



RiverOak Strategic Partners

Statement of Common Ground between the Applicant and The Environment Agency

TR020002/D3/SOCG/EA

Examination Document

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MANSTON AIRPORT DCO [201X]

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Statement of Common Ground

Between

RIVEROAK STRATEGIC PARTNERS LIMITED

and

ENVIRONMENT AGENCY

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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 to be 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”). One aspect of the Development is the construction of a new airport fuel farm (the “Fuel Farm”).
- 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 the Environment Agency in respect of the Development.
- 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 the Environment Agency 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 the Environment Agency 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 and the interface between the Fuel Farm and the rest of the Development and the associated.

- 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 role of the Environment Agency and the DCO application

- 1.2.1 The Environment Agency is a non-departmental public body, established in 1995 and sponsored by the Department for Environment, Food and Rural Affairs, with responsibilities relating to the protection and enhancement of the environment in England.

1.3 The Development location and description

- 1.3.1 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.
- 1.3.2 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.
- 1.3.3 The proposed Development comprises the 'principal development' - which includes all works to provide an integrated 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.
- 1.3.1 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.

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

2 Consultation with the Environment Agency

2.1 Meetings between the parties were held on:

- 2.1.1 7 November 2016;
- 2.1.2 14 March 2017; and
- 2.1.3 3 November 2017.

2.2 Conference calls held on:

- 2.2.1 1 June 2018;
- 2.2.2 12 February 2019

3 Matters which are fully agreed between the parties

3.1 This section of the SOCG describes the 'matters agreed' in detail between the parties.

- 3.1.1 The Fuel Farm is located largely in groundwater source protection zone SPZ2. A small part of the Fuel Farm is located in SPZ1.
- 3.1.2 The use of existing fuel tanks is unacceptable and the installation and use of new, above-ground fuel tanks is the preferred solution.
- 3.1.3 Requirements 5, 6, 13 and 15 of Schedule 2 of the Draft DCO are agreed.
- 3.1.4 The overarching outlining of mitigation measures in document 2.5 Register of Environmental Actions and Commitments and as required by Requirement 7(2)(d) of the DCO are welcomed by the Environment Agency.
- 3.1.5 The issues covered in the relevant chapters in the ES covering drainage, groundwater protection and land quality are agreed and satisfactory for this stage of development.

- 3.1.6 The re-use of site won materials are part of sustainable development and this approach is supported in appropriate circumstances.

4 Matters agreed in principle between the parties

- 4.1 This section of the SOCG describes the ‘matters agreed’ in principle between the parties.

Groundwater Protection

- 4.1.1 Due to the presence of an aquifer, intrusive groundworks on the Development site will be kept to a minimum. Where intrusive groundworks are necessary, they will be carried out in a single stage and the locations will be chosen carefully to reduce the risk of contamination of the aquifer. Agreed groundworks will be managed as per the CEMP with any necessary mitigation measures in place to prevent pollution risks.
- 4.1.2 The approach being taken is groundwater flow modelling, no contaminant transport modelling will be undertaken unless additional hotspots of contamination are further identified that may pose significant risk to the public water supply resource. The risks to groundwater will be assessed in a qualitative risk assessment and emphasis placed on mitigation measures to avoid ground spills.

Land affected by contamination

- 4.1.3 Requirement 11 of the current draft DCO (**Document APP-006**) refers to ‘contaminated land’. This is a term with a strict legal definition. The Environment Agency requests that the wording of this requirement is amended slightly to reflect this and also expanded to include the full wording of their standard approach to land contamination as outlined with additional wording in (4) and (5) below, changes are highlighted.

“11.—(1) In the event that *land affected by contamination*, including groundwater, is found at any time when carrying out the authorised development which was not previously identified in the environmental statement, it must be reported as soon as reasonably practicable to the Secretary of State, the relevant planning authority and the Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the relevant planning authority and the Environment Agency.

(2) Where the undertaker determines that remediation of the *contamination identified in, on, or under land from detailed site investigations, or as an unexpected discovery*, is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function and the Environment Agency.

(3) *Any required and agreed* remediation must be carried out in accordance with the scheme approved under sub-paragraph (2).

(4) *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation scheme in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages,*

maintenance and arrangements for contingency action must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function and the Environment Agency.

(5) Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Secretary of State. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.”

- 4.1.4 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
- 4.1.5 The Environment Agency recommends that developers should refer to:
- The Position statement on the Definition of Waste: Development Industry Code of Practice and;
 - The Environmental regulations page on GOV.UK.
- 4.1.6 Any re-use of excavated materials not undertaken formally using the CL:AIRE DoWCoP (Definition of Waste: Code of Practice) would require an environmental permit for deposit, unless materials are solely aggregates from virgin sources, or from a fully compliant Quality Protocol aggregates supplier. Any deposit of materials outside of these scenarios could be subject to enforcement actions and/or landfill tax liabilities.
- 4.1.7 Any waste removed from site must be accompanied by the appropriate duty of care paperwork and transported by an authorised waste carrier to an appropriately authorised facility. Any waste treated or re-used on site will require appropriate authorisation in the form of an environmental permit or exemption.

Drainage & sewage

- 4.1.8 The outline drainage strategy, which is set out in Appendix 8.2 of the Environmental Statement (**Document APP-048**) for the entire Manston site is to collect all potentially contaminated water falling on hard surfaces. This will be directed to attenuation and treatment lagoons in the north of the airport site. After passing through these lagoons, treated water will be pumped to the highest point of the site from where it will gravity drain to an outfall that discharges to Pegwell Bay. A key aspect of the drainage strategy is that infiltration of potentially contaminated water will be prevented.
- 4.1.9 The discharge to Pegwell Bay will be of clean surface water (roof drainage) and fully treated surface water therefore does not require an Environmental Permit
- 4.1.10 Site sewage will be directed to Southern Water's sewage network. Confirmation will be provided by Southern Water that capacity is available in their network and

connections will be confirmed as complete prior to any occupation or operational use of the relevant phase of the airport development

- 4.1.11 The relevant drainage system will automatically shut off whilst fuel is being transferred to and from tankers to the oil tank farm and manual pollution prevention measures will be implemented when transfers are made from mobile bowzers on the air side
- 4.1.12 Firewater will be retained in site drainage pipes through the provision of oversized pipes with an automatic shut off to prevent discharge to Pegwell Bay.
- 4.1.13 Runway drainage from the operational part of the existing runway will be required to maintain the runway free of surface water. This drainage will be included in with the Development drainage scheme.
- 4.1.14 Runway drainage is best located at the edges of the operational runway and inside the service ducting.

Intrusive works

- 4.1.15 Airfield infrastructure such as ducting, sign foundations and navigational aids will require penetrations through the existing pavements.
- 4.1.16 Electrical ducting needs to be no more than 50 m from the centre line of the operational runway (probably closer) due to restrictions on the length of cable that can be pulled.
- 4.1.17 The original concrete paving for the Second World War runway, was built to accommodate safe landing for damaged aircraft and is up to 230m wide extending 80m to the south and 150m to the north of the runway centreline.
- 4.1.18 The proposed runway is a standard operational width of 45m with 7.5m shoulders (60m paved total). The remaining existing paved area outside of the 60m required for the new runway operation is not considered to provide an aviation benefit and could represent a risk to aircraft operations if loose material was dislodged and migrated onto the runway surface. It is imperative that loose material is not allowed to enter aircraft engines during take-off and landing operations. This type of material is called Foreign Object Debris (FOD) and mitigation measures to avoid FOD are at the forefront of all activities at an airport.
- 4.1.19 Although it would be beneficial to remove the excess paved areas, the Environment Agency has indicated that as little of the existing hardstanding as possible in SPZ's 1 & 2 should be removed. As such, to mitigate FOD risk, it is proposed that remedial work will be undertaken to the surface. This could involve re-sealing joints, patch repairs or even a thin overlay to stabilise the surface. Details will be confirmed during the detailed design stage following surveys of the existing pavement condition. Final surfacing details will be consulted on and approved by the Environment Agency. Additionally, any airport infrastructure required to be installed within these paved areas such as Electrical and Drainage systems will include details to avoid creating new pollutant pathways into the sub-soil, which will be formally agreed with the Environment Agency.

- 4.1.20 An investigation will take place in advance of works to investigate thickness of the existing pavement and determine if contamination is present. Details of how the investigation will be undertaken will be agreed formally with the Environment Agency.
- 4.1.21 The Environment Agency agree the necessity for intrusive works in principle and note that a risk assessment and method statement will need to be approved by the Secretary of State, following consultation with the Environment Agency and Southern Water, before any operations of piling or intrusive works can commence. Intrusive works and piling are addressed by Requirement 15.

Fuel Farm

- 4.1.22 The Fuel Farm layout has been refined to comply with regulations and as a result of the discussions. The design details have been amended to include (amongst other things): bund construction; specification of double bunded tanks; bund to be underlain by impermeable membrane (e.g. visqueen); joints to be sealed with a hydrophobic sealant to prevent leakage and concrete to include self-sealing material (e.g. xypex).
- 4.1.23 In the bunded area of the Fuel Farm sump drainage will be to a low point from where it will be manually pumped into the drainage system (if clean) or to a tanker if it is contaminated.
- 4.1.24 There will not be any below ground fuel lines or any penetrations of the bund for pipe work. All pipes will go over the bund wall and will be configured to agreed standards for oil storage requirements (see Fuel Farm detailed submissions Appendix 2.1 of the ES) (**Document APP-044**).
- 4.1.25 The Environment Agency requests that the following additional items are included in Requirement 7 regarding the management of fuel storage and transport in relation to vegetation management using herbicides:
- Fuel storage and transport arrangements; and
 - Operation use of herbicides to control vegetation.

CEMP

- 4.1.26 A draft CEMP has been submitted with the application (**Document AP-011**). The CEMP outlines construction activities that could give rise to pollution and measures to address these. The CEMP would also set out the remedial works strategy should any unexpected contamination be found. The strategy would seek the removal of any contamination where there is a clear risk that is deemed unacceptable to sensitive receptors. The issue of land affected by contamination is also addressed by Requirement 11 (see section 4.1.3 above).
- 4.1.27 Excavation Materials re-use may require a relevant authorisation from the Environment Agency. Any treatment of contaminated materials will require a relevant permit, which for short term activity may be a mobile treatment permit.

- 4.1.28 A permit from the Environment Agency or other authorisation mechanism such as a Quality Protocol or DoWCoP will be required to import waste derived material onto site.

Waste from construction activity

- 4.1.29 Materials from drip trays located beneath oil tanks / engines / gearboxes / hydraulics will be correctly disposed of via a licensed waste disposal operator.
- 4.1.30 Any contaminated soil identified by ground investigation prior to construction that is not treated and reused on-site will be disposed of off-site by a suitably licensed waste disposal operator.
- 4.1.31 Water pumped from foundation excavations will be collected in suitable tanks and held on site for collected by a licensed waste contractor.

5 Matters not agreed

- 5.1 None.

Signed on Behalf of RIVEROAK STRATEGIC PARTNERS LIMITED

Signature:

Name:

Position:

Date:

Signed on Behalf of THE ENVIRONMENT AGENCY

Signature:

Name:

Position:

Date: