargo capacity in the south east of England, for the following reasons:

4.9.1 There is significant unmet need for local air cargo capacity which is currently either not being met at all or being met by trucking cargo through the Channel Tunnel to and from airports on mainland Europe;

4.9.2 The existing airports in the region are primarily passenger airports with few cargo-only flights, which are often first to be displaced when there is disruption or delay; and

4.9.3 The main airport to carry cargo is Heathrow, which carries around 95% in the holds of passenger aircraft, restricting it to the destinations and timetables served by passenger flights;

4.10 A cargo-focused airport at Manston Airport would meet that need as it has several advantages:

4.10.1 A long runway that can accommodate all types of aircraft;

4.10.2 Close to London but outside congested London airspace;

4.10.3 A focus on freight rather than passenger flights and significant airport capacity will provide a reliable and thus attractive service to freight companies; and

- 4.10.4 Dual carriageway or better access to the M25, London and the Channel.
- 4.11 A detailed explanation of the need for and the benefits of the Proposed Development is contained in 'Manston Airport – A Regional and National Asset, Volumes I-IV: an analysis of air freight capacity limitations and constraints in the South East and Manston's ability to address these and provide for future growth' (**Document TR020002/APP/7.4**) (The Azimuth Report). The following paragraphs summarise the findings of the Azimuth Report.
- 4.12 There is a current and growing problem with airport capacity in the UK, which the Proposed Development, if authorised, would help to address (The Azimuth Report, Volume 1 **Document TR020002/APP/7.4**).
- 4.13 The aviation sector is of vital importance to the UK economy, and has been estimated to contribute an annual £52 billion or 3.4% to UK GDP¹. In addition, the UK aviation services sector supports the wider UK economy, including British manufacturing, by carrying high value exports around the world, including to emerging markets. The total value of tradeable goods carried through UK airports in 2014 exceeded £140 billion, and an estimated 40%, by value, of the UK's trade with economies outside of the EU is carried by air².
- 4.14 The increase in demand for air transport seen over the preceding years is also forecast to continue in the period up to 2035. There are forecast to be 50% more flights in Europe in 2035 compared with 2012³. The demand for air freight is also set to increase by more than 50% across the period 2015 to 2035, with particularly strong growth forecast for the longer distance routes such as Europe-Asia (4.6% annually) and Europe-Africa (3.8% annually)⁴.
- 4.15 Globally, 56% of air freight is carried by dedicated freighters. However, in the UK the figure is between 22 and 30% with the remaining 70 to 78% of air freight currently carried as 'belly hold' freight, i.e. in the hold of passenger aircraft. When coupled with evidence that air freight from and for the UK is being trucked to and from mainland European airports, the disparity between global and UK figures indicates that airport capacity constraints are already impacting the air freight sector. The advantages of transporting air freight by dedicated air freighters, particularly for high-value goods, has led to a forecast increase in the number of aircraft in the worldwide freighter fleet of 70% from 2016 to 2035 (Boeing 2016 p4)⁵.
- 4.16 Without additional airport capacity, the UK may be unable to meet the increased demand for air freight and air freighters and, some 2.1 million tonnes of freight would be diverted elsewhere by 2050, mainly to Northern European airports (York Aviation, 2015, p. 19)⁶.
- 4.17 London's six airports, Heathrow, Gatwick, Stansted, Luton, London City and Southend, facilitate around 76% of the UK's air freight (with only Heathrow and Stansted carrying substantial amounts). However, the Airports Commission report shows that all major London airports will be at capacity by 2040, and the Airports NPS states that four of those airports will

¹ Oxford Economics (2015), Economic Benefits from Air Transport in the UK. Available from <http://www.oxfordeconomics.com/my-oxford/projects/281929> (accessed 16 August 2016).

² Airports Commission (2015), Airports Commission: Final report.

³ Eurocontrol (2013), Challenges of Growth 2013: Summary Report. European Commission: Brussels. Available from <http://www.eurocontrol.int/sites/default/files/content/documents/official-documents/reports/201307-challenges-of-growthsummary-report.pdf> (accessed 16 August 2016).

⁴ Boeing (2016) World Air Cargo Forecast 2016-2017. Available from <http://www.boeing.com/resources/boeingdotcom/commercial/about-ourmarket/cargo-market-detail-wacff/download-report/assets/pdfs/wacff.pdf> (accessed 30 January 2017).

⁵ Boeing (2016a), Current Market Outlook 2016-2035. Available from http://www.boeing.com/resources/boeingdotcom/commercial/about-ourmarket/assets/downloads/cmo_print_2016_final_updated.pdf (accessed 11 February 2017).

⁶ York Aviation (2015), *Implications for the Air Freight Sector of Different Airport Capacity Options*. Available from <http://content.tfl.gov.uk/air-freight-implications-from-new-capacity.pdf> (accessed 2 April 2016).

be at capacity by the mid-2020s (paragraph 2.12). The South East is particularly hard hit by the lack of airport capacity with sustained losses in potential trade running at £2bn/year without additional runway capacity (Centre for Business Research, 2016⁷).

- 4.18 Airport capacity is a problem not just in the UK but also in Europe, where capacity is forecast to increase by 17% to 2035 but leave a shortfall of around nine runways' worth of capacity. In the UK, non-EU trade accounts for just under half of all UK trade and 35% of these goods are air freighted⁸. Both figures could increase following the UK's withdrawal from the EU.
- 4.19 Forecasts show that by 2050, the value of air cargo lost to London due to capacity constraints would equate to £106 billion per annum with net national losses of around £3.9 billion per annum. The number of dedicated freighter movements that will be unmet by London airports is forecast to be 79,712 with no additional runways, amounting to some 2.1 million tonnes of freight, which would be diverted elsewhere, mainly to Northern European airports, putting huge additional pressure on the road network and Channel crossings (Azimuth Report, Volume 1, p. II, **Document TR020002/APP/7.4**).
- 4.20 In summary, the data presented in the Azimuth Report demonstrates that UK requires additional airport capacity to meet its political, economic, and social aims and that this additional capacity is most needed in the south east of England.
- 4.21 Volume 1 of the Azimuth Report sets out the reasons and justification as to how the Proposed Development helps to address the need for capacity identified above.
- 4.22 In summary:

The strategic location of the Proposed Development

- 4.22.1 The Proposed Development is located in the South East where aviation industry demand is highest and most constrained.
- 4.22.2 Manston Airport is located outside of the CTR and flights approaching from the south and east, i.e. from Africa, or Europe, the Middle East and Asia, can save up to 45 minutes in flying time compared with other airports
- 4.22.3 From an airspace perspective, the location of the Proposed Development is ideal. The airport is sufficiently close to the confluence and convergence of major routes, such as those that converge on the Dover beacon, to be able to exploit them whilst sufficiently far away for aircraft to gain height safely before doing so. Aircraft departing from Manston can climb to 6,500 feet (and higher if routed to the north) before having any impact on the efficiency of the Air Traffic Management network (section 6.4, Volume 1 of the Azimuth Report, **Document TR020002/APP/7.4**).
- 4.22.4 Although any proposed changes to airspace would be subject to extensive public and aviation stakeholder consultation, development at Manston would have no

⁷ Centre for Business Research (2016), The Importance of Air Freight to UK Exports: The impact of delaying the runway capacity decision on UK international trade growth. Report for Let Britain Fly Campaign. Available from <http://londonfirst.co.uk/wp-content/uploads/2016/09/Importance-of-air-freight-to-UK-exports-PDF-FINAL.pdf> (accessed 7 September 2016)

⁸ Eurocontrol (2013), *Challenges of Growth 2013: Summary Report*. European Commission: Brussels. Available from <http://www.eurocontrol.int/sites/default/files/content/documents/official-documents/reports/201307-challenges-of-growth-summary-report.pdf> (accessed 16 August 2016).

adverse impact on either civil or military aviation in the area (section 6.4, Volume 1 of the Azimuth Report, **Document TR020002/APP/7.4**).

- 4.22.5 The Proposed Development is outside the London Terminal Manoeuvring/Control Area (TMA) and can therefore provide landing facilities for emergency incidents without causing disruption to the London airports.

Runway Length

- 4.22.6 Manston Airport has an existing 2,748m long paved runway, which, with only minor alterations and new navigational aids and equipment (please see Section 3.2, Chapter 3 of the ES, Volume (**Document TR020002/APP/5.2-1**) would be able to obtain a Aerodrome Certificate from the EASA to allow it to handle the larger classes of aircraft, that are used and operated by air freight carriers.

Potential to accommodate all necessary infrastructure

- 4.22.7 As is shown in Section 3.2 of Chapter 3 of the ES (**Document TR020002/APP/5.2-1**), the Proposed Development has sufficient space for the construction of new air freight handling, storage and processing facilities, alongside the new aircraft stands and aprons. This would provide a significant advantage as it allows the freight handling, forwarding and integrating to be undertaken airside on the airport site, and minimises the need for the transfer of freight off the airport site for processing. In addition, it has sufficient space on the northern grass to accommodate the airport-related businesses that can be seen occupying premises in and adjacent to the vast majority of UK and European airports together with the airports surveillance radar systems.
- 4.23 Furthermore, other unique advantages of the Proposed Development include: dedicated air freight stands, aprons, handling, storage and processing facilities; prioritisation of freight with quick turnaround and unloading time of aircraft; and availability and flexibility of slots none of these advantages are likely to be sustained by any of the other airports in the south east of England.
- 4.24 The Proposed Development would provide almost immediate relief to the pressing situation that is causing £2 billion in potential trade from being lost to the South East each year if it remains without additional runway capacity (Centre for Business Research, 2016)⁹. The Azimuth report shows that the addition of a third runway at Heathrow Airport is not likely to change the need for a freight-based airport at Manston.
- 4.25 Taking the above into consideration, the Proposed Development is considered to be the most viable choice for the location of a freight-focused airport in the south east of England due to its size, location and lack of airspace constraints. Indeed, the 2003 White Paper, The Future of Air Transport, acknowledged that Manston '*could play a valuable role in meeting local demand and could contribute to regional economic development*'.

⁹ Centre for Business Research (2016), The Importance of Air Freight to UK Exports: The impact of delaying the runway capacity decision on UK international trade growth. Report for Let Britain Fly Campaign. Available from <http://londonfirst.co.uk/wp-content/uploads/2016/09/Importance-of-air-freight-to-UK-exports-PDF-FINAL.pdf> (accessed 7 September 2016)

5 SCOPE OF COMPULSORY ACQUISITION

5.1 Introduction

5.2 The application for the Proposed Development is made under sections 23, 114, 115, 117(4), 120 and 122 of the PA 2008 and in accordance with the APR 2009.

5.3 RiverOak seeks to permanently acquire land and rights in land in the draft DCO to construct, operate and maintain the Proposed Development. For these purposes, RiverOak seeks authority for the compulsory acquisition of land and rights over land.

5.4 The Land Plans and Book of Reference submitted with the application set out the land subject to outright compulsory acquisition, the land subject to compulsory acquisition of permanent rights and the imposition of restrictive covenants, and the land subject to powers of temporary occupation only. This document seeks to justify the inclusion of such rights and powers in the DCO.

5.5 Description of compulsory acquisition and other powers sought that interfere with third party rights

5.6 The DCO (**Document TR020002/APP/2.1**) includes the following articles that relate to compulsory acquisition or the interference with third party rights :

5.6.1 *Article 19 - Compulsory acquisition of land*

RiverOak would have the power to compulsorily acquire so much of the Order land which is necessary to construct, operate and maintain the authorised development or is incidental to it or necessary to facilitate it.

5.6.2 *Article 20 - Compulsory acquisition of land – incorporation of the mineral code*

This effectively exempts existing rights in minerals from the scope of compulsory acquisition and provides for a procedure for the owner wishing to work mines or minerals.

5.6.3 *Article 21 - Time limit for exercise of authority to acquire land compulsorily*

This limits the ability to serve a notice to treat or a general vesting declaration to a period within five years from the granting of the order.

5.6.4 *Article 22 - Compulsory acquisition of rights and restrictive covenants*

This article allows RiverOak to compulsorily acquire rights, or impose restrictions, over the Order land insofar as they are necessary to construct, operate and maintain the authorised development or is incidental to it or necessary to facilitate it.

5.6.5 *Article 23 – Subsoil only or new rights only to be acquired in certain land*

This article limits the exercise of compulsory acquisition powers in respect of certain land.

5.6.6 *Article 24 - Private rights over land*

This Article allows for the extinguishment of private rights over land.

5.6.7 *Article 25 – Application of the Compulsory Purchase Act 1965*

This Article provides for the application, with modifications, of the Compulsory Purchase Act 1965 which contains provisions in respect of compulsory purchase.

5.6.8 *Article 26 - Application of the Compulsory Purchase (Vesting Declarations) Act 1981*

This Article grants RiverOak the power to acquire land below a certain depth under the ground or above a certain height above it, rather than having to acquire all of the land.

5.7 Rule 5(2)(h) of the APR 2009 requires a statement of reasons for seeking a DCO to authorise “the compulsory acquisition of land or an interest in or right over land”. Regulation 5(2)(h) does not therefore require the statement of reasons to extend beyond the outright acquisition of land or interests in or rights over land.

5.8 This, however, does not capture other compulsory powers sought in the DCO which similarly relate to land and will or may interfere with property rights and interests.

5.9 Additional powers which the DCO confers on RiverOak are:

5.9.1 *Article 11 - Construction and maintenance of new, altered or diverted streets*

This article would allow RiverOak to carry out certain specified kinds of works in certain streets. The exercise of the powers in article 11 could potentially interfere with private rights. The right in question could be suspended, extinguished or otherwise interfered with. A person suffering loss as a result would be entitled to compensation.

5.9.2 *Article 12 - Temporary stopping up and restriction of use of streets*

This article would enable to temporarily stop up, alter or divert streets and public rights of way and to use any such street as a temporary working site. The power would only be exercisable for the purpose of constructing the Proposed Development. Any stopping up could be for a reasonable time only.

The power to prevent pedestrian access would be subject to the obligation to provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping up, alteration or diversion if there would otherwise be no access.

The exercise of article 12 could potentially interfere with private rights (i.e., rights vested in a person rather than the public at large), such as rights to drive vehicles along a stopped up street. In that event the right in question would be suspended. A person suffering loss due to such suspension would be entitled to compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.

5.9.3 *Article 13 - Permanent stopping up of public rights of way*

This Article allows public rights of way named in Parts 1 and 2 of Schedule 3 to the DCO to be stopped up (i.e. the legal right of way along them to be extinguished).

5.9.4 *Article 15 – Traffic Regulations*

Article 15 allows RiverOak to prohibit vehicular access, prohibit waiting of vehicles and regulate vehicular speed for the purposes of the construction of the Proposed Development.

The powers set out in this Article may only be exercised with the consent of the traffic authority in whose area the road is situated. RiverOak must comply with the relevant notice and advertising periods as set out in Article 15(4)(a) and (b).

5.9.5 *Article 16 - Discharge of water*

Under Article 16, RiverOak may use any watercourse or any public sewer in connection with the carrying out or maintenance of the Proposed Development. This may include laying down, taking up or altering pipes and making openings into and connections with the watercourse, public sewer or drain.

Consent from the owner of the relevant watercourse, public sewer or drain must be obtained before any water is discharged into it. RiverOak must ensure that as far as reasonably practicable, steps are taken to secure that water discharged into the watercourse, public sewer or drain is as free as possible from gravel, soil or other solid materials.

5.9.6 *Article 17 - Protective work to buildings*

Article 17 enables RiverOak to carry out such protective works to buildings lying within the Order Limits as it considers necessary or expedient. Protective works may be carried out prior to commencing construction of the Proposed Development, during construction of the Proposed Development or up to five years after the Proposed Development has been completed.

RiverOak may enter and survey any building for the purpose of determining how the functions under Article 17 are to be exercised.

Relevant notices must be served on the owners and occupiers of the building or land as set out in Article 17(5). An owner or occupier suffering loss would be entitled to compensation.

5.9.7 *Article 28 - Rights under or over streets*

Article 28 would enable RiverOak, where required for the construction of the Proposed Development, to use the subsoil of, or airspace over, any highway (i.e. any way of any sort over which the public have a right to pass). The powers would not extend to a subway or underground building or to cellars or similar structures forming part of a building fronting the street but would nonetheless interfere with property rights. A person suffering loss due to such interference would be entitled to compensation.

5.9.8 *Article 29 - Temporary use of land for carrying out the authorised development*

The purpose of this Article is to allow the land set out in Schedule 8 to be occupied temporarily while the works are carried out. This is land which is required during construction of the scheme but is not required permanently. This Article also allows for the temporary occupation of any of the land for permanent acquisition that has not yet been taken possession of.

Paragraph 1(a)(i) of Article 29 allows the land set out in Schedule 8 to be occupied temporarily while the works are carried out. This is land which is required during construction of the scheme but which is not required outright permanently, and includes land which will be occupied temporarily and then subject to permanent rights (e.g. diversion of utilities apparatus). Paragraph (9) prevents this land from being acquired permanently, although confirms that acquisition of rights over this land, or of subsoil/airspace only, is not prevented and is required in respect of certain parcels. Likewise some land taken temporarily will have permanent works undertaken to it, e.g. accommodation works (see further paragraph (4)(b), and Schedule 6).

Paragraph 1(a)(ii) of Article 29 allows for the temporary occupation of any of the land that is subject to the powers of permanent acquisition, but in respect of which no process for acquisition has yet been commenced. The rationale for this is that it [potentially] reduces the amount of land that is required to be subject to outright acquisition. Thus Article 19 in conjunction with Article 29(1)(a)(ii) makes it possible for RiverOak to occupy land temporarily initially and only proceed to acquire permanently that part which is necessary for the scheme as constructed. The benefits of this are lesser impacts on landowners and lower costs to RiverOak, which is in the public interest. In line with this, paragraph (1)(d) confirms that the authorised development as listed in Schedule 1 can be undertaken on land that has been temporarily occupied.

5.9.9 *Article 30 - Temporary use of land for maintaining the authorised development*

Article 30 would enable RiverOak to take temporary possession of certain land at any time during the maintenance period i.e. in relation to any part of the Proposed Development, 5 years from the date on which that part is first opened for public use. The land to which Article 30 applies is any land within the Order Limits of the DCO.

Article 30(1)(b) would allow the construction of temporary works and buildings on the land, so far as is reasonably necessary for maintenance purposes.

The powers are subject to a time limit with RiverOak only able remain on the land for so long as reasonably necessary to carry out the maintenance works. Before giving up possession there is a requirement to remove all temporary works and restore the land to the owner's reasonable satisfaction.

The exercise of the powers would interfere with the property rights of owners and occupiers. An owner or occupier suffering loss or damage would be entitled to claim compensation.

5.9.10 *Article 31 - Statutory undertakers*

Article 31 allows RiverOak to acquire land, or rights over land, belonging to statutory undertakers in so far as it falls within the Order Limits. RiverOak can extinguish the rights of, or remove or reposition apparatus belonging to, statutory undertakers. Schedule 9 of the DCO sets out the protective provisions for the statutory undertakers.

5.9.11 *Article 34 – Felling or lopping of trees and removal of hedgerows*

Article 34 allows RiverOak to fell or lop any tree or shrub within, or overhanging, the Order Limits. It also enables RiverOak to remove hedgerows within the Order Limits.

6 DESCRIPTION OF LAND SUBJECT TO THE COMPULSORY ACQUISITION AND OTHER POWERS

Site History

- 6.1 Aircraft activity began at Manston in 1915 when military aircraft used the site for emergency landings. There has been an operational airport at the site since 1916. Until 1998 it was operated by the Royal Air Force as RAF Manston and for a period in the 1950s was also a base for the United States Air Force (USAF).
- 6.2 From 1989 Manston became known as Kent International Airport and a new terminal was officially opened that year. Operations at the airport continued with range of services including scheduled passenger flights, charter flights, air freight and cargo, a flight training school, flight crew training and aircraft testing. In the most recent years it was operating as a specialist air freight and cargo hub servicing a range of operators.
- 6.3 In 2004, the airport was operating some low-cost airlines and Irish airline EUJet began scheduled flights in September 2004 to a number of destinations across the UK. In July 2005, all EUJet operations were suspended along with all non-freight operations because of financial difficulties with the airport and airline's operating company.
- 6.4 The airport was purchased by Infratil in August 2005 who operated a select number of charter passenger flights to specialised destinations.
- 6.5 In October 2013, Infratil sold Manston Airport to a company owned by Ann Gloag, co-founder of Stagecoach Group. Manston Skyport Ltd took over running the former airport on 29 November 2013. The airport was closed in May 2014. Despite the airport's closure, much of the airport infrastructure, including the runway, taxiways, aprons, cargo facilities and passenger terminal remain as well as continuing some freighter operations.

The Site

- 6.6 The Proposed Development is on the existing site of Manston Airport, west of the village of Manston and north east of the village of Minster, in Kent as shown on the Location Plan (**Document TR020002/APP/4.1**). The town of Margate lies approximately 5km to the north of the site and Ramsgate is approximately 4km to the east. Sandwich Bay is located approximately 4-5km to the south east. The northern part of the site is bisected by the B2050 (Manston Road), and the site is bounded by the A299 dual carriageway (Hengist Way) and Canterbury Road West to the south, and the B2190 (Spitfire Way) to the west. The existing site

is accessed in the west near the junction of the B2050 with the B2190 whilst the existing passenger terminal, hangar facilities and the 'Northern Grass', are all accessed from the B2050 west of the junction with Manston Court Road.

- 6.7 The site covers an area of approximately 296 hectares (732 acres) and comprises a combination of existing buildings and hardstanding, some areas of grassland, scrub land and landscaping, as well as areas which historically formed part of Manston Airport and its associated facilities. This includes the 2,748m long and 60m wide runway, which is orientated in an east-west direction across the southern part of the site. The existing buildings are clustered along the east and west boundaries of the site and include:
- 6.7.1 a cargo handling facility comprising two storage warehouses 6 - 8m high, and one hangar 12m high, all finished with metal cladding, on an area of 5,200m², with gated entrances and a security box;
 - 6.7.2 a 12m high fire station building, constructed of brick and with a corrugated metal roof, on an area of 2,200m²;
 - 6.7.3 a helicopter pilot training facility comprising two 10m high hangars with metal cladding, on an area of 950m²;
 - 6.7.4 two 5m high museum buildings of brick construction, on an area of 2,000m²;
 - 6.7.5 a 4m high terminal building, on an area of 2,400m²;
 - 6.7.6 a 6m high air traffic control building, including a 9m high viewing tower, on an area of 700m²;
 - 6.7.7 a 12m high airplane maintenance hangar, with a taller 16m high movable section to enclose an airplane tail fin, on an area of 4,700m²; and
 - 6.7.8 a fuel farm.
- 6.8 A network of hard surfacing, used for taxiways, aprons, passenger car parking, and roads connects the buildings to the runway and to the two main airport entrance points that are located in the east and west of the site.
- 6.9 The part of the site to the north of Manston Road (B2050), which bisects the centre of the site in a roughly east to west direction, is referred to as the 'Northern Grass'. This part of the site is predominantly grassland, with some areas of hard standing, including a stretch of taxiway that formerly linked across to the main taxiway network and runway. The two museums, the Spitfire and Hurricane Memorial Museum, and the RAF Manston Museum, are located in the southwestern corner of the 'Northern Grass'. A small number of other redundant buildings, such as the former RAF air traffic control tower, are also located on the 'Northern Grass'.
- 6.10 There is also an underground pipeline which leads from the south-east corner of the airport site in a south-easterly direction towards an outfall located in Pegwell Bay, south of Ramsgate. This was historically used for the discharge of treated water from the airport when it was open and is required for the Proposed Development to continue to discharge treated surface water run-off. Further information as to compulsory acquisition powers in respect of the pipeline can be found in paragraphs 8.25-8.27 of this Statement.

7 DILIGENT INQUIRY/PROCESS/METHODOLOGY

- 7.1 As required in accordance with the PA 2008, RiverOak was required to identify individuals in one or more of the categories set out in sections 44 and 57 of the PA 2008. This included undertaking “diligent inquiry” to identify parties within Categories 1, 2 and 3, as defined in sections 44 and 57 of the PA 2008.
- 7.2 Category 1 includes owners, lessees, tenants and occupiers of the land within the Order limits. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order limits. Category 3 includes parties who RiverOak thinks would or might, if the DCO were made and fully implemented, be entitled to make a relevant claim for compensation under section 10 of the Compulsory Purchase Act 1965 and/or Part 1 of the Land Compensation Act 1973 and/or section 152(3) of the PA 2008.
- 7.3 A professional land referencing firm was employed to undertake diligent inquiry to identify these land interests. The following processes were undertaken as part of the methodology to identify and consult with those with an interest in affected land. This is further set out in Appendix 20 of the Consultation Report (**Document TR020002/APP/6.1**).
- 7.4 *Setting the Land Referencing Limits (“the Land Referencing Limits”)*
- 7.5 The Land Referencing Limits were set to include the following:
- 7.5.1 All land within the Order limits required for the proposals; and
- 7.5.2 All properties and buildings that were identified as those that might be entitled to make a “relevant claim” as a Category 3 interest. These were identified following an assessment of noise that was developed exclusively for the proposal to reopen the airport and which created a 'wider referencing zone' in which properties and affected interests were identified. This 'wider referencing zone' was sufficiently wide to also incorporate those parties who could might be entitled to make a “relevant claim” in relation to effects from vibration, smell, fumes, smoke, artificial lighting and discharge, and those who could make a claim under section 10 of the Compulsory Purchase Act 1965.
- 7.6 With regards to the noise assessment, RiverOak commissioned professional environmental consultants to calculate the noise footprint of the airport based on the types of aircraft expected to use it and have also taken advice from valuation consultants as to the decibel contour that a landowner could make a compensation claim. The result of this assessment was the creation of noise contour mapping. This was provided by the environmental consultants to the land referencing team who conducted diligent inquiry to identify potentially affected parties prior to consultation.
- 7.7 The advice received was that that the appropriate contour to use was the levels that government guidance suggests airport operators should offer to subsidise sound insulation for affected properties^[1].
- 7.8 *Desktop Referencing*

[1] Aviation Policy Framework (2013), paragraph 3.39

- 7.9 Land Registry data was received in the form of a digital shape file (a GIS layer) and digital copies of the Official Copy Registers and Title Plans were obtained and reviewed. All relevant freehold and leasehold title information, together with the beneficiaries of relevant mortgages, charges, private rights, easements and restrictive covenants were identified within the Land Referencing Limits and stored in a land referencing database.
- 7.10 Updates were requested from Land Registry on a regular basis, ensuring updates were received ahead of key milestones and this ensured that any changes that occurred prior to section 42 consultation, and again before the submission of the Book of Reference, were captured, with follow up undertaken where new interests were revealed.
- 7.11 Additional desktop activities were undertaken to confirm, verify and further investigate interests in land. For example, Companies House searches were undertaken to ensure registered companies' details were verified and the registered office was appropriate for the service of notices and other correspondence. Online data sources were also investigated to identify further potential occupiers and interests. Where occupiers were unconfirmed, "The Occupier" of that address was added to the database to ensure the property was contacted in order to confirm interests and they received notification of the consultation.
- 7.12 *Other Land referencing activities*
- 7.13 Consultation with landowners has been ongoing throughout the development of the proposals. The identification of potentially affected parties has been an ongoing process since March 2017 above and beyond the desktop searches explained above.
- 7.14 In addition to the desktop referencing detailed above, formal land referencing questionnaires were issued to all identified affected parties within the Order limits and the 'wider referencing zone' in March 2017. Further formal land referencing questionnaires were issued to all identified potentially affected parties to confirm and fully understand their interests as they became known to the land referencing team and this is an ongoing exercise.
- 7.15 Further letters were sent to potential statutory utilities/undertakers in April 2017 that were believed to possibly hold an interest in the area to determine their interests. Site visits and follow up enquiries were undertaken to chase the completion of these questionnaires and confirm the validity of information held. To further confirm the accuracy of information held, a round of formal confirmation of interest questionnaires were sent in October 2017 to all identified affected parties within the Order limits and the 'wider referencing zone'. Another round of formal confirmation request were issued in February 2018 to ascertain the currency and accuracy of information held prior to the submission of the Book of Reference.
- 7.16 In the case of unregistered land, where information could not be obtained from HM Land Registry and other referencing processes, site notices were affixed on or adjacent to the land inviting persons with an interest in this land to come forward. Site notices were checked and replaced as necessary.
- 7.17 The combination of the above land referencing activities produced a list of interests for the initial round of statutory consultation under the PA 2008, which commenced in June 2017. A further round of statutory consultation was carried out in January 2018. As any new interests were identified they were included in the next round of consultation. A more detailed description of

the abovementioned consultation activities can be found in the Consultation Report (TR020002/APP/6.1).

8 PURPOSE FOR WHICH POWERS ARE SOUGHT

- 8.1 In broad terms, the purpose for which compulsory acquisition powers are sought is to enable RiverOak to construct, operate and maintain the Proposed Development. The majority of the land included within Order limits (apart from the underground pipeline), consists of the land forming part of the former Manston Airport site. The need for the proposals is explained in the Azimuth Report submitted with the DCO application (**Document TR020002/APP/7.4**). For that purpose, it is necessary for the DCO to include a range of compulsory acquisition powers (see section 5 above). Due to the nature of the Proposed Development powers are sought to acquire outright the main airport site, the Northern Grass and the subsoil where the Pipeline is positioned. Powers are also sought to acquire part of the B2050 (Manston Road) to allow it to be realigned, although it will remain at least partly open to traffic at all times.
- 8.2 Powers are sought for the permanent creation of rights in the two areas of landing lights to the east and west of the airport and access from the public highway to the pipeline at various points. Powers are also sought for temporary occupation of the B2190 (Spitfire Way) to allow it to be improved, although it will remain at least partly open to traffic at all times.
- 8.3 Whilst the majority of the land included within Order limits consists of the land forming part of the former Manston Airport site, the extent and the nature of the Proposed Development (including the consequential CAA and EASA requirements) would necessitate reconfiguration of some of the existing facilities/infrastructure and the construction of new ones as well as some, although minor, changes to the existing site boundary.
- 8.4 As stated in paragraph 8.1 above, powers of compulsory acquisition are sought for the construction, operation and maintenance of the Proposed Development (detailed description of this can be found in Chapter 3 of the ES, Volume 1, **Document TR020002/APP/5.2-1**) including the following components:
- Runway, Taxiway, Apron and Stands*
- 8.5 The existing 2,748m east-west aligned runway would be retained for the reopened airport but may require rehabilitation to improve the load bearing capacity for future aircraft operations and in order to be compliant to allow CAT II/III operations¹⁰,
- 8.6 There will be some runway pavement improvements.
- 8.7 A new parallel taxiway plus associated taxiways to serve the new cargo stands, would be required as the existing one is not compliant with EASA guidelines.
- 8.8 A total of 19 Code E¹¹ stands would be created to service the air freight operations, with new taxiways to service the stands and connect them to the runway.

¹⁰ Category II and III runway operations refer to category of instrument landing systems (ILS) equipment which support the different categories of approach/landing operations. Category II is the minimum requirement to allow an airport to obtain EASA certification (see Box 3.1 below).

¹¹ Alphabetic code for defining aircraft size based on wingspan from A (smallest) to F (largest).

- 8.9 The existing passenger apron, which can accommodate 3 passenger aircraft stands, would be retained but may require some rehabilitation or refurbishment required for compliance with EASA guidelines. If required, this apron would be extended during construction phase 4 to provide an additional passenger aircraft stand.
- 8.10 Earthwork operations will be required in order to provide a suitable and compliant building platform for the taxiway, aprons and stands.

Air Traffic Control, Navigations Aids, Radar and Lighting

- 8.11 Much of the equipment formerly required to operate the airport has been removed, and many of the existing facilities and buildings would require refurbishment or replacing. Therefore, in order to allow the airport to obtain a CAA aerodrome licence, and to comply with relevant EASA guidance new equipment and facilities are required, comprising:
- 8.11.1 new Air Traffic Control (ATC) facility (subject to the findings of a study regarding the provision of an offsite ATC facility) will be located in the northwest of the main airport site adjacent to the airfreight cargo stands.
- 8.11.2 A new radar would be required to replace the previous radar which was sold when the airport was closed. The new radar would be installed using the existing radar tower located in the 'Northern Grass' area.
- 8.11.3 The former approach lights within the airport have been removed so would need replacing. For the Runway 28 end, additional approach lights would be required to meet the requirements for CAT II/III operations. The existing airfield ground lighting, located within the runway and taxiway surface would be replaced and additional lights installed on the new taxiways to comply with appropriate requirements.

Air Freight and Cargo Facilities

- 8.12 The primary focus of the reopened airport will be airfreight, and in order to meet the anticipated demand from the airfreight forecast, new cargo facilities would be required.
- 8.13 The cargo facilities, would be constructed on the new building platform to be created for the taxiways and stands.
- 8.14 Each cargo facility would have associated HGV parking, storage and car parking. The new cargo facilities would cover approximately 65,500m² in total, with maximum building heights of 15m with a total storage and parking area of approximately 120,000m².

Passenger Terminal and Parking Facilities

- 8.15 The primary focus of the Proposed Development would be on air freight and cargo operations, but as detailed below it is anticipated that there would be passenger services from Year 2 of the airport's operation.
- 8.16 The existing terminal building is in a poor state of repair, and it is therefore considered that a new passenger terminal and other facilities would be required and that the old building would be demolished during Construction Phase 1. The new terminal would be located on the site of

the existing terminal, and would be designed with sufficient capacity to meet the demands of the passenger forecast.

- 8.17 The existing terminal car park, which provides approximately 860 spaces, would be extended to provide parking for another 826 cars. A new long stay car park will also provide a further 760 parking spaces. Land is already available adjacent to the existing car park having been set aside for a previous airport masterplan proposal. Some general maintenance and new access/exit barriers would be needed to the existing car park. Parking facilities to the west of the site entrance from Manston Road (B2050) would provide staff parking.
- 8.18 The car park would also include new areas for taxi ranks, drop off/pick up, buses and coaches.

Fuel Farm

- 8.19 The airport would require a new fuel farm facility to replace the existing facility, which is located on the Northern Grass area and does not include sufficient storage or other facilities to meet the Proposed Development's needs. For operational reasons, the new fuel farm would need to be located airside, i.e. not on the Northern Grass area.
- 8.20 The currently preferred site for the new fuel farm is in the southeast of the airport, on the site of the existing Jentex fuel facility subject to ongoing discussions with the Environment Agency.

Site Access, Highway and Junction Improvements

- 8.21 A new network of internal roads for the air freight and cargo operations would be constructed. These would include lorry and car parking areas for the air freight operations.
- 8.22 The roads in the vicinity of the Proposed Development site, including Manston Road, Spitfire Way and the Manston Road/Spitfire Way junction, requires improvement and are likely to include a new roundabout at the Manston Road/Spitfire Way junction, and other improvements to the local road network in the vicinity of the site.
- 8.23 A new airport access for the cargo/aircraft maintenance facility is required. This is proposed on the B2190 (Spitfire Way) to the west of the existing and will be designed with sufficient capacity for the proposed airport operations. Current proposals include for a new roundabout to provide access to the airport. The detailed design of this and other highways and junction improvements would be undertaken following the completion of the Transport Assessment and in consultation with KCC Highway Department and Highways England.

Drainage Facilities

- 8.24 The surface water network would include interception, attenuation and pollution control facilities designed in accordance with industry best practice and agreed with the key stakeholders. A new foul drainage network will be required for the new cargo facilities.
- 8.25 RiverOak is also proposing to acquire an underground pipeline which leads from the south-east corner of the airport site in a south-easterly direction towards an outfall located in Pegwell Bay. This was historically used for the discharge of treated water from the airport when it was open and is required for the Proposed Development to continue to discharge treated surface water run-off. It is understood that this pipeline may have been installed when the airport was an

operational RAF. However, despite RiverOak's diligent inquiries, it has not been possible to ascertain the exact nature of rights or interests in land in respect of this pipeline.

8.26 In the absence of clarity as to the ownership of this piece of infrastructure and responsibility for its maintenance, there would be uncertainty for the use of the pipeline for the Proposed Development.

8.27 Therefore to harmonize the legal position and ensure the safe operation of the pipeline to serve the airport when reopened, RiverOak is proposing to permanently acquire the subsoil in which the pipeline is located, together with permanent rights of access to and from existing manholes and access points on the route. This would also have the additional benefit of removing the uncertainty as to the ownership and potential burden of maintenance of the pipeline for the owners of the land in which the pipeline is located.

Landscaping

8.28 The Proposed Development will include areas for landscape mitigation. The details of the landscape strategy can be found in section 4 of the Design and Access Statement (**Document TR020002/APP/7.3**).

Airside Fire Facilities

8.29 The airport will require the provision of suitable firefighting facilities in order to meet its operational, safety and regulatory needs.

Other Development

8.30 The Proposed Development will require new offices, workshops, stores, welfare, security, and facilities for staff. The exact requirements for these will be determined as part of the detailed design, but these would be located within or alongside other airport buildings and facilities, for example the air freight and cargo facilities, passenger terminal or air traffic control tower.

8.31 The area north of Manston Road, the 'Northern Grass' area would be utilised for other airport related purposes such as warehousing, offices and airport related business units, but will have no direct access for aircraft. The requirements for facilities airside mean that there will be limited available space within the main site for any expansion of airport-related businesses, and any activities that can be located landside would be located in the 'Northern Grass' area. This may include any of the businesses or tenants located on the existing airport site.

8.32 A safeguarding zone around the airport radar installation will be retained. The size of this area will be dependent on the type and specifications of the radar.

8.33 The airport would continue to provide facilities for aircraft maintenance, repair and overhaul (MRO). A new MRO facility, with hangars capable of accommodating the largest types of aircraft (Code F), would be constructed in Construction Phase 2; the old hangar would be demolished at this stage. The MRO facility would be further extended in each of Construction Phases 3 and 4 to provide an additional hangar in each phase.

8.34 The current business aviation terminal and hangar, south of the passenger terminal, would be refurbished for use for Fixed Base of Operations (FBO), including for helicopter and heli-charter

operations. The facilities for the flight school and training centre would also be retained in their existing location.

Utilities and Services

- 8.35 In order to support the increased level of activity and development on the site additional services will be required; this is likely to include additional internal electrical substations, communication networks, and foul and potable water connections.
- 8.36 Appendix 1 to this Statement explains in more detail the purposes for which each plot of land is needed for the Proposed Development and how each plot of land is proposed to be used.
- 8.37 RiverOak do not own the land comprising the application site. Most of the land within the existing airport perimeter is owned by Stone Hill Park Limited, who have been unwilling to date to enter into meaningful negotiations with RiverOak, despite RiverOak's attempts to acquire this land by agreement. Furthermore, without the powers to acquire rights and interests in land compulsorily there would be insufficient certainty about RiverOak ability to deliver the proposals in totality and within the necessary timescale. RiverOak therefore requires such powers to be included in the DCO, notwithstanding its preference to acquire the necessary interests in land and acquisition/extinguishment of rights by voluntary agreement.
- 8.38 At this stage, all the land included in the Order land is considered to be necessary to enable the delivery of the Proposed Development; however, due to the nature of the design process and the timing of the consenting process, RiverOak requires a degree of flexibility as to where certain sections of the proposals can be constructed within the defined limits of deviation which are provided for in the draft Order. RiverOak is satisfied that all the land included in the Order land is necessary to enable the delivery of the proposals.
- 8.39 In common with other projects, detailed design may avoid acquisition of some of the land that is within the scope of compulsory acquisition powers in the application; only land that is required for the development will be acquired.

9 JUSTIFICATION FOR POWERS OF COMPULSORY ACQUISITION

9.1 The requirements of section 122 of the PA 2008

9.1.1 Section 122 of the PA 2008 provides that a DCO that includes compulsory acquisition powers may be granted only if the conditions in sections 122(2) and 122(3) of the PA 2008 are met.

9.1.2 The first condition (s.122(2)) requires one of three criteria to be met, as follows:

- (a) the land is required for the development to which the development consent relates; or
- (b) the land is required to facilitate or is incidental to that development; or
- (c) the land is replacement land to be given in exchange under section 131 or 132 of the PA 2008.

- 9.1.3 The second condition (s.122(3)) is that there is a compelling case in the public interest for compulsory acquisition.
- 9.1.4 Paragraphs 12 and 13 of the Guidance also identify that for the second condition to be met the SoS will need to be persuaded that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired.
- 9.1.5 The Guidance sets out the following general matters which a promoter of the proposed development must be able to demonstrate to the satisfaction of the SoS so as to justify an order granting development consent:
- (a) that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored – this is dealt with in paragraphs 9.13 -9.26 below;
 - (b) that the proposed interest in the land is for a legitimate purpose and is necessary and proportionate – this is dealt with in paragraphs 9.34-9.38 below;
 - (c) that it has a clear idea of how it intends to use the land which it is proposing to acquire – this is dealt with in paragraphs 9.39-9.40 and Appendix 1 to this Statement;
 - (d) that there is a reasonable prospect of the requisite funds becoming available- this is dealt with in paragraphs 9.41-9.42 below; and
 - (e) there is justification for interfering with the human rights of those with an interest in the land affected – this is dealt with in paragraphs 9.43-9.45 and in section 13 of this Statement.
- 9.1.6 The following paragraphs explain how the section 122 conditions are met in the case of the proposed development.
- 9.2 The land subject to permanent acquisition includes the existing Manston airport site, the Northern Grass and the subsoil in which the pipeline leading to an outfall in Pegwell Bay. This land is required for the reconstruction and operation of the Proposed Development.
- 9.3 Compulsory powers to acquire permanent rights over land are sought in respect of the eastern and western runway approach lights and access rights leading to and from the underground pipeline referred to in paragraph 9.4 below. The rights in respect of the landing lights are required for installation, operation, access and maintenance of the landing lights for the Proposed Development. The purpose for which compulsory acquisition is being sought in respect of the land and rights in land comprised within the Order limits is described above in section 8 and in Appendix 1 to this document.
- 9.4 The ownership of the pipeline is unknown, but it is presumed that the owners of land above it have an interest as freehold owners, along with other unknown third parties. As discussed in paragraphs 8.25-8.27 above, to ensure continuous operation, use and maintenance of the pipeline for the Proposed Development, compulsory acquisition is sought in respect of the subsoil in which the pipeline is located, together with permanent rights of access to and from

existing manholes and access points. Further details regarding access and maintenance to the pipeline can be found in in the Masterplan (**Document TR020002/APP/7.1**).

9.5 The land subject to temporary occupation consists of parcels of land located on the northern edge of the Order limits, being Spitfire Way and Manston Road required to improve the public highway.

9.6 Together with this Statement, the Land, Crown Land, Works and Special Category Land Plans (**Documents TR020002/APP/4.5**) and the Book of Reference (**Document TR020002/APP/3.3**) show how and why the land included in the draft DCO is required and how such land would be used. In the case of each plot of land, the powers sought by RiverOak are necessary to deliver the proposals and are proportionate to the degree of interference with any private rights.

9.7 **Alternatives to compulsory acquisition**

9.8 In order to construct, operate and maintain the Proposed Development, land and rights in the ownership of parties other than RiverOak would need to be acquired. Given the location and the nature of the site, acquisition and/or use of third party land cannot be avoided.

Alternatives to the proposed site and layout

9.9 As set out in Chapter 2 of the ES (**Document TR020002/APP/5.2-1**) and the Consultation Report (**Document TR020002/APP/6.1**) a, RiverOak has considered various alternatives both in terms of an alternative sites and internal layouts of the site prior to the making of the Application.

9.10 In terms of the alternative site layouts, there are existing physical and most importantly regulatory constraints as to where and how various elements of the Proposed Development can be located. Therefore, having considered various alternatives, as set out in Chapter 2 of the ES (**Document TR020002/APP/5.2-1**) in the context of the relevant aviation and other regulations, the layout for the Proposed Development is the most viable option.

9.11 Furthermore, in the consideration of the need case for the Proposed Development and through the project evolution and design, a set of characteristics for a dedicated air freight airport have been established. These have formed the basis for both the consideration of alternatives and the design of the Proposed Development.

9.12 The characteristics of an optimal air freight airport, based on the developing or enhancing of an existing airport site **Error! Bookmark not defined.**, would include:

- 9.12.1 A 2500m+ (non-grass) runway capable of supporting CAT II/III runway operations;
- 9.12.2 Existing airport infrastructure with the capacity to provide facilities for new airfreight operators according to demand;
- 9.12.3 Certified, or the ability to obtain an Aerodrome Certificate from the EASA, or other relevant licensing organisation, for the operation of the types of aircraft currently used, and likely to be used in the future, by airfreight operators;
- 9.12.4 Capacity to accommodate dedicated air freighters and hold freight;

- 9.12.5 Availability of new slots for airfreight operators, and a flexibility of existing slots;
 - 9.12.6 Air freight operations not constrained by passenger and other operations;
 - 9.12.7 Airspace that is outside of the London Control Zone (also known as the Controlled Traffic Region (CTR)) to provide maximum flexibility and capacity for airport operations;
 - 9.12.8 Good surface access to the strategic road network, with no bottlenecks to access in or around the airport, with an additional advantage of a good connection to high quality public transport infrastructure; and
 - 9.12.9 Located in the south-east of England close to the main significant population and commercial centres, with an additional advantage of a good connection to continental Europe.
- 9.13 Alternative options for increasing air freight capacity in the south-east have been identified. However, as shown in Table 2.1 of Chapter 2 of the ES (**Document TR020002/APP/5.2-1**) each are subject to fundamental constraints on their development and on their ability to meet the requirements outlined above and in Section 2.2 of Chapter 2 of the ES (**Document TR020002/APP/5.2-1**)
- 9.14 In summary, all alternative sites are either too small to support the operation that is planned, are already developed as passenger-focused facilities, or have no existing infrastructure or history of operating as an airport.
- 9.15 In addition to the assessment of alternative sites for a dedicated air freight airport in the south-east, the masterplanning process has also given consideration to on-site alternatives for individual elements and components of the Proposed Development (as part of the on-going project evolution. Please see Section 5.5 of the **ES (Document TR020002/APP/5.2-1)**)
- 9.16 A number of alternative layouts, designs and configurations were considered for the air freight and cargo facilities. This included examining the number of aircraft stands, apron design, taxiway layout and configuration, and size, location and layout of the associated freight handling and parking facilities. Whilst these were constrained by the need to provide sufficient capacity to meet the demands of the airfreight forecast and to allow for the safe and efficient operation of the airport, opportunities to incorporate environmental measures into the design of the Proposed Development have been considered.
- 9.16.1 As is shown in Section 3.2 of the ES, Manston Airport has sufficient space for the construction of new air freight handling, storage and processing facilities, alongside the new aircraft stands and aprons. This would provide a significant advantage as it allows the freight handling, forwarding and integrating to be undertaken airside on the airport site, and minimises the need for the transfer of freight off the airport site for processing. In addition, it has sufficient space on the Northern Grass to accommodate airport - related businesses that can be seen occupying premises in and adjacent to the vast majority of UK and European airports together with the airports surveillance radar systems.
 - 9.16.2 Manston's airport existing 2,748m paved runway; dedicated air freight stands, aprons, handling, storage and processing facilities; prioritisation of freight with quick

turnaround and unloading time of aircraft; and availability and flexibility of slots provide a suitable site for the Proposed Development, which is unlikely to be sustained by any of the other airports in the south of England.

9.16.3 Taking the above into consideration, Manston Airport is considered to be the most viable choice for the location of a freight-focused airport in the south-east of England due to its size, location and lack of airspace constraints. Indeed, the 2003 White Paper, *The Future of Air Transport*, acknowledged that Manston ‘*could play a valuable role in meeting local demand and could contribute to regional economic development*’.

9.17 RiverOak therefore considers that all reasonable alternatives have been considered prior to the making of the DCO Application and such consideration has included reasonable factors at relevant stages, such as consultee comments, technical feasibility and the anticipated capacity forecasts in the south east.

Alternatives to compulsory acquisition

9.18 The Book of Reference and the Land Plans show the land and rights in land that are required for the Proposed Development and identify purpose. In each case the land and/or rights sought are necessary to deliver the Proposed Development and are proportionate to the degree of interference with the interests and rights of landowners.

9.19 RiverOak has already acquired some land and rights in land and will continue to seek to acquire all land and rights it needs by voluntary agreement, subject to the DCO being made. RiverOak has undergone consultation and is pursuing engagement with all persons with an interest in the relevant land in order to try to avoid the need for compulsory acquisition. For further details, please see section 10 below.

9.20 This approach to making the application for the DCO in parallel to conducting negotiations to acquire rights in land by agreement is in accordance with paragraph 25 of the Guidance.

9.21 Notwithstanding its preference to acquire all land by agreement, RiverOak still seeks to acquire land and rights compulsorily through the DCO in circumstances where the voluntary acquisition of land or rights is ultimately unsuccessful.

9.22 RiverOak seeks compulsory powers to acquire land and rights in land under the DCO from all relevant landowners, notwithstanding that voluntary agreements for purchase of land and/or the grant of rights may have, or will be, entered into, for the following reasons:

9.22.1 An option may be obtained by agreement prior to the DCO application or during the DCO application process, rather than the substantive right itself. The compulsory powers therefore provide a fallback should the voluntary agreements fail and cover instances where the person with an interest in land is unwilling to, or cannot, grant the relevant land interest or right at the time when the option is exercised.

9.22.2 Including all interests in the DCO allows all required land or rights to be obtained in the same way and through one process, potentially through General Vesting Declaration (“GVD”).

- 9.22.3 Compulsory acquisition by GVD is effective against all interests in the land, so avoiding the risk of a failure to disclose a relevant interest; the GVD is effective even against unknown interests.
- 9.23 Compulsory powers are also more readily enforceable, so reducing additional risk, cost and delay.
- 9.24 Without the powers of compulsory acquisition, the national need for the Proposed Development could not be met because the land and rights required in the land subject to the Order may not be assembled, uncertainty as to construction will continue and RiverOak considers that its objectives would not be achieved.
- 9.25 **The proposed interest in the land is legitimate, necessary and proportionate**
- 9.26 The need for the Proposed Development has been explained in the Azimuth Report (**Document TR020002/APP/7.4**) and compulsory acquisition of land and rights in land is necessary to enable RiverOak to meet that need and deliver the Proposed Development.
- 9.27 Without the compulsory acquisition of the necessary interests in land, the delivery of the Proposed Development cannot be guaranteed. As contemplated by the PA 2008 it is a proportionate use of compulsory acquisition powers to acquire land and rights in land for the Proposed Development.
- 9.28 Steps have been taken to ensure that the land and interests acquired are proportionate. Where appropriate, RiverOak has sought to take powers to temporarily use land, rather than the compulsory acquisition of land or rights. However, due to the nature of the Proposed Development and the fact that the majority of the Order Land comprises an existing airport site, RiverOak requires most of the land to be acquired outright. Where lesser interests or rights are sufficient, this is identified in the Book of Reference.
- 9.29 Compensation is payable for the compulsory acquisition of land or rights under the foregoing powers. Compensation is also payable for loss or damage caused by the exercise of any power of temporary use of land. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.
- 9.30 **Clear idea of intentions of how land proposed to be acquired will be used**
- 9.31 RiverOak has a clear idea of how the land is intended to be used. This Statement sets out at Appendix 1 the particular purposes for which each plot of land is proposed to be compulsorily acquired or used temporarily. The table in Appendix 1 demonstrates, as advocated by the 2013 DCLG Guidance (at paragraph 9), that RiverOak has "*a clear idea of how [it intends] to use the land which [it proposes] to acquire.*" RiverOak has included within the Order limits no more land than is reasonably required for the purposes described in the table in Appendix 1 such that its proposed use of land, for the purpose of delivering the proposals, is proportionate and justifiable.
- 9.32 **Availability of funds for compensation**
- 9.33 The Guidance indicates that an applicant should be able to demonstrate that there is a "reasonable prospect" of the requisite funds becoming available. The Funding Statement (**Document TR020002/APP/3.2**) which accompanies the application sets out how the

Proposed Development would be funded and demonstrates that there is a reasonable prospect of the requisite funds being available both to pay any compensation arising from the exercise of the compulsory purchase and temporary use powers and, indeed, to construct the Proposed Development.

9.34 **Justification for interfering with the human rights of those with an interest in the land affected**

9.35 In making the application for the draft DCO, including the seeking of powers to acquire land compulsorily and to use land temporarily, RiverOak has had regard to the relevant provisions of the European Convention on Human Rights (see section 13 below).

9.36 In particular, as is explained in detail in section 13 of this Statement of Reasons, RiverOak has given consideration to the purposes for which the land is required, namely the delivery of the Proposed Development, in the context of the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and Article 8 of the Convention. The particular reasons why the proposed acquisition of land and interference with private property rights are considered to be legitimate and proportionate, and therefore justified, are set out in section 13 below, and are matters on which the SoS will need to be satisfied in deciding whether powers of compulsory acquisition should be included in any grant of development consent for the proposals.

9.37 **Compelling case in the public interest**

9.38 The crux of this Statement of Reasons is that there is a compelling case in the public interest for the land described in the application plans and Book of Reference to be acquired.

9.39 This follows on from the following:

The Proposed Development would encourage future trade growth by helping to address the urgent need for additional airport capacity in the South-East of England

9.40 As summarised above in paragraphs 4.22 - 4.25 and discussed in more detail in the Azimuth Report (Volume 1, **Document TR020002/APP/7.4**), there is an identified need for increased capacity for airfreight and for dedicated air freighters in the UK aviation sector. Whilst some additional capacity can be provided at existing passenger focused airports, including the 6 main London airports, there is insufficient capacity to meet both the existing forecast demand, or to allow the UK aviation sector and wider UK economy, to grow and to capture new market share.

9.41 Providing sufficient aviation capacity to meet future airfreight demand is, as stated in a study by Oxford Economics, a first step to encouraging future trade growth.

9.42 Following the EU referendum result in June 2016, the need to access export and import markets outside the EU, for which a significant mode for transferring goods is by air, has become much more significant. While large passenger airports such as Heathrow transport a large amount of cargo in the holds of passenger aircraft, there is a complementary need for dedicated air cargo capacity to access the destinations that passenger flights do not serve and to carry the cargo that cannot be carried or is less suitable for carriage by passenger aircraft such as hazardous or time-sensitive goods. The airport would provide almost immediate relief to the pressing situation that is causing £2 billion in potential trade from being lost to the South East

each year if it remains without additional runway capacity (Centre for Business Research, 2016).

- 9.43 A large amount of cargo is currently flown to and from airports on mainland Europe and driven through the Channel Tunnel to reach the UK. This is cargo that could and should be flown directly to and from the UK, contributing to the local economy rather than that of the Netherlands, Germany etc., reducing pressure on the Channel Tunnel and not at the mercy of an unnecessary and increased customs burden once the UK leaves the EU. The case for Manston will not substantially affect other UK airports but will meet unmet demand and reduce reliance on airports in mainland Europe.

The Proposed Development will bring substantial socio-economic benefits both locally and nationally

- 9.44 East Kent and specifically Dover, Shepway, Swale and Thanet have relatively high rates of unemployment at 2.8%, 2.2%, 2.2% and 4.0% respectively. Rates are particularly high for young people between the ages of 18 and 24. Kent ranks within the 50% least deprived of all counties and unitary authorities in England but East Kent fairs worse. Indeed, Thanet continues to rank as the most deprived local authority in Kent, and Ashford and Swale have experienced the largest increase in deprivation relative to other areas in Kent (KCC, 2015)¹²
- 9.45 Since the closure of the Pfizer plant near Sandwich in 2012 and Manston Airport itself in 2014, East Kent has not been host to a significant high-tech employer. East Kent is in need of skilled employment and training.
- 9.46 The importance of air freight operations to the creation of jobs and to increasing economic and social prosperity has been demonstrated frequently around the world. The Proposed Development is predicted to create 2,150 direct on-site jobs by year 5, of which the airport operator will create 697 posts. The direct employment figure is forecast to rise with increasing freight tonnage and passenger numbers. By year 5, the indirect and induced and the catalytic jobs forecast to result from the operation at Manston Airport are 4,500 and 8,600 respectively, and 9,000 and 17,000 by year 20.
- 9.47 These figures represent a wide range of long-term, aspirational career opportunities (Azimuth Report, Volume IV, page II document reference number). The numbers of construction workers required is forecast to be between 600 and 700. There are also likely to be additional jobs created for off-site work by local construction companies ((Azimuth Report, Volume IV, page II, **Document TR020002/APP/7.4**).
- 9.48 Reopening Manston is predicted to bring 4,000 direct jobs and a total of 30,000 jobs (direct, indirect, induced and catalytic) to the local and national economy by year 20 RiverOak is also working with local educational institutions to establish complementary education and training programmes.
- 9.49 Along with hi-tech jobs comes the requirement for hi-tech education, and RiverOak will be working with local education institutions to develop courses that will equip local people with the skills needed to be able to work at the airport or in related employment. RiverOak are keen

¹² Kent County Council, Caxtons, and Locate in Kent (2015), *2015 Kent Property Market: The annual guide to investment and development in Kent*. Available from <http://www.locateinkent.com/settings/resources/files/documents/1446729231.3363.pdf> (accessed 1 April 2016).

to promote the establishment of an aviation training and education facility in partnership with higher education and further education providers.

9.50 The job figures represent a wide range of long-term opportunities for aspiring local school leavers, college graduates, and those at all stages of their careers. Construction jobs required in the redevelopment of Manston Airport are shown separately since these are (temporary?) impermanent positions. Before RiverOak reopens Manston Airport, a total of eight freight stands and three passenger stands for aircraft will be constructed as well as warehousing and fuel storage to meet the forecast demand. Further construction will take place in Years 2 to 4, Years 4 to 10 and Years 11 to 17 (see Volume III of the Azimuth Associates report for details). The redevelopment project across the 15-year timeframe is forecast to require 1,475 people working years. From this figure, the number of construction workers required is forecast to be between 600 and 700. There are also likely to be additional jobs created for off-site work by local construction companies.

9.51 In addition to job creation, there are numerous other socio-economic benefits to arise from aviation operations including the following which will be realised through the Proposed Development:

9.51.1 **Training and education:** Working with Higher Education (HE) and Further Education (FE), RiverOak can leverage opportunities associated with Manston Airport's operation.

9.51.2 **Raising the aspirations of young people:** Manston Airport can stimulate the desire to continue in education and training, encouraging young people to improve their life chances and realise their full potential.

9.51.3 **Connectivity:** Increased connectivity improves the GDP of a region and Manston Airport would dramatically improve the connectivity of the area, which is even more essential with the advent of the UK's exit from the EU.

9.51.4 **Attracting inward investment:** The presence of an airport supports inward investment and business location decisions.

9.51.5 **Tourism:** Passenger services will support both inbound and outbound tourism.

9.51.6 **Generating wealth:** GDP figures based on the airport's impact have been calculated together with the tax revenues the projected job creation is likely to produce.

Development of the site as an airport is the only viable use for it

9.52 The main landowner of the airport site, Stone Hill Park Ltd, made a planning application to the local planning authority Thanet District Council (reference OL/TH/16/0550) to redevelop the site as a mixed-use development including 2500 dwellings, on 31 May 2016. The application was acknowledged to be incomplete as it was without certain information such as environmental surveys and a statement of housing need. Revised plans were submitted on 31 October 2017, but the original missing information has yet to be supplied over 21 months later, calling into question the seriousness of the applicant's intentions.

9.53 Even if the intentions were serious, the application is very unlikely to be granted planning consent as:

- 9.53.1 There is no demonstrated, or demonstrable, need for the housing being sought;
 - 9.53.2 Insufficient infrastructure exists and is not being sought at this isolated site to support such a significant increase in population, including road access, gas, electricity, water and sewerage services;
 - 9.53.3 There are environmental issues that have not been dealt with such as the existence of a chalk aquifer under the site, which the Environment Agency consider to be of strategic and local importance and which is not compatible with a large number of people living above it;
 - 9.53.4 It conflicts with local plan policies, particularly policy EC4 restricting airport land to airside development, recently confirmed as having substantial weight in a Planning Inspectorate appeal decision on 13 July 2017;
 - 9.53.5 It has attracted several heavyweight objections from statutory bodies, including the Ministry of Defence, who will not allow housing to be built near its equipment;
 - 9.53.6 It is a high cost project in a low value area and achieving viability is considered to be an extremely remote possibility.
- 9.54 A hybrid planning application was submitted to Thanet District Council on 4th May 2018 and was made valid on 9th May 2018 (reference OL/TH/18/0660). This application has not replaced planning application OL/TH/16/0550 as this application remains live pending a decision.
- 9.55 The proposals presented in the new hybrid planning application still represent a departure from the Development Plan and are equally unacceptable in planning terms for the reasons set out above in connection with planning application OL/TH/16/0550. The 2018 application has attracted several significant objections from statutory bodies including many who objected to the 2016 application often because they have not been satisfied that the Applicants have overcome previous concerns in submitting their alternative scheme.

The project would safeguard a valuable and significant national asset from being otherwise lost and provide UK with modern air cargo customs facilities

- 9.56 There are only seven commercial airports in England with runways longer than Manston (Heathrow, Gatwick, Birmingham, Stansted, Manchester, East Midlands and Doncaster Sheffield). The scarcity of existing airport infrastructure, and the difficulties in progressing new airport infrastructure, mean that it is vital that this runway and its potential for trading capacity is not lost as a national asset. The current owners' aspiration to turn it into a housing development make the need to preserve it as an airport all the more pressing.
- 9.57 Not only would flying cargo from outside the EU to continental airports and then driving it to the UK be likely to become increasingly difficult when the UK leaves the EU, but the UK also lacks modern facilities to vet its exports. This means that when it should be flown out of the UK, cargo often has to be driven in HGVs to continental airports to be screened and then exported from there, because the UK lacks such facilities. This is not only wasteful and adds considerable time to delivery but misses an opportunity for work to be carried out in the UK. RiverOak is working with the government to meet its specifications for UK-based vetting facilities.

10 APPROACH TO ACQUIRING LAND AND RIGHTS IN LAND BY AGREEMENT

- 10.1 To date, RiverOak has sought to progress negotiations with the principal landowner of the airport site and Northern Grass, Stone Hill Park Ltd since July 2016. RiverOak has sought to engage with Stone Hill Park Ltd on numerous occasions, both formally and informally in order to acquire the site by agreement. However, to date, Stone Hill Park Ltd have made it very clear verbally and in their consultation responses that they are not prepared to sell the site to RiverOak.
- 10.2 RiverOak has also agreed and entered into a lease with the freehold owners in respect of the landing lights to the east of the airport. This is for a term of 25 years expiring 9 October 2041, but as it is contracted out of the security of tenure provisions of the Landlord and Tenant Act 1954, further agreement would be required as to any extension. Therefore, to put the arrangement on a permanent footing, RiverOak are seeking permanent acquisition rights, consistent with the terms of the lease.
- 10.3 As part of its approach to acquiring land and rights by agreement, RiverOak has also engaged with the landowners and occupying company to acquire an interest in the fuel farm located on the south side of the airport. Documents detailing the acquisition of the property are in agreed form and have been circulated for signature. It is anticipated contracts will be exchanged shortly.
- 10.4 An area of approximately 3ha has been safeguarded in the DCO application for operation of the RAF Manston History Museum, Spitfire & Hurricane Memorial Museum and memorial garden. This area encompasses the current museum and memorial grounds and allows for additional areas in which the museums could be expanded or relocated. A decision on whether to proceed with any relocation works will only be made after consultation with the museum operators to ensure that the museums' needs are reflected. A preliminary meeting was held between RiverOak and the museums on the 26 March 2018 and the parties are now in the process of [agreeing a statement of common ground](#).
- 10.5 RiverOak have also been corresponding with and had a conference call on the 27 March 2018 with representatives from the Met Office, who lease and use a small area within the Order limits as a weather station. It was a positive discussion and a statement of common ground will be prepared documenting the parties discussions.
- 10.6 RiverOak has also liaised with representatives for the Crown bodies, as detailed below at paragraphs 12.7 -12.18.
- 10.7 During the pre-application procedures, RiverOak has issued a total of 124 letters to Category 1 persons within the Order limits (including statutory undertakers and the parties referred to above at paragraphs 10.1 and 10.2, seeking to advance engagement as to the land and rights required and over which compulsory powers are sought. These letters were timed to coincide with the second statutory consultation in early 2018. The intention was to commence commercial negotiations with willing parties as soon as possible and parties were directed to liaise with Colin Smith, Senior Director of CBRE – Planning & Compulsory Purchase. RiverOak will provide updates to the Examining Authority during the examination period. Following final design and engineering checks, the extent of highway requirements for temporary possession works on the Northern side of the Order limits was fixed and a further 54 letters and e-mails have been issued to Category 1 parties affected on these plots. As before, parties were directed

to liaise with Colin Smith, Senior Director of CBRE. Updated checks were undertaken with the Land Registry in July 2018, prior to submission and this revealed some changes to affected parties, with follow up letters being issued.

- 10.8 There has been contact from several parties affected on the pipeline plots, with queries raised. In response to this, RiverOak will be arranging a meeting to be held at the Cliffsend Village Hall, or other suitable local venue, to discuss the proposals further.
- 10.9 RiverOak has contacted the owners of 1-18 Manston Court Road, who have access rights over land to the rear of their properties, over land currently in Stone Hill Park's ownership. Originally, it was intended that this land would be included within the Order limits and RiverOak carried out the second statutory consultation, showing this area on the plans. In response to concerns raised and with some adjustments by the design team, it has been possible to remove the area from the Order limits, although these parties will remain in the Book of Reference as Category 2 interests due to potential rights relating to services located within the Order limits.

11 RELATED APPLICATIONS, ORDERS, CONSENTS

- 11.1 The DCO will be the principal consent required to allow the proposed development to proceed. In addition there are other consents, licences and permissions that RiverOak will require from authorities such as the Environment Agency, Natural England and CAA to allow certain elements of the development to proceed.
- 11.2 RiverOak is in discussion with all relevant bodies and is not aware of anything that is likely to prevent the grant of consent. The need for these other consents does not therefore present any obstacle to the implementation of the proposed development.
- 11.3 These additional consents are listed in the Details of other Consents and Licences document (**TR020002/APP/7.5**).

12 SPECIAL CONSIDERATIONS AFFECTING THE LAND

- 12.1 *Special Category Land – Open Space*
- 12.2 The proposed Order limits include a small area of open space (plots numbers 185b, 185c, 185d and 185f), where it is proposed that the subsoil in which the existing underground pipeline is located will be permanently acquired and a permanent right of access, in common with other users, for maintenance will be required.
- 12.3 Section 132 of the PA 2008 provides that a DCO is subject to special parliamentary procedure to the extent that it authorises the compulsory acquisition of a right over land by the creation of a new right, forming part of a common, open space or fuel or field allotment, unless the SoS is satisfied that one of sub-sections (3) to (5) of section 132 applies and that fact and the sub-section concerned are recorded in the DCO.
- 12.4 Section 132(3) of the PA 2008 applies if the order land, when burdened with the order right, will be no less advantageous than it was before to the persons in whom the land was vested, other persons, if any, entitled to rights of common or other rights over that land and the general public.
- 12.5 Given that RiverOak are:

- 12.5.1 only acquiring land below the surface where the existing pipeline is located; and
- 12.5.2 only proposing to compulsory acquire a right of access, in common with other users, at surface level for maintenance of the pipeline;

the recreational use of that land which forms public open space will be able to carry on, public access to the land will not be detrimentally affected and none of the land will cease to be open space.

- 12.6 The remaining land that is the subject of the application is in private ownership and fenced off with notices and a security presence.

12.7 *Crown Land*

12.7.1 The Order limits contains Crown Land – see Crown Land Plans (**Documents TR020002/APP/4.5**) described in Part 4 of the Book of Reference doc ref (**Document TR020002/APP/3.3**). Title checks have revealed that a small amount of land is owned by Crown bodies and it is believed that the Crown also benefits from rights and restrictions over a larger extent of the Order limits. For clarity, the Crown Land Plans have differentiated colouring:

- (a) dark blue to identify where the Crown have a “Freehold / Leasehold / Beneficiary of Legal Charges” interest; and
- (b) light blue to identify “Other Rights / Interests”.

12.7.2 Where a plot covers both types of interests outlined at 12.7.1 above, then the dark blue colour has been utilised on the Crown Land Plans.

12.7.3 In respect of plots at 018, 044 and 045, the Crown’s interest is presumed and they have been included as an adjoining owner of land abutting the highway, by applying the ‘ad medium filum’ rule that they own up to the half width of the highway.

12.7.4 For plots 018 and 045, whilst the entire plots are shown coloured on the Crown Land Plans, the Crown’s presumed ownership is only in respect of part, in relation to the areas where they have an adjoining ownership.

- 12.8 Section 135 of the PA 2008 provides protection for Crown Land against compulsory acquisition. Crown Land is not limited to land owned and managed by the Crown Estate. Section 227 of the PA 2008 defines ‘Crown Land’ as any land in which there is a Crown interest. A Crown interest includes, amongst others, an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department. The proposed development includes land where government departments own freehold and leasehold interests and have the benefit of charges, private rights and easements. For the purposes of the PA 2008 all this land is categorised as Crown Land.

- 12.9 There has been engagement with the affected Crown bodies from December 2017 onwards comprising communication with the following bodies:

Secretary of State for Defence – Plots 017, 018, 018a, 018b, 018c, 019b, 020, 020a, 023, 025, 026, 027, 038, 040, 040a, 041, 042, 042a, 044, 045, 045a, 045b.

12.10 The Secretary of State for Defence owns the freehold or leasehold interest in these plots, or is presumed to own through the 'ad medium' principle referred to at paragraph 12.7.2 above. They include Ministry of Defence infrastructure retained on site when the airfield was sold to a private operator in 1999. RiverOak has engaged with the Ministry of Defence regarding the possible relocation of infrastructure, including the High Resolution Direction Finder ('HDRF'), to alternative locations nearby and the freehold purchase of these plots. RiverOak has identified suitable locations for the HDRF nearby, outside of the Order limits. This list also includes reference to plots where the Secretary of State for Defence benefits from legal charges.

12.11 Discussions are continuing with the Ministry of Defence and third-party landowners at the time of application and RiverOak expects to enter in to an agreement with the Secretary of State for Defence, for the purposes of acquiring the freehold interest in these plots, during the examination period. In addition RiverOak will seek consent in accordance with Section 135 of the PA 2008 for the inclusion of compulsory acquisition powers in the draft DCO within these plots, for exercise against all interests held by other persons.

Secretary of State for Defence – Plots 014, 015, 015a, 016a, 017, 019b, 019c, 020, 020a, 023, 024, 026a, 027, 028, 036, 037, 039, 040, 040a, 041a, 043, 043a, 046, 047, 047a, 048, 048a, 048b, 049, 049a, 049b, 050, 050a, 050b, 050c, 050d, 050e, 051b, 053a, 053b, 053d, 054, 055, 058, 068, 069, 070, 070a, 102, 103, 114, 114a

12.12 The Secretary of State for Defence is the beneficiary of a number of third party rights and easements across these Order limits pursuant to a number of documents dating back to the 1960s. Checks have revealed that these relate to rights of access to services and pre-existing conduits. However, it has not been possible to confirm the location of all of the pre-existing services or specific routes of access and enquiry has been raised with the Ministry of Defence's Land Management Services for assistance in narrowing the affected area.

12.13 The majority of these rights and restrictions were retained to benefit neighbouring land (still owned by the Secretary of State for Defence) when the airfield was sold to a private operator in 1999. RiverOak intends to acquire or extinguish these interests by private agreement. RiverOak has sought consent in accordance with Section 135 of the PA 2008 for the inclusion of compulsory acquisition powers in the draft DCO within these plots for exercise against all interests held by other persons. It has not been possible to obtain this consent prior to application however RiverOak intends to pursue this during the examination period and is in communication with the Ministry of Defence regarding this issue.

Secretary of State for Housing, Communities and Local Government – Plot 027

12.14 The Met Office, who have a leasehold interest in the Order limits, advised by e-mail dated 29 January 2018 that their title has been transferred by operation of law to the Secretary of State for Communities and Local Government, from the Secretary of State for Defence, as part of The Transfer of Functions (Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey) Order 2011. It is understood that the Secretary of State for Housing, Communities and Local Government has overall responsibility for the property assets of the Met Office and correspondence has been issued to them to clarify and advance discussions, with a response awaited. Clarification has similarly been sought from the Ministry of Defence. The Met Office have a leasehold interest in this plot where an automatic weather station is located. RiverOak has consulted with the Met Office and entered in to discussions

with them as outlined at paragraph 10.5 above. It has not been possible to obtain consent in accordance with Section 135 of the PA 2008 prior to application however RiverOak intends to pursue this during the examination period.

Bona vacantia – Plots 019c and 050b.

- 12.15 As part of the due diligence undertaken, checks revealed that the Order limits include land parcels where the Bona Vacantia Division of the Government Legal Department have an interest, relating to two dissolved companies, namely:
- 12.15.1 **019c Advance Laundries Limited**, dissolved, as beneficiary of Licence dated 14 February 1949, in respect of a small slither of land on the southern end of the Order Limits; and
- 12.15.2 **Plot 050b - Manston Developments Limited**, dissolved, as beneficiary of an Agreement dated 29 July 1999. This relates to an option to acquire part of the land known as the 'Taxiway Land', affecting an area within the Order limits.
- 12.16 Correspondence has been issued to the Bona Vacantia Division as regards the above interests and there are ongoing exchanges. They are looking into the two dissolved companies, so as to establish jurisdiction and have advised that at which point, they will decide whether to hold, sell or disclaim any assets discovered.
- 12.17 RiverOak will continue to liaise with the Government Legal Department or the Crown Estate's representatives, as appropriate, and will update the Examining Authority during the examination period.

Secretary of State for Transport

- 12.18 RiverOak believes that the SoS for Transport may have previously entered in to a contractual arrangement with Stone Hill Park Ltd in relation to using the Manston Airport site as part of a project to maintain a contingency lorry park in Kent. This project is sometimes referred to as 'Operation Stack'. Following diligent inquiry RiverOak has received no evidence to suggest that any interest in land is still in being and there is no evidence that the Secretary of State for Transport is in occupation. RiverOak has therefore not pursued consent in accordance with Section 135 of the PA 2008 as these provisions are not applicable where no interest exists.

13 JUSTIFICATION FOR INTERFERENCE WITH HUMAN RIGHTS

13.1 The Human Rights Act: Relevant Convention Rights

- 13.1.1 The European Convention on Human rights (the Convention) was applied within UK domestic law by the Human Rights Act 1998 (the HRA).
- 13.1.2 The articles of the Convention that are relevant when determining whether a DCO should be made which includes powers of compulsory acquisition are Article 1 of the First Protocol to the Convention, Article 6 and Article 8.
- 13.1.3 The SoS must be persuaded that the purposes for which an order authorises the compulsory acquisition of land are sufficient to justify interfering with the human rights of those with an interest in the land.

- 13.1.4 Article 1 of the First Protocol to the Convention protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by relevant national and international laws. Any interference with possessions must be proportionate and in determining whether a particular measure is proportionate, a “fair balance” should be struck between the demands of the general interest and the protection of the individual's rights.
- 13.1.5 Article 6 entitles those affected by powers sought for the proposed development to a fair and public hearing by an independent and impartial tribunal. These requirements could be secured by the availability of judicial review if the decision making is not considered to be independent within the meaning of Article 6.
- 13.1.6 Article 8 protects the right of the individual to respect for his private and family life, his home and his correspondence. No public authority may interfere with these interests except if it is in accordance with the law and is necessary in the interests of, inter alia, national security, public safety or the economic well-being of the country. As with Article 1 of the First Protocol to the Convention, any interference if justified, must be proportionate.
- 13.1.7 The proposed development has the potential to infringe the human rights of persons who own property within the Order limits or have rights over the land within the Order limits. Such infringement is authorised by law provided that;-
- (a) The statutory procedures for making the DCO are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO; and
 - (b) Any interference with any Convention right is proportionate to the aim served.

13.2 **Compliance with the Convention and the Human Rights Act**

- 13.3 RiverOak is satisfied that, although Convention rights are likely to be engaged, the proposed development will not conflict with Convention rights and will be proportionate in that there is a compelling case in the public interest for the proposed development which outweighs the impact on individual rights. In this context, it is relevant that those affected will be entitled to compensation.
- 13.4 With regard to Article 1, First Protocol and Article 8, RiverOak has weighed any interference with these Convention rights as a result of including compulsory powers within the DCO with the potential public benefits if the DCO is made. First, RiverOak considers that there would be very significant public benefit arising from the grant of the DCO. That benefit can only be realised if the DCO includes the grant of powers of compulsory acquisition and temporary use. RiverOak has concluded that the significant public benefits outweigh the effects of the DCO upon persons who own property in the Order limits such that there would not be a disproportionate interference with their Article 8 and Article 1, First Protocol rights. The need for the Proposed Development is clear and is of national importance, as detailed in the Azimuth Report. Second, those affected by the exercise of compulsory acquisition or temporary use

powers will be entitled to compensation and RiverOak has the resources to provide such compensation.

- 13.5 As for Article 6, third parties have been able to make representations on the application for the DCO whilst it is being prepared. In accordance with Part 5 of the PA 2008, RiverOak consulted persons set out in the categories contained in section 44 of the PA 2008. This included the known owners and occupiers of land within the Order limits and those who might be able to make claims either under section 10 of the Compulsory Purchase Act 1965 in respect of injurious affection, or under Part 1 of the Land Compensation Act 1973. The beneficiaries of restrictive covenants and other rights that would be overridden by the exercise of powers in the DCO would be capable of making claims under section 10 of the Compulsory Purchase Act 1965.
- 13.6 Furthermore, representations can be made by way of objections to the application in response to any notice given under section 56 of the PA 2008 ('Notifying persons of accepted application'). The PA 2008 provides for a detailed examination of any application for a DCO by an independent Examining Authority. The examination includes careful scrutiny of any powers of compulsory acquisition or other compulsory powers, to ensure that they are justified and proportionate. Although the examination is a process mainly conducted in writing, where the Examining Authority received one or more requests for a compulsory acquisition hearing from affected persons within the date specified, it must cause a hearing to be held. All affected persons are invited to these compulsory acquisition hearings, and have the opportunity to make oral representations about the compulsory acquisition requests.
- 13.7 Should the DCO be made, a person aggrieved may challenge the DCO by judicial review in the High Court if they consider that the grounds for doing so are made out. In relation to disputes about compensation, affected persons have the right to apply to the Upper Tribunal (Lands Chamber), an independent tribunal.
- 13.8 For these reasons, RiverOak considers that the inclusion of powers of compulsory acquisition would not breach the Convention rights of those whose are affected and that it would be appropriate and proportionate to make the DCO, including the grant of powers of compulsory acquisition.

14 CONCLUSIONS

- 14.1 RiverOak submits, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the DCO for the purposes of the Proposed Development meets the conditions of Section 122 of the PA 2008 as well as the considerations in the Guidance.
- 14.2 The acquisition of land and rights (including restrictive covenants) and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights is no more than is reasonably required to facilitate or is incidental to the Proposed Development.
- 14.3 Furthermore, the land identified to be subject to compulsory acquisition is no more than is reasonably necessary for that purpose and is proportionate, as is shown in the DCO (**Document TR020002/APP/2.1**), the Works Plans (**Document TR020002/APP/4.4**) and other information both in this Statement and in other document accompanying the Application.

- 14.4 The need for additional airport capacity in the South East which the Proposed Development can help to address, suitability of the Order Limits, the benefits that the Proposed Development would bring and the support for such project in the relevant policy demonstrate that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 14.5 All main reasonable alternatives to compulsory acquisition have been explored. Given the national and local need for the Proposed Development and the support for it found in policy, as well as the suitability of the Order Land (for the reasons outlined above), compulsory acquisition of the land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of matters affecting the Order Land identified by RiverOak for the Proposed Development is justified.
- 14.6 The proposed interference with the rights of those with an interest in the Order Land is for a legitimate purpose, namely the Proposed Development, and is necessary and proportionate to that purpose. RiverOak considers that the very substantial public benefits to be derived from the proposed compulsory acquisition of the Order Land would decisively outweigh the private loss that would be suffered by those whose land is to be acquired.
- 14.7 RiverOak has set out clear and specific proposals regarding how the Order Land will be used.

**APPENDIX 1: DETAILS OF THE PURPOSE FOR WHICH COMPULSORY ACQUISITION AND
TEMPORARY POSSESSION POWERS ARE SOUGHT**

Plot Number (s)	Extent of Acquisition	Purpose for which Plots are required
001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014	Acquisition of permanent rights over land	Work No. 5
015	Permanent acquisition of land	Works Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 19, 20, 21, 22, 24 and 25
015a, 050d, 051b, 051c, 053a, 053b, 058, 059, 068, 069, 072a	Permanent acquisition of land	Maintaining integrity of the existing airport site and its boundary; associated development
015b, 017, 020, 021, 022, 023, 024, 025	Permanent acquisition of land	Glide path safeguarding
016, 016a, 016c,	Permanent acquisition of land	Associated development including construction, operation and maintenance of emergency route
018	Temporary possession of land	Works Nos. 25, 26, 28 and 30
018a	Temporary possession of land	Works Nos. 26 and 30
018b	Temporary possession of land	Work No. 26
018c	Permanent acquisition of land	Work No. 26
019	Permanent acquisition of land	Emergency access to airfield
019a, 019b, 019c, 020a	Acquisition of permanent rights over land	Emergency access to airfield
026	Permanent acquisition of land	Work No. 25
026a	Permanent acquisition of land	Work No. 25 and associated development
027	Permanent acquisition of land	Work No. 25
028	Permanent acquisition of land	Works Nos. 8, 9, 14, 22 and 25
036	Permanent acquisition of land	Work No. 22
037	Permanent acquisition of land	Works Nos. 9, 20, 22
038	Permanent acquisition of land	Works Nos. 3, 20, 22
039	Permanent acquisition of land	Works Nos. 1, 22

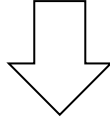
040	Permanent acquisition of land	Associated development
040a	Temporary possession of land	Work No. 26
041	Permanent acquisition of land	Work No. 8
041a	Permanent acquisition of land	Works Nos. 8 and 13
042	Permanent acquisition of land	Work No. 26
042a	Temporary possession of land	Work No. 26
043	Permanent acquisition of land	Work No. 22
043a	Permanent acquisition of land	Work No. 22
044	Temporary possession of land	Work No. 26
045	Temporary possession of land	Works Nos. 26, 29, 31 and 32
045a	Temporary possession of land	Work No. 26
045b	Temporary possession of land	Works Nos. 26 and 31
046	Permanent acquisition of land	Work No. 22
047, 047a, 048	Permanent acquisition of land	Work No. 23
048a, 048b	Permanent acquisition of land	Associated development
049	Permanent acquisition of land	Works Nos. 4, 15, 16 and 23
049a	Permanent acquisition of land	Works Nos. 16 and 29
049b	Permanent acquisition of land	Work No. 4
050	Permanent acquisition of land	Works Nos. 4, 15, 16, 17 and 27
050a	Permanent acquisition of land	Work No. 27
050b	Permanent acquisition of land	Works Nos. 15, 16 and 23
050c	Permanent acquisition of land	Works Nos. 16 and 23
050e	Permanent acquisition of land	Works Nos. 17 and 27
053	Permanent acquisition of land	Work No. 27
054, 054a, 56a, 57	Permanent acquisition of land	Work No. 21
055	Permanent acquisition of land	Work No. 18
056	Permanent acquisition of land	Works Nos. 2 and 8
060, 061, 062, 063, 064, 065, 066, 067	Acquisition of permanent rights over land	Work No. 6
070, 070a	Permanent acquisition of land	Access to Work No 19

071	Permanent acquisition of land	Work No. 19
072	Permanent acquisition of land	Work No. 19
073	Acquisition of permanent rights over land	Access to Work No 19
077	Permanent acquisition of land	Work No. 19
078,079, 080, 083, 084, 085, 086, 088, 090, 092, 094, 096, 097, 098, 099, 100, 101, 102, 103, 104, 107, 109, 113, 114, 114a, 115, 116, 123, 124, 127, 130, 134, 136, 144, 145, 147, 152, 153, 154, 162, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 185a, 185e	Permanent acquisition of subsoil only	Operation and maintenance of the existing underground pipeline
081, 095, 108, 111, 117 128 133, 142, 143, 146, 149, 155, 159, 160, 177c, 185b, 185f, 186	Permanent acquisition of subsoil and acquisition of permanent rights over land	Overground access to existing pipeline manhole to inspect, operate and maintain existing pipeline
082, 110, 112, 118, 119, 120, 129, 131, 132, 138, 140, 141, 148, 150, 151, 156, 157, 158, 161, 177a, 177b, 185c, 185d, 187, 188 188a	Acquisition of permanent rights over land	Overground access to existing underground pipeline manhole

APPENDIX 2: CONDENSED GUIDE TO USING THE DCO DOCUMENTATION

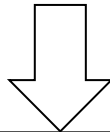
Step 1:

- See the **Land Plans** and find the land in which you have an interest.



Step 2:

- Using the **Land Plans**, note the plot number of the plot in which you have an interest.



Step 3:

- Using the **plot number**, look up the plot in **Appendix 1 to the Statement of Reasons**. This will tell you the purposes for which the plot is required.
- You can also look the plot up in
 - the **Book of Reference**; and
 - the **draft DCO**.

ⁱ The Department for Transport (April 2018) Beyond the horizon: The future of UK aviation. Next steps towards an Aviation Strategy. Available online at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698247/next-steps-towards-an-aviation-strategy.pdf [Accessed 03/07/18]

