



RiverOak Strategic Partners

Draft (not agreed) Statement of Common Ground between the Applicant and British Telecommunications plc

TR020002/D4/SOCG/BT

Examination Document

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MANSTON AIRPORT DCO [201X]

Planning Inspectorate Reference: TR020002

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

Between

RIVEROAK STRATEGIC PARTNERS LIMITED

and

BRITISH TELECOMMUNICATIONS PLC

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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 British Telecommunication plc ("BT") in respect of the Development. In particular, this SoCG focuses on:-
- (a) whether the Development will give rise to any possible detriment to the carrying on of BT's undertaking; and
 - (b) the adequacy of the existing draft protective provisions included at Schedule 9 of the draft DCO (**APP-006**).
- 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 BT 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 BT are collectively referred to in this SoCG as 'the parties'.

- 1.1.9 It is envisaged that this SoCG will evolve during the examination phase of the DCO application.
- 1.1.10 Any 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 732 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 BT

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

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

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.

3.2 BT has been identified as a category 1 interest (in respect of apparatus) in respect of the following plots (the **Plots**): 015, 015a, 015b, 016, 016a, 016c, 017, 019, 019a, 019b, 020, 020a, 021, 022, 023, 024, 025, 026, 028, 036, 037, 038, 039, 041, 045, 048, 048b, 049, 049a, 050, 050a, 050c, 050e, 051b, 053a, 053b, 055, 056, 056a, 059, 068, 069 (the **Plots**) shown in the Book of Reference (**APP-014**) and on the Land Plans (**APP-016**).

3.3 The DCO will, if made, authorise RiverOak to acquire the Plots permanently by way of compulsory purchase, save that RiverOak's power of compulsory acquisition is limited in respect of the following Plots accordingly:-

3.3.1 in relation to plots 019a, 019b and 020a, the power to acquire new rights in land; and

3.3.2 in relation to plot 045, the power for temporary use of the land for the proposed Development.

3.4 The acquisition of the Plots is necessary for RiverOak to secure ownership of the Manston Airport site in order to carry out the Development and operate Manston Airport.

3.5 [BT does not object to the acquisition of rights in the Plots.]

3.6 [BT is satisfied with the protective provisions included in the draft DCO (**APP-006**) and has no comments to make in respect of them.]

4 Matters agreed in principle between the parties

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

Protective provisions

- 4.1.1 RiverOak agrees that in principle, protective provisions should be agreed with BT in respect of its infrastructure within the red line boundary of the DCO application.

Detriment to the carrying on of BT's undertaking

- 4.1.2 [The parties agree that the construction and operation of the proposed Development will not affect the undertaking carried on by BT.]

4.2 Matters not agreed

- 4.3 The parties are currently negotiating the form of protective provisions which RiverOak will grant to BT for the protection of its undertaking. The parties will update the Examining Authority as to progress in negotiations as the Examination proceeds and as requested by the Examining Authority. If agreement is not reached then the Protective Provisions in Schedule 9 of the DCO (**APP-006**) will apply.

Signed on Behalf of RIVEROAK STRATEGIC PARTNERS LIMITED

Signature:

Name:

Position:

Date:

Signed on Behalf of BRITISH TELECOMMUNICATION PLC

Signature:

Name:

Position:

Date: