

RSP

RiverOak Strategic Partners

Agreed (unsigned) Statement of Common Ground between the Applicant and NATS

TR020002/D5/SOCG/NATS

Examination Document

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Application Ref:	TR020002
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MANSTON AIRPORT DCO [2018]

Planning Inspectorate Reference: TR020002

Statement of Common Ground

Between

RIVEROAK STRATEGIC PARTNERS LIMITED

and

NATS

The logo for RiverOak Strategic Partners Limited (RSP) consists of the letters 'RSP' in a large, bold, serif font. The letters are grey and have a slight shadow effect, giving them a three-dimensional appearance.

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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 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 the DCO application to the Planning Inspectorate on 17 July 2017 and it was accepted for examination on 14 August 2018.
- 1.1.4 This SoCG has been prepared by RiverOak and the NATS 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 NATS 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 NATS 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 interface between the proposed Development and the designated assets in proximity to the site.
- 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 NATS and the DCO application

1.2.1 NATS is a public-private partnership between the Airline Group, which holds 42%, NATS staff who hold 5%, UK airport operator LHR Airports Limited with 4%, and the government which holds 49%, and a golden share. The Secretary of State (SoS), in exercise of the powers conferred by section 6 of the Transport Act 2000 (the "Act") and of all other powers exercisable by him for that purpose, grants to NATS (En Route) Limited (the "Licensee") a licence authorising the Licensee to provide air traffic services in and in respect of the UK En-route Area.

1.2.2 NATS is not a statutory undertaker for the purposes of this Development.

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 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 other development that has a direct relationship with the main feature and which is required to support its construction and/or operation.

1.3.4 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.

2 Consultation with NATS

- 2.1 NATS were consulted on the scoping opinion request and replied on 5 July 2016.
- 2.2 NATS were consulted as part of the 2017 and 2018 statutory consultations but did not respond.
- 2.3 NATS responded to the s56 notice by making the following relevant representation on 8 October 2018 (examination library reference [RR-1407](#)):

“Dear Sir/Madam, we refer to the application quoted above for redevelopment of the Manston Airport Site. NATS relies on critical infrastructure on the site and is currently liaising with stakeholders around the potential impact of the application and any mitigation measures available.

At this time NATS has been unable to thoroughly assess the impact and formally investigate mitigation, as such it wishes to raise concerns around the development and objects to the Application. Notwithstanding the objection, NATS is working with various stakeholders and expects to be able to submit a formal representation in the next week or so.

We trust this clarifies our position, but should there be any queries in the interim, do not hesitate to contact us.

*Regards
S. Rossi
NATS Safeguarding Office”*

- 2.4 RiverOak and NATS have been in discussions regarding the Development throughout the Examination period.

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 On 18 January 2019, the Examining Authority requested that an initial SoCG between the Applicant and NATS be provided by Deadline 3, 15 February 2019, dealing with the impact on, and protection of, critical infrastructure.
- 3.1.2 The 'critical infrastructure' referred to in the relevant representation above is the 'High Resolution Direction Finder' (HRDF), situated at parcel 041 on the Land Plans (ref [APP-016](#)), which is owned by the Ministry of Defence (MoD).
- 3.1.3 NATS has no other interest in the site or concerns about the application.
- 3.1.4 The Applicant recognises that NATS uses the HRDF and will involve it in discussions about its relocation.

4 Matters agreed in principle between the parties

- 4.1 This section of the SoCG describes the 'matters agreed' in principle between the parties.
 - 4.1.1 In principle the relocation of the HRDF may be possible provided a suitable alternative site is found at nil cost to NATS and the MoD that provides equivalent or greater radio coverage for the HRDF.
 - 4.1.2 Requirements should include, but not be limited to the following:
 - i. Coverage requirements (equal or better than the current site, future proof in respect of anticipated airspace changes).
 - ii. Alternative land identification, planning permission, leases, safeguarding, services (power, datacomms etc.), access, security.
 - iii. Procurement and installation of equipment.
 - iv. Timescales.
 - 4.1.3 If the relocation arrangements are acceptable to the MoD then they are likely to be acceptable to NATS.

5 Matters not agreed

- 5.1 This section of the SoCG describes the matters not agreed between the parties.
 - 5.1.1 The requirements and identification of a new location for the HRDF, together with the arrangements for its procurement, construction and commissioning.
 - 5.1.2 The appropriateness of a planning condition at this time due to the lack of detail around all the requirements and the risks associated with meeting these.

Signed on Behalf of RIVEROAK STRATEGIC PARTNERS LIMITED

Signature:

Name:

Position:

Date:

Signed on Behalf of NATS

Signature:

Name:

Position:

Date: