RiverOak Strategic Partners

Draft (not agreed)Statement of Common Ground between the Applicant and the Ministry of Defence (HRDF)

TR020002/D6/SOCG/HRDF

Examination Document

Project Name:	Manston Airport Development Consent Order
Application Ref:	TR020002
Submission Deadline:	**6**
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MANSTON AIRPORT DCO [2018]

Planning Inspectorate Reference: TR020002

Statement of Common Ground

Between

RIVEROAK STRATEGIC PARTNERS LIMITED

and

THE MINISTRY OF DEFENCE

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Date	**Version**	**Status**	
19.06.2018	**1**	**Draft**	**Draft SoCG with the MoD sent to the MoD** ~~Note – RiverOak had withdrawn its application at this stage.~~
07.12.2018	**2**	**Draft**	**Draft SoCG with the MoD sent to the MoD** ~~Not received.~~ ~~as far as we are aware~~
08.02.2019	**1**	**Draft**	**Draft SoCG sent to the MOD**
14.02.2019	**2**	**Draft**	**Comments received from the MOD on the draft SoCG**
06.03.2019	**1**	**Draft**	**Draft combined HRDF SoCG with the MoD, DIO and NATS sent to the MoD, DIO and NATS**
08.03.2019	**1**	**Draft**	**Comments received from the MOD on the draft SoCG.** ~~The MOD confirmed that the SoGC to be in the name of the MOD only~~
12.03.2019	**2**	**Draft**	**Draft SoCG (MOD-only) returned to the MOD**
18.04.2019	**3**	**Draft**	**Comments received from the MOD on the draft SoCG.**
26.04.2019	**4**	**Draft**	**Updated draft SoCG (MOD-only) returned to the MOD**

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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 2018 and it was accepted for examination on 14 August 2018.

1.1.4 This SoCG has been prepared by RiverOak and representatives of the Ministry of Defence ("the MoD").

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 MoD 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 MoD 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 the MoD, DIO and the DCO application

1.2.1 The DIO is part of the MoD. The the Manston High Resolution Direction Finder ("HRDF") is owned by the MoD and in the care of the DIO.

1.2.2 The land the HRDF is located on is owned by the MoD and is parcel 041 in the Book of Reference and on the Land Plans for the DCO application.

1.2.3 The HRDF is used to precisely locate transmissions from emergency transponder beacons on aircraft (military and civilian) or any military aircrew that have bailed out of their aircraft. In this role the HRDF mast serves as an integral part of a UK wide network (the UK Diversion and Distress Facility) which is used to locate aircraft or personnel and direct rescue services. Maintaining the operational effectiveness of this technical installation is therefore critical to maintaining the UK emergency response capabilities for the management of air safety incidents.

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 the MoD

2.1 Discussions between RiverOak and representatives of the MoD have been ongoing since January 2017.

2.2 The MoD was consulted as part of the 2017 and 2018 statutory consultations.

2.3 The DIO responded to the section 56 notice by making the following relevant representation on 7 September 2018 (examination library ref RR-0442), on behalf of the DIO and MoD:

"DIO Safeguarding has previously been engaged with the agent regarding the proposed scheme for Manston Airfield. The proposed development occupies the statutory technical safeguarding consultation zone surrounding the Manston High Resolution Direction Finder (HRDF) and we have consistently raised concerns to this application due to no successful mitigation being identified. The HRDF is a critical piece of technical equipment for the MOD it is used to precisely locate transmissions from aircraft and supports the delivery of air traffic control functions. The mast serves as an integral part of UK wide network (the UK Diversion and Distress Facility) which is used to locate aircraft or personnel and direct rescue emergency response capabilities for the management of air safety incidents. We cannot support the application in its current form as the proposed infrastructure may cause a physical infringement to the operation of the asset. In addition, the Ministry of Defence has a number of freehold interests within the DCO boundaries (including the equipment referred to above) as well as a significant number of other legal interests for which no agreement has been reached as to how these will be dealt with."

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 On 11 December 2018, the Examining Authority requested that an initial SoCG between the Applicant and the MOD be provided by Deadline 3, 15 February 2019, dealing with the

safeguarding zone surrounding the HRDF, situated at parcel 041 on the Land Plans (ref APP-016), which is owned by the MOD and the DIO's view of the adequacy of the existing draft protective provisions in the draft DCO (dDCO).

3.3 On 11 December 2018, the Examining Authority requested that an initial SoCG between the Applicant and MoD be provided by Deadline 3, 15 February 2019, dealing with any possible effects of the proposal on the defence interests.

~~3.4 On 18 January 2019, the Examining Authority requested that requested that an initial between the Applicant and NATS be provided by Deadline 3, 15 February 2019, dealing with the impact on, and protection of, critical infrastructure.~~

~~3.5~~3.4 The DIO (being part of the MOD) does not hold any independent legal title or interests in the Order land.

~~3.6~~3.5 The MoD does hold the legal title in this and other parts of the site as set out in the Crown Lands Plan (APP-017) and Book of Reference (APP-014). In addition, the site is affected by the Ministry of Defence (Manston) Technical Site Direction (2017). This SoCG covers the HRDF only; a separate SoCG is being prepared with the MoD in relation to its other interests at the airport.

Commented [JZH1]: Alison- can you please provide a copy of this Direction?

~~3.7~~3.6 Discussions between RiverOak and the MoD ~~and DIO prior to the DIO's Deadline 2 written submission dated 6 February 2019 (published on 14 February 2019)~~ had indicated that the HRDF ~~was~~ is potentially capable in principle of being relocated to an alternative location, provided that the new location ~~is suitable~~ is on land within the freehold ownership of the MOD, offers the same technical capability, is safeguarded in accordance with ~~HRDF2030 and CAP670 VDF Technical Safeguarded Slopes~~ the MOD Radio Site Protection criteria defined in the MOD Joint Services Publication ~~(JSP)~~ 604 Leaflet 3032 (JSP 604) and assuring there is no interruption in the service that it provides. ~~The HRDF will be subject to Defence Networks Governance document JSP 604[1] radio site clearance criteria.~~ It has not yet been demonstrated that any particular proposed alternative location achieves this.

~~3.8~~3.7 The MoD requested that RiverOak deal with its appointed contractor Aquila to determine the suitability of the site.

~~3.9~~3.8 RiverOak have not included any provision within the dDCO to specifically cover the HRDF due to the fact that RiverOak proposes to relocate the HRDF to land outside the Order limits separately to the DCO application. As the HRDF is on Crown Land, RiverOak cannot obtain powers to affect the HRDF without the consent of the MoD.

~~3.10~~3.9 Land within a 120m radius of the existing HRDF is protected from development through a restriction on the title. This would have to be replicated for any new site to the satisfaction of the MoD.

3.10 Land beyond 120m is safeguarded from development ~~through a safeguarding direction in a cone shape rising upwards as it moves outwards at a 1 in 25 gradient.~~ by JSP 604 and the Ministry of Defence (Manston) Technical Site Direction (2017). ~~This~~ These safeguards would have to be replicated for any new site to the satisfaction of the MoD.

~~[1] JSP 604 Part 2 Volume 2 Leaflet 3032, version 5.2~~

3.11 If the HRDF cannot be relocated, it is recognised that the current development proposals and the design for the new airport significantly impact on the technical safeguards referred to above.

Commented [JZH2]: Alison - we are unable to comment on this without having sight of the 2017 Direction. Please provide a copy.

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 There will need to be a period of overlap between the new HRDF becoming operational and the original one being de-commissioned. The MOD would have to be satisfied that over a reasonable period of time the capability of the new site does not degrade.

5 Matters not agreed

5.1 This section of the SOCG describes the matters not agreed between the parties.

5.1.1 The identification of a suitable alternative site that satisfies the legal and technical requirements outlined above has not yet been agreed.

Signed on Behalf of RIVEROAK STRATEGIC PARTNERS LIMITED

Signature:

Name:

Position:

Date:

~~Signed on Behalf of THE MINISTRY OF DEFENCE AND DEFENCE INFRASTRUCTURE ORGANISATION~~

~~Signature:~~

~~Name:~~

~~Position:~~

~~Date:~~

Signed by……[NAME]… ……

For and on behalf of the SECRETARY Authorised Signatory

OF STATE FOR DEFENCE

Date: