



**Defence
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Organisation**

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The Planning Inspectorate
National Infrastructure Planning
2 The Square
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24th May 2019

Dear Sirs

Your reference: TR02002

Application by River Oak Strategic Partners for an Order granting Development Consent

I am writing primarily in response to the Examining Authority's Third Written questions and requests for Information (ExQ3) published on 10th May 2019 in which the Ministry of Defence/DIO has been asked three specific questions at CA.3.2, CA.3.3 and CA.3.5. I will provide answers to these questions below.

In addition, I would like to comment on some of the responses made by RSP in the document dated 3rd May 2019 submitted in reply to the Second Written questions from the Planning Inspectorate. I also consider it would be helpful to provide some additional clarification in regard to the Ministry of Defence (Manston) Technical Site Direction (2017) referred to in my letter of 2nd May, as it is far from clear whether the implications and significance of this have been fully recognised.

A. Response to Specific Questions (ExQ3)

These three questions are set out in full below with the relevant response provided in each case.

1. CA.3.2 Crown Land: MoD Lands. Confirm or otherwise whether agreement will be reached in advance of the close of the Examination on 9th July 2019.

It is considered unlikely that any agreement will be reached by 9th July.

2. CA.3.3 Crown Land: MoD Lands. Comment on this statement and, if necessary, explain the lack of response from the MoD lands (no response from the MoD since the 6 March 2019)

The MoD had been considering its response to the applicant in view of the potential complexities and number of land parcels involved. Comments on the Draft SoGC will be provided to the Applicant in due course. There are two principal freehold sites that the Applicant has indicated that it wishes to acquire from the MoD (the Motor Transport Unit and the Aerial Farm – land parcel numbers 026 and 038 respectively), in addition to which there are in excess of 50 further sites over which the Applicant wants the MoD to release such legal interests as it may have in the land parcels. The Motor Transport Unit is still operational (serving the Defence Fire and Rescue Establishment opposite) and the MoD wishes to retain this facility in its current location. It is understood that the Aerial Farm is redundant although the relevant internal confirmation of this is still awaited. It should be noted that there is also a 150m exclusion zone around the Aerial Farm. To date the MoD has been focussing its resources on the issues surrounding the HRDF.

3. CA 3.5 Crown Land: High Resolution Direction Finder

It is reiterated that it is considered unlikely that this matter will be resolved by 9th July. Even if Phase 1a (as identified in the Applicant's responses at point CA.2.3) is completed by Aquila within this timescale the other elements will not be concluded. In particular, there remains concern regarding the Applicant's ability to provide the necessary alternative area of freehold land on which the HRDF would be sited (if an alternative location can be agreed from a technical perspective) coupled with a concern over the Applicant's ability to secure the additional necessary safeguarding restrictions which would have to be imposed on the areas surrounding the site. As stated previously, other than a verbal comment concerning this, nothing has been received in writing from the Applicant about the proposed relocation although it has had a number of months in which to address this matter but has not done so.

B. Comments on RSP's answers to questions raised in ExQ2

1. CA 2.1 Crown lands

This section is supposed to be a response to Crown Land (other than the HRDF site) but the Applicant refers to both the Crown Land issue and the HRDF issue in its response which is confusing. The response states "Graham Boulden attended the Compulsory Acquisition Hearing on 20th March 2019 on behalf of the Defence Infrastructure Organisation (which is part of the MOD), where he noted that the MoD are yet to respond in detail to either Statement of Common Ground". This is factually incorrect as I made no such comment. I commented on the fact that that both SOCGs had been provided by the Applicant less than 48 hours before the submission deadline. I went on to say that although no response had been provided to the "other lands" SoGC, a response had been provided to the Applicant in respect of the HRDF before the submission deadline but the Applicant had not submitted this response to the Planning Inspectorate.

RSP refer to a meeting between RSP's representatives and Aquila on 15th April at which Aquila proposed various matters to be included in a scope of work including "potential location/s". This comment is slightly confusing in that it had been understood there is now one preferred option that is being considered as an alternative site.

Although it is stated that Aquila are seeking to complete Phase 1a of their assessment before 9th July, subsequent negotiations with other elements of the MOD may extend beyond that date – I have stated in my previous response to the Planning Inspectorate that it definitely will extend beyond that date. I cannot foresee all the relevant decisions being made before then.

2. CA 2.4 HRDF

RSP take the view that it has not included any provision within the dDCO to specifically cover the HRDF as they intend to relocate the HRDF outside the Order Limits. Strictly speaking, this may be the case but for the MoD and the Planning Inspectorate the question of the funding for any relocation of the equipment must be a relevant consideration. The cost of relocating this and any other costs relating to the MOD's interests does not appear to have been included in the figure for compulsory purchase acquisition submitted by the Applicant. In this section the comment is made that "The applicant has made progress in identifying a number of alternative sites for the HRDF outside the order limits". As stated above, this is confusing as it is understood that only one site is now being proposed.

3. CA 2.5 Crown Land: High Resolution Direction Finder

At the Hearing the Applicant's representative made an unequivocal statement that the equipment was redundant and may not need to be replaced. The Applicant has not provided any evidence for this statement. It has also been somewhat ambiguous in its response to this question. The suggestion now that the equipment may be moved (rather than replaced) is at variance with what is stated in the draft SoGC. In this document there is a clear understanding that a replacement is to be provided.

C. The Manston Technical Site Direction

As stated above, I consider it would be helpful to provide some clarification on this.

Under the Town and Country Planning (safeguarded aerodromes, technical sites and military explosive storage areas) Direction 2002, a mechanism has been put in place for specific relevant sites, of which Manston is one, a safeguarding whereby a safeguarding map is prepared the Secretary of State for Defence. This safeguarding map is issued to the local planning authority that has responsibility for the area defined on the map, in this case Thanet District Council. The Secretary of State for Defence is then notified of any development that might infringe the safeguarding area. Safeguarding of the existing site is achieved by means of the Ministry of Defence (Manston) Technical Site Direction (2017). For the avoidance of doubt a copy of this plan is attached to this letter.

Various points should be noted regarding this:-

- i. During the recent exchange of e-mails regarding the draft SoGC for the HRDF, the solicitors for the Applicant have requested a copy of this Direction. It should be noted that a copy of the plan had previously been provided to Osprey on 3rd April 2017, so the Applicant was already aware of this.
- ii. If a new location is agreed for the HRDF then a revised safeguarding plan will need to be produced centred on that proposed new location. In its current location there is relatively little by way of infringement by any form of development within the safeguarding zones. If the HRDF is moved to a new location to the east of the application area, it should be noted there is a significant area of existing development that will come within the scope of the safeguarded zones and which will have to be assessed.
- iii. The principal issue relating to the existing safeguarded zones around the HRDF is that the proposed development which forms part of the dDCO application significantly infringes these safeguarded areas. The Safeguarding team made representations to the Planning Inspectorate expressing their concerns about the current proposals on 7th September 2018.

It would helpful to explain what the safeguarding criteria are for the HRDF and this information is attached to this letter contained in the document headed "Annex A to 3032 Chapter 6" (it should be noted that this information was supplied to Osprey, the Applicant's consultants, on 24th April 2017). This is reinforced by the safeguarding plan. I have asked the Safeguarding team to elaborate on the comments they made in September 2018 and they have commented as follows:-

The real points of contention are:

Cargo buildings approx. 25m above ground level – almost 600m wide, broadside to the HRDF and only 410m distant.

Aircraft parking – commercial jet aircraft within 100m.

ATC 24m above ground level – not as bad as the first two but about 60m on a side and 460m distant.

The plan is not compatible with continued functioning of HRDF at current height and position.

The problem is not the restriction heights but that they are broken by such a huge amount in height, breadth and proximity. There would be massive obscuration to the north and bearing errors from reflection of signals originating south.

In summary it is mainly the development immediately north and west of the HRDF which is of concern to the MoD and determined our objection response.

Hopefully the above comments can be interpreted more easily in the context of the detail given in relation to JSP 604 attached to this letter and by reference to the Applicant's Land Plans that formed part of the Application.

- iv. It should also be noted that in discussion with the Applicant in 2017, a formal response was provided confirming that the Application was “incompatible with the need to safeguard this technical installation”. A copy of this letter is attached.

In conclusion, the MoD still has considerable concerns both as to the Application in its current form as well as the issue of re-locating the HRDF. It is difficult to see how the question of the re-location of the HRDF will be resolved before the 9th July. In the absence of any final agreement regarding this it is also difficult to see how the Planning Inspectorate will be able to confirm the application given the safeguarding concerns that the MoD has expressed.

Yours faithfully



Graham Boulden B.Sc. (Hons) Est. Man. FRICS FAAV

Estate Surveyor

Chapter 6, Annex O - UHF/VHF Direction Finding (DF)

FIXED DF STATIONS WITH COUNTERPOISE - INCLUDING HRDF 2030

Within a 120 metre (400 feet) radius circle

1. Except as provided for in paragraphs 3 and 4, no buildings, structures, or objects of any description, other than those forming part of the authorised GRI or required for maintenance of the GRI, are permitted on land within a circle of radius 120 m (400 ft), centred on the UHF or VHF/UHF DF building, if their height would penetrate a surface commencing at the edge of the DF counterpoise and sloping downwards to the nearest point at ground level on the circumference of the circle.
2. No overhead metal cable or metal pipe is to be suspended in the airspace above the surface described in para 1 above.
3. The height of vegetation within the 120 m (400 ft) radius circle is not to exceed that of the surface described in paragraph 1 above, or 250 mm, whichever is the greater.
4. Vehicles, machinery or plant are not to be used on land within the 120 m (400 ft) radius circle unless the consent of the responsible officer has been previously obtained. Other than in the case of vehicles used in maintenance of the GRI, such consent is not to be given if the vehicle, machinery or plant concerned would, at any time whilst the GRI is in operation, remain stationary within the area.

NOTE - *For Statutory Safeguarding Map purposes the area within a 120m circle will be shown as 'Any Development or Change of Use of Land'.*

Outside the 120 metre (400 feet) radius circle

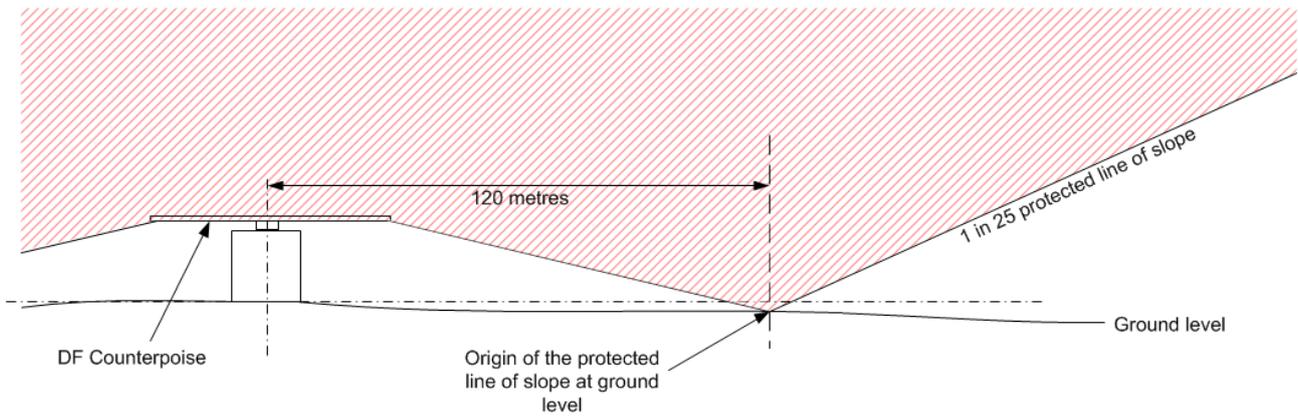
5. Outside the 120 m (400 ft) radius circle, the height of buildings, structures, or solid objects is not to penetrate a surface created by a line of slope 1 in 25 commencing at ground level at the 120 m radius, and extending outwards from the circumference of the circle. A building or metal structure which meets this requirement is, where possible, to be orientated so that the side of the building or structure facing the UHF or VHF/UHF DF building is at right angles to the radial from the UHF or VHF/UHF DF building.

NOTE - *For Statutory Safeguarding Map purposes the outer annular zone is bounded by circles of 120m and 1.5km radius. This mapping zone does not reduce or override the stated site restriction.*

NOTE - *For Statutory Safeguarding Map purposes the requirement to manage the orientation of compliant buildings will not be represented on safeguarding maps.*

NOTE - *For Statutory Safeguarding Map purposes trees, vegetation, vehicles, machinery and plant are not considered. Where objects (or static objects) are mentioned the term 'Works' will be cited in the relevant safeguarding plan consultation criteria.*

NOTE - *For Statutory Safeguarding Map purposes for all circle zones the radius originates from the centre of the array or individual antenna points.*



Chapter 6, Annex O, Figure 1 - Site Restrictions for fixed DF sites

Concessions To Restrictions

6. Any application for a concession on the foregoing restrictions is to be made in accordance with the instructions contained in Chapter 3 of this publication.



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19 Jul 2017

Dear Sir/Madam,

Your Reference: Development Consent Order
Our Reference: 10040265

MOD Safeguarding Manston Airfield

Proposal: Manston Air freight terminal, one passenger carrier, aircraft recycling and engineering facility, flight training school, fixed base operation and business facilities cargo buildings, aircraft stands, internal access road and parking areas, museum

Location: Manston Airfield
Manston Road
Manston
Kent

England

Planning Reference: Development Consent Order

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on 30/05/2017.

The proposed application site occupies the designated safeguarding zone surrounding the Manston technical site. The development extends through a consultation zone in which the MOD must be consulted upon all forms of development due to the potential for new developments to obstruct or degrade the operation of the nearby MOD mast.

The safeguarded technical installation is a High Resolution Direction Finder (HRDF) air navigational aid. The HRDF is used to precisely locate transmissions from aircraft and supports the delivery of air traffic control functions. However, its key role is to precisely locate transmissions from emergency transponder beacons on aircraft (both military and civilian) or an 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.

On reviewing the details provided it has been established that due to the proximity of the aircraft infrastructure to this MOD mast it may cause a physical infringement of MOD technical safeguarding criteria that ensure its operational capability is not impeded or degraded. As such the MOD considers the proposed scheme in its current form to be incompatible with the need to safeguard this technical installation and therefore have concerns with this application.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely
Louise Dale