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**Environment, Planning and
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BY EMAIL ONLY

8 July 2019

Dear Mr. MacDonald

**Re: Application by RiverOak Strategic Partners for an Order Granting
Development Consent for the upgrade and reopening of Manston Airport
– Deadline 11**

Kent County Council (KCC) hereby provides comments relating to the applicant's response to the Fourth Written Questions received at Deadline 9 and information received at Deadline 10. The County Council is also submitting a response to the Examining Authority's Fifth Written Questions which accompanies this letter.

Applicant's response to the Fourth Written Questions received at Deadline 9

DCO Requirement 3

KCC has considered the applicant's suggested additional wording set out in the its response to the Fourth Written Questions for Requirement 3, and is satisfied that this will allow the Masterplan to be informed by the archaeology and built heritage interests on the site. The Examining Authority should note KCC's previous comments that with respect to R3 (2) (b), a smaller development footprint may include a reduced quantum of development. The Applicant has explained that the quantum proposed in the North Grass Area is to be regarded as a maximum.

**Comments on any further information requested by the ExA and received to
Deadline 10**

Revised Archaeological Written Scheme of Investigation (Date 28 June 2019)

KCC has reviewed the amendments made to the Archaeological Written Scheme of Investigation (dated 28th June 2019). KCC is pleased to see that the majority of comments raised on the previous version have been now addressed, and the County Council welcomes additional points on Buildings Assessment and Historic Character

Assessment. KCC notes that comments with respect to paragraphs 5.5.8 and 5.5.10 have not been addressed as the Applicant is concerned that full reporting of the geophysical survey and evaluation trenching works may affect its programme for submission of the revised Masterplan. KCC remains of the view that there may need to be an appropriate level of reporting to enable the County Council to provide a sufficiently informed view to the Secretary of State on the Masterplan. KCC will consider options for expedited reporting to achieve an early view of the significance of archaeology where it is clearly demonstrated, but reporting should follow the process set out in Appendix B unless otherwise agreed with KCC.

KCC also notes that the proposed amendment to Para 5.4.1, dealing with human remains, reverts back to Article 37. KCC has proposed amendments to Article 37 to ensure that the full process for reporting and announcing remains which are clearly archaeological, do not have to go through the process presently described in Article 37.

Deadline 10 Compulsory Acquisition Status Report

Pipeline Plots

The County Council would like to make reference to its submission at Deadline 8 with respect to the Pipeline Plots. Despite previous assurances that a costs undertaking would be forthcoming, one has not been provided to KCC to date.

KCC's position is that there is no need for the applicant to permanently acquire the subsoil containing the existing pipeline or, seek rights at surface level, in respect of KCC freehold or Highways land.

The KCC freehold land identified by the applicant as being required to deliver and maintain the pipeline appears to be land that was transferred to KCC in order to deliver public highway. This land is likely to be required for ongoing maintenance of said highway. However, without a survey of the land identified, KCC is not in a position to ascertain the position with certainty. In the absence of a full survey, KCC continues to maintain an objection to this element of the applicant's proposal in order to ensure the public highway is not adversely affected.

The applicant's aims could be achieved by making an application for a section 50 licence under the New Roads and Street Works Act 1991. The grant of such a licence would entitle them to execute works and to do so without obtaining consent from any owner of apparatus affected by the works or relevant authority.

The issue of a street works licence permits the licensee (subject to the procedures imposed on undertakers) to place, retain, inspect, maintain, adjust, repair, alter, renew or change the position of apparatus in a street and to execute those works required for, or incidental to, those acts. In particular the licensee is permitted to break open the street or any sewer, drain or tunnel under it or to tunnel or bore under the street.

A failure to reach agreement in respect of KCC freehold or Highways land should not result in a grant of powers of acquisition under the DCO, should a decision be made to grant it, as there appears to be a clear alternative means of bringing about the delivery and maintenance of the pipeline.

KCC recognises that the Examination will close on the 9 July 2019. The County Council requests that the Examining Authority has due consideration of KCC's submissions throughout this Examination when producing its Recommendation Report for the Secretary of State. The County Council will continue to work with the applicant and Planning Inspectorate as required on any matters that may arise following the close of this Examination to assist the Examining Authority in the production of its Recommendation Report.

Should you require any additional information or clarification, please do not hesitate to contact me.

Yours sincerely,



Stephanie Holt-Castle

Interim Director - Environment, Planning and Enforcement