



RiverOak Strategic Partners

Statement of Common Ground between the Applicant and Network Rail Infrastructure Limited

TR020002/D3/SOCG/NR

Examination Document

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MANSTON AIRPORT DCO [201X]

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Statement of Common Ground relating to the Manston Airport Development Consent Order

Between

RIVEROAK STRATEGIC PARTNERS LIMITED

and

NETWORK RAIL INFRASTRUCTURE LIMITED

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1 Introduction and Purpose

1.1 Purpose of Statement of Common Ground

- 1.1.1 This Statement of Common Ground (“**SoCG**”) relates to an application made by RiverOak Strategic Partners Limited (“**RiverOak**”) to the Planning Inspectorate under sections 14 and 35(2) (ii) of the Planning Act 2008 (“**Act**”).
- 1.1.2 The application is for an order granting development consent (“**DCO**”). The draft DCO is referred to as the Manston Airport DCO. The Manston Airport DCO, if granted, would authorise RiverOak to re-open and operate an airport on the site of the former Manston airport in the district of Thanet in Kent and associated development (“**Development**”).
- 1.1.3 RiverOak submitted a DCO application to the Planning Inspectorate on the 17 July 2018 and it was accepted for examination by Planning Inspectorate on the 14 August 2018.
- 1.1.4 This SoCG has been prepared by RiverOak and Network Rail Infrastructure Limited (“**Network Rail**”) in respect of the Development. In particular, this SoCG focuses on:-
- (a) the status and any scheduling of the proposed Thanet Parkway Railway Station at Cliffsend;
 - (b) the issue of whether the Development will give rise to any possible detriment to the carrying on of Network Rail’s undertaking; and
 - (c) the adequacy of the existing draft protective provisions included at Schedule 9 of the draft DCO (**APP-006**) and or the need for bespoke protective provisions to be included in the DCO.
- 1.1.5 The purpose and possible content of SoCGs is set out in paragraphs 58-65 of the Department for Communities and Local Government’s guidance entitled “*Planning Act 2008: examination of applications for development consent*” (26 March 2015). Paragraph 58 of that guidance explains the basic function of SoCGs:
- “A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence.”*
- 1.1.6 SoCGs are therefore a useful and established means of ensuring that the evidence at the DCO examination focuses on the material differences between the main parties, and so aim to help facilitate a more efficient examination process.
- 1.1.7 The purpose of the SoCG is to set out agreed factual information about the proposed DCO application by RiverOak. It is intended that the SoCG should provide matters on which RiverOak and Network Rail agree. As well as identifying matters which are not in dispute, the SoCG may also identify areas where agreement has not been reached.

- 1.1.8 RiverOak and Network Rail are collectively referred to in this SoCG as ‘the parties’. The parties have been, and continue to be, in direct communication in respect of the Development.
- 1.1.9 It is envisaged that this SoCG will evolve during the examination phase of the DCO application.
- 1.1.10 Subsequent drafts will be agreed and issued, with the version numbers clearly recorded in the ‘Document Control’ table at the beginning of the document.

1.2 The Development location and description

- 1.2.1 The Development site lies adjacent to the village of Manston, approximately 13 miles north-east of Canterbury and one mile north-west of Ramsgate. It is on the former site of Manston Kent International Airport which closed on 15 May 2014 and is within Thanet District Council and Kent County Council boundaries.
- 1.2.2 The Development site comprises approximately 749 acres of land. The area in which the proposed Development would be located comprises land to the south and north of Manston Road.
- 1.2.3 The proposed Development comprises the ‘principal development’ - which includes all works to provide an integrate aviation services hub with the main feature being a major international centre for air freight that is capable of handling a minimum of 10,000 air freight Air Traffic Movements per year and ‘associated development’, comprising other development that has a direct relationship with the principal development and is required to support its construction and/or operation.
- 1.2.1 The proposed Development comprises:
- (a) upgrade of Runways 10/28 to allow CAT II/III operations;
 - (b) re-alignment of the parallel taxiway (Alpha) to provide European Aviation Safety Agency (EASA) compliant clearances for runway operations;
 - (c) construction of 19 EASA compliant Code E stands for air freight aircraft with markings capable of handling Code D and F aircraft in different configurations;
 - (d) installation of new high mast lighting for aprons and stands;
 - (e) construction of 65,500m² of cargo facilities;
 - (f) construction of a new air traffic control (ATC) tower;
 - (g) construction of a new airport fuel farm;
 - (h) construction of a new airport rescue and firefighting service station;
 - (i) complete fit-out of airfield navigational aids (nav-aids);
 - (j) construction of new aircraft maintenance / recycling hangars;

- (k) development of the Northern Grass area for airport related businesses;
- (l) demolition of the redundant 'old' ATC Tower;
- (m) safeguarding of existing facilities for museums on the site;
- (n) highway improvement works; and
- (o) extension of passenger service facilities including an apron extension to accommodate an additional aircraft stand and increasing the current terminal size.

1.3 Further details of the development can be found in Chapter 3 of the Environmental Statement which accompanies the DCO application (**APP-033**).

2 Consultation with Network Rail

2.1 RiverOak engaged with Network Rail prior to making the DCO application, including during the two rounds of statutory consultation and non-statutory consultation. RiverOak continues to engage with Network Rail regarding the Development.

2.2 Specifically, since the acceptance of the application RiverOak has sought to agree with Network Rail the form of protective provisions to be included in the draft DCO (**APP-006**).

3 The role of Network Rail and the DCO Application

3.1 Network Rail is the owner and operator of Great Britain's railway infrastructure. Network Rail is a statutory undertaker in respect of its railway undertaking, with statutory and regulatory obligations in respect of it.

3.2 The DCO application includes provisions which would, if granted, authorise RiverOak to acquire permanent subsoil in land underneath operational railway and permanent acquisition of Network Rail's rights in land in close proximity to the railway.

4 Matters which are fully agreed between the parties

4.1 This section of the SoCG describes the 'matters agreed' in detail between the parties.

4.2 Network Rail has been identified as a category 1 interest and a category 2 interest (in respect of rights) in respect of the following plots (the **Plots**) shown in the Book of Reference (**APP-014**) and on the Land Plans (**APP-016**):-

Category 1 interest

Plot 123

Category 2 interest in respect of mines and minerals and in respect of rights granted and reserved by conveyances dated 13 October 1972 and 15 May 1973

Plots 113, 115, 116, 117, 118 and 119.

- 4.3 The DCO will, if made, authorise RiverOak to acquire compulsorily:-
- (a) the subsoil in Plots 113, 115, 116 and 123 (the latter of which being the only Plot in which Network Rail has an interest as owner);
 - (b) the subsoil and rights at surface level in respect of Plot 117; and
 - (c) new rights over Plots 118 and 119 to provide over ground access to existing pipeline.
- 4.4 It is RiverOak's position that the acquisition of subsoil and rights in respect of the Plots is necessary to secure for RiverOak the ownership of, and means of access to, an existing outfall pipeline which runs from the Manston Airport site and which discharges into Pegwell Bay. Despite diligent inquiry, RiverOak has not been able to identify the legal or beneficial owner of the pipeline and seeks powers of compulsory acquisition through the DCO in order to regularise the ownership of the pipeline, which is necessary for the operation of the airport.
- 4.5 The DCO will, if granted, authorise no works to, or in the immediate vicinity of, Network Rail's existing infrastructure.
- 4.6 The outfall pipeline referred to above is in situ and therefore no works are proposed to be carried out to it other than periodic maintenance, which RiverOak estimates will be carried out on an annual basis save for emergencies.

5 Matters agreed in principle between the parties

- 5.1 This section of the SoCG describes the 'matters agreed' in principle between the parties.

Protective provisions

- 5.1.1 RiverOak agrees that in principle, protective provisions should be agreed with Network Rail in respect of its infrastructure within the red line boundary of the DCO application to the extent that such protective provisions are reasonable and proportionate to the scale of interaction between the Development and Network Rail's infrastructure.

Proposed Thanet Parkway Railway Station

- 5.1.2 The proposed Thanet Parkway Railway Station is being promoted by Kent County Council, which is also the funder of this project.
- 5.1.3 Network Rail has no comments to make at this stage on the proposed Thanet Parkway Railway Station as it relates to the proposed Development. Network Rail is engaging with Kent County Council on its proposals and will continue to do so.

Detriment to the carrying on of Network Rail's undertaking

- 5.1.4 The parties agree that the authorised works of the proposed Development will not affect the undertaking carried on by Network Rail. The parties are still in discussions regarding the proposed powers in the DCO which, if made, would authorise access and maintenance rights to land underneath Network Rail's operational railway.

5.2 Matters not agreed

- 5.3 The parties are currently negotiating the form of protective provisions which RiverOak will grant to Network Rail for the protection of its undertaking. Network Rail has provided a copy of its standard protective provisions, however the parties do not currently agree the nature and extent of protective provisions which are necessary and reasonable in respect of the Development. The parties will update the Examining Authority as to progress in negotiations as the Examination proceeds and as requested by the Examining Authority.
- 5.4 An Agreement by deed (“the Agreement”) is currently being negotiated between RiverOak and Network Rail. The Agreement will (if agreed) include the protective provisions referred to in paragraph 5.3 above, together with other obligations on the parties should the DCO be made. The final wording of the Agreement is still to be agreed.
- 5.5 The parties are not able to agree on the necessity for powers to be granted to RiverOak for the compulsory acquisition of interests belonging to Network Rail or of any rights benefitting for the protection of Network Rail.

Signed on Behalf of RIVEROAK STRATEGIC PARTNERS LIMITED

Signature:

Name:

Position:

Date:

Signed on Behalf of NETWORK RAIL INFRASTRUCTURE LIMITED

Signature:

Name:

Position:

Date: