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**Cc:** [Manston Airport](#); [REDACTED]  
**Subject:** Manston Airfield - MoD afeguarding issues  
**Date:** 29 January 2020 18:47:24  
**Attachments:** [200126 MoD HRDF FINAL.pdf](#)  
[ATT00001.htm](#)  
[Appendix A TR020002-004579-Defence Infrastructure Organisation - Deadline 9.pdf](#)  
[ATT00002.htm](#)  
[Appendix B TR020002-004124-Defence Infrastructure Organisation letter.pdf](#)  
[ATT00003.htm](#)  
[Appendix C TR020002-004288-Defence Infrastructure Organisation - Deadline 8.pdf](#)  
[ATT00004.htm](#)  
[Appendix D TR020002-004714-AS DIO Planning Inspectorate - 9.7.19.pdf](#)  
[ATT00005.htm](#)  
**Importance:** High

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“From the outset it has been made clear to the Applicant that the existing design proposals for the proposed new airport as submitted to the Planning Inspectorate as part of the DCO Application are not acceptable to the MoD from a safeguarding perspective. The Applicant has taken no steps to mitigate the design proposals for the scheme or provide an alternative solution to the concerns expressed with a coherent strategy for the relocation of the HRDF to a viable alternative site. Therefore, the Ministry of Defence maintains its statutory objection to the application.

**It is considered, for the reasons stated above that this unresolved issue represents a significant impediment to the proposals.”**

Defence Infrastructure Organisation, 28 June 2019, (Appendix A, p4 s3)

Please see attached evidence that current proposals by the Department for Transport favour the commercial interests of the Applicant over the National safeguarding concerns raised consistently by the MoD since 2017, and reasons why the DCO should be refused or DCO clauses as relate to the nationally strategic HRDF infrastructure be amended to reflect the MoD’s stated requirements.

This evidence is provided in response to the Head of Transport Infrastructure Planning’s letter of 17 January to RSP and all Interested Parties requesting comments and further information on the content of her letter.

Regards,  
Georgina Rooke. Interested Party.

## MANSTON AIRFIELD DCO: MoD HRDF SAFEGUARDING ISSUE

To: Secretary of State for Defence, The Right Honourable Ben Wallace MP; Secretary of State for Transport, The Right Honourable Grant Shapps MP; Susan Anderson, Head of Transport Infrastructure Planning

Cc: The Planning Inspectorate

From: Interested Party in response to DfT REQUEST FOR COMMENTS AND FURTHER INFORMATION, 17 Jan 2020

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*“From the outset it has been made clear to the Applicant that the existing design proposals for the proposed new airport as submitted to the Planning Inspectorate as part of the DCO Application are not acceptable to the MoD from a safeguarding perspective. **The Applicant has taken no steps to mitigate the design proposals for the scheme or provide an alternative solution to the concerns expressed with a coherent strategy for the relocation of the HRDF to a viable alternative site. Therefore, the Ministry of Defence maintains its statutory objection to the application.***

***It is considered, for the reasons stated above that this unresolved issue represents a significant impediment to the proposals.”***

*Defence Infrastructure Organisation, 28 June 2019 (Appendix A, p4 s3)*

### **1 MoD guidance to RSP regarding nationally strategic infrastructure sited at**

#### **Manston Airfield:**

1.1 In 2017 the MoD was consulted on RSP’s proposed design for Manston Airfield.

1.2 At that time RSP had applied for a Development Consent Order to Thanet District Council to develop the Manston Airfield.

1.3 The MoD’s full response, dated July 2017, can be found in Appendix B of this submission.

## MANSTON AIRFIELD DCO: MoD HRDF SAFEGUARDING ISSUE

- 1.4 The MoD's concluding statement in July 2017 was, **"As such the MoD considers the proposed scheme in its current form to be incompatible with the need to safeguard this technical installation [...]."**
- 1.5 The technical installation to which the MoD referred is the High Resolution Direction Finder (HRDF). The MoD informed RSP in July 2017 that the HRDF is used **"to precisely locate transmissions from aircraft and supports the delivery of air traffic control functions."**
- 1.6 The MoD in the body of its letter of July 2017 set out the importance of the safeguarded equipment (HRDF). The MoD explained that, **"Maintaining the operational effectiveness of this technical installation is [...] critical to maintaining the UK emergency response capabilities for the management of air safety incidents."**
- 1.7 Despite the clear position of the MoD in 2017, RSP submitted plans in 2019 via the National Infrastructure Planning process for the same, unchanged Airfield design.
- 1.8 In the intervening years between July 2017 and June 2019 (when the National Infrastructure Planning process for Manston Airport concluded), no progress was made by RSP to address the concerns raised by the MoD regarding the HRDF.
- 1.9 The MoD's Estate Surveyor concludes in his letter of 13 June 2019 to the Planning Inspectorate, **"Significant concerns remain regarding the lack of clarity that exists in relation to the proposal to relocate the HRDF and the unresolved nature of a significant number of issues."**

## MANSTON AIRFIELD DCO: MoD HRDF SAFEGUARDING ISSUE

- 1.10 Further, the MoD Estate Surveyor points to concerning behaviour from RSP and their representatives in relation to the HRDF:
- 1.10.1 In March 2018 the MoD was advised of RSP's intention to relocate the HRDF to Manston Green. Not only is this site owned by another Third Party (Cogent Land LLP) but they obtained planning consent on 16<sup>th</sup> July 2016 for 785 houses and associated development on that site. The MoD letter of 13 June 2019 states, **“neither at the time [of RSP's representatives' presentation to the MoD] nor at any time since did RSP make the MoD aware of the planned Manston Green Development, the presence of which is likely to have a considerable impact on the operational capability of the HRDF”**. Nor did RSP make Cogent LLP aware of the proposals to relocate the HRDF. The MoD submission to PINS goes on to say, “this is critical information for both parties that should have been disclosed to them by RSP.”
- 1.10.2 RSP engaged Aquila (the MoD's appointed contractor to provide and maintain transmitter/receiver equipment and associated infrastructure) to conduct a technical feasibility assessment of the proposed alternative site for the relocation of the HRDF. The contract was solely between RSP and Aquilla; the MoD had no involvement in this arrangement. The MoD Estate Surveyor states that, “in so-doing, **RSP and its representatives have sought to bypass the correct process with the MoD to obtain a valid letter of no impediment”**. He goes on to say, **“It should be noted that as part of the process of engagement with Aquila RSP have also been in communication with the Project Marshall Delivery Team in an attempt to secure a letter of “no impediment” from them to present to the Planning Inspectorate (a copy of the relevant email is**

## MANSTON AIRFIELD DCO: MoD HRDF SAFEGUARDING ISSUE

attached). This would effectively bypass the correct process which is that it is only the MoD that are in a position to issue such a letter having considered all the facts.”

1.10.3 The MoD’s full statement, dated 13 June 2019, can be found in Appendix C of this submission.

1.11 In resubmitting the existing, unchanged Manston Airfield design in spite of guidance from the MoD dating back to July 2017, **RSP has ignored the nationally strategic importance of the HRDF to UK air traffic control functions and the management of air safety incidents.**

1.12 RSP has instead opted to rely on the Department for Transport to push through its pre-existing designs for Manston Airfield and resolve the issue of its incompatibility with a nationally strategic piece of infrastructure.

## 2 DCO clauses as relate to the HRDF (dDCO Requirement 24):

2.1 The MoD’s proposed clauses as relate to the HRDF are as follows (Defence Infrastructure Organisation, 28 June 2019. Appendix A & D):

2.1.1 ***No development shall commence unless and until a detailed mitigation scheme to provide an alternate High Resolution Direction Finder (HRDF) has been prepared by the undertaker and submitted to and agreed in writing by the Ministry of Defence to the relevant planning authority. The detailed mitigation scheme shall include siting location(s) for the alternate HRDF, full specification for the equipment and infrastructure proposed, and the technical performance data necessary to establish Safeguarding criteria to protect its subsequent operation.***

## MANSTON AIRFIELD DCO: MoD HRDF SAFEGUARDING ISSUE

- 2.1.2 *No development shall commence unless and until the Ministry of Defence confirm in writing to the relevant planning authority that the equipment to provide the function of the High Resolution Direction Finder (HRDF) detailed in the approved detailed mitigation scheme has been provided by the undertaker and is fully operational to the satisfaction of the Ministry of Defence following, if required by the Ministry of Defence, a period of dual operation of the existing HRDF and the alternatively sited equipment to provide the function of the HRDF.*
- 2.1.3 *No development shall commence unless and until a programme for the decommissioning and removal of the existing High Resolution Direction Finder (HRDF) has been prepared by the undertaker and submitted to and agreed in writing by the Ministry of Defence to the relevant planning authority. The decommissioning and removal of the existing HRDF equipment shall be carried out strictly in accordance with the details approved.*
- 2.1.4 *The MoD reserves its position as to whether it will at any point agree to the relocation of the HRDF.*
- 2.1.5 *No timescales can be imposed on the Ministry of Defence [...] regarding this process.*
- 2.1.6 *In the event that the re-provision of the HRDF equipment on an alternative site proves unsuccessful then the existing equipment will have to remain in its current location.*
- 2.2 The DfT's proposed reworded clauses as relate to the HRDF are as follows (Head of Transport Infrastructure Planning's letter of 17 January 2020):

## MANSTON AIRFIELD DCO: MoD HRDF SAFEGUARDING ISSUE

- 2.2.1 *“(1) No part of the authorised development is to commence until a detailed mitigation scheme to provide an alternate High Resolution Direction Finder, prepared by the undertaker and agreed in writing by the Ministry of Defence, has been submitted to, and approved in writing by, the relevant planning authority. The detailed mitigation scheme must include siting location(s) for the alternate High Resolution Direction Finder, full specification for the equipment and infrastructure proposed, the technical performance data necessary to establish safeguarding criteria to protect its subsequent operation and a timetable for its implementation.*
- 2.2.2 *(2) The installation of the alternative High Resolution Direction Finder must be carried out in accordance with the scheme approved pursuant to sub-paragraph (1), unless otherwise agreed in writing by the Ministry of Defence and the relevant planning authority.*
- 2.2.3 **(3) None of the authorised development is permitted to be constructed within the zone protected by the Ministry of Defence (Manston) Technical Site Direction 2017 while the safeguarding direction is in force without the consent of the Secretary of State for Defence.**
- 2.2.4 *(4) No part of the authorised development is to commence unless and until a programme for the decommissioning and removal of the existing High Resolution Direction Finder, prepared by the undertaker and submitted to and agreed in writing by the Ministry of Defence, has been submitted to, and approved in writing by, the relevant planning authority. The decommissioning and removal of the existing High Resolution Definition Finder equipment must be carried out strictly in accordance with the details approved.”*

## MANSTON AIRFIELD DCO: MoD HRDF SAFEGUARDING ISSUE

### 3 Conclusions

- 3.1 This submission is intended to ensure both the Secretary of State for Transport and the Secretary of State for Defence are aware of the nationally strategic nature of the HRDF and the concerns raised by the MoD regarding the impact that operational disruption to the HRDF would have on the RAF and Civilian Aircraft users of the mast.
- 3.2 **The DfT reworded clauses as relate to this equipment are weaker than those proposed by the MoD in that they allow construction to begin before a fully operational alternate HRDF has been installed, tested and signed-off by the MoD.**
- 3.3 **The proposed reworded clause put forward by the Head of Transport Infrastructure Planning in her letter of 17 January 2020 has already been rejected by the MoD. See Appendix D p4 which contains a similarly worded requirement and the MoD's reasons for rejecting the proposed requirement and pointing the Examining Authority back to the wording provided by the MoD in its 28<sup>th</sup> June 2019 submission (Appendix A, p5).**
- 3.4 Given the criticality of the HRDF to the UK one would hope that relevant clauses in the DCO prioritise securing its uninterrupted operation to current service levels, over the interests of a private enterprise.
- 3.5 Given the criticality of the HRDF to the UK one would hope that where compromises are to be made that relevant clauses in the DCO would favour the interests of the nation and the MoD, over a private enterprise.



## MANSTON AIRFIELD DCO: MoD HRDF SAFEGUARDING ISSUE

- 3.6 As this submission shows, this is not the position taken by the Department for Transport. **The Head of Transport Infrastructure Planning's letter of 17 January 2020 proposes an erosion of the safeguards submitted by the MoD in their proposed DCO clauses.**
- 3.7 RSP and its contractors' track record have been of grave concern to the MoD. I therefore write urging the DfT to refuse this DCO on the grounds given by the MoD in its letter of 28 June 2019, ***"It is considered, for the reasons stated above that this unresolved issue represents a significant impediment to the proposals."***
- 3.8 In view of the MoD position which is evidence-based over a period from 2017 to 2019, how can the Secretary of State for Transport have sufficient confidence that the Applicant will deliver the proposed development and its alleged benefits given it has demonstrated itself unable to project manage an issue raised in 2017 that involves a nationally strategic piece of infrastructure? On this basis the Applicant should be deemed unfit to deliver its scheme in a manner that safeguards the national interest and the DCO should be refused.
- 3.9 **If the Department for Transport is minded to overlook (i) the MoD position and (ii) the Applicant's poor track record of working with the MoD to address these national safeguarding issues, I would urge the DfT / Secretary of State for Transport to show prudence, prioritise the national interest and impose mitigation measures in the DCO that place constraints on construction as requested by the MoD.**



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28<sup>th</sup> June 2019

Dear Sirs

**Your reference: TR02002**

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

I am writing in response to the Examining Authority's Fourth Written questions and to provide comments on the dDCO. However, before responding to the specific points raised by these questions and providing comments on the dDCO, I consider it would be helpful to summarise the position in regard to the various matters relating to the MoD, as follows:-

## **A. Summary**

### **1. Crown Lands**

The various issues relating to Crown Lands will not be resolved or agreed prior the close of the examination period on 9<sup>th</sup> July. As stated previously, there are two freehold sites which the Applicant wishes to acquire – the Aerial Farm (Plot No. 26) and the Motor Transport Unit (Plot No. 38), in addition to various other interests of a more minor nature. The Aerial Farm has yet to be formally declared redundant and until this decision has been taken this site cannot be considered for disposal. It should also be noted that in addition to the Aerial Farm site itself there is covenant preventing any building or structure above ground level being erected within 150m of the boundary of the site. The site plus the restricted area around it impinge upon the land within the dDCO Application boundaries.

The Motor Transport Unit is still operational and although the applicant has made an offer to relocate the facility no specific site has been proposed or identified for this (in any event this proposal would be entirely dependent on the DCO Application being successful and the potential alternative site being acquired, so it cannot be viewed at this stage as being an offer of substance). Notwithstanding this offer the MoD wishes the facility to remain in its existing location. Again, this site is within the existing dDCO Application boundaries. No agreement will be concluded in regard to these matters before the close of the Examination Period on 9<sup>th</sup> July.

### **2. The High Resolution Direction Finder (HRDF)**

- (i) The MoD has indicated to the Applicant that, in principle, it is possible that the HRDF could be re-provided assuming: that the replacement facility would comply with MOD siting requirements; that the new technical facility would have to be tested to verify that its performance capabilities to the standards required by the MOD; that the siting of a new technical facility would be compatible with MOD safeguarding requirements and relevant safeguarding zones to protect the operation of the new facility are put in place. The freehold of any new site would

have to be conveyed to the MoD and a relevant covenant put in place in any site acquisition documents whereby no building or structure could be erected above ground level within 120 metres of the HRDF (or equivalent zone required by safeguarding criteria relevant to any new type of equipment installed at a new site to undertake the function of the current HRDF).

- (ii) If the MoD were to agree to the re-provision of the HRDF facility, this would all need to be completed at nil cost to the MoD before the existing HRDF could be decommissioned.
- (iii) Until the Hearing on 4<sup>th</sup> June it had been clearly understood by the MoD that three possible alternative sites had been identified by the Applicant to the east of the former airport site for the relocation of the HRDF of which “Site 1” was the preferred option.
- (iv) The MoD’s understanding is clearly confirmed by reference to the copy of the contract between the Applicant and Aquila which was provided by the Applicant in their “Summary of Applicant’s Oral Submissions of the Compulsory Acquisition Hearing on 4<sup>th</sup> June 2019” at Appendix CAH2 -13. The contract defines the services to be provided by Aquila as being “to provide a feasibility study on the viability of moving the High Resolution Direction Finder (HRDF)...to “Site 1” as detailed in Figure 1 below.” It should be noted that whilst the Non-Disclosure Agreement that forms part of this Appendix is signed and redacted, the contract itself is neither signed nor redacted but is simply a blank copy of the document.
- (v) In spite of the fact that the Applicant robustly and categorically refuted the point at the Hearing on 4<sup>th</sup> June 2019 “Site 1” is clearly located within the boundaries of the Manston Green Development (as evidenced by the contract referred to above). It is both regrettable and inexcusable that the Applicant has not at any time made the MoD aware of this development proposal nor in turn has it made Cogent Land LLP aware of the proposals to relocate the HRDF particularly as each of these proposals has the potential to have a significant impact on the other.
- (vi) In Appendix CAH2 – 14 of the document referred to above, the Applicant in its “Note on HRDF Negotiations” (Hearing Action 14) advised that two sites were being considered that were different to “Site 1” that is defined in the Aquila contract. It should be noted in the interpretation section of the contract that any change requests and change request amendments are to be documented in the form set out in Schedule 3 of the contract. Although the Applicant stated that Aquila had requested that the contract price be redacted in the document, which indeed it was in Schedule 2 of the contract, the contract price had not been redacted in the “Interpretation” section of the contract. The figure shown is a not an insignificant sum of money and presumably given the impact on the contract and the possible variation in the contract price as a result of these proposed changes, these changes would or should have been formally documented.
- (vii) In the process of preparing the document “Hearing Action 14” there were a number of e-mail exchanges between the MoD and the Applicant’s solicitors in which a number of important points were made to them – these were largely ignored and in the end the Applicant simply submitted their version of the document. Although the Applicant appended the “DIO version of Note” this was simply a response to the original version of the document provided by the Applicant and this did not pick up a number of the key issues which had been raised with them. There are a number of points to make in regard to the Applicant’s version of the note:-
  - (a) “Site 1” on the plan attached to that note suggests that this point has simply been moved 250 metres to the northwest of the original location. It is now in a different location. Whilst it is technically correct for the Applicant to say that it is in the same field, at least for the time being, the respective points fall within two different legal ownership interests. The clear and distinct difference between the two points is that the location has been moved from within the Manston Green Development to a point outside it. Once this development commences these two sites will not be “in the same field”.
  - (b) Site 2 is in a location that the Applicant describes as being on Crown Land in a location that has not been previously discussed with the MoD and “requires exploration”. The MoD already owns the land on which the HRDF is located and there is no compelling reason for it to consider relocating the HRDF to Crown Land elsewhere. From the perspective of the MoD as landowner, the proposal to relocate the HRDF on to this land **would not be acceptable** (regardless of whether or not the site is technically suitable). This site will not,

therefore, provide an alternative option to Site 1. Again, it is somewhat regrettable that the Applicant made no prior mention of this proposal to the MoD.

- (c) In the note it also states that “the Applicant understands that Aquila are considering a technical solution with a significantly different safeguarding requirement which is a departure from the standard safeguarding criteria set down in JSP 604”. It was pointed out to the Applicant in an e-mail exchange on 14<sup>th</sup> June that JSP 604 is the standard by which the relevant safeguarding criteria are assessed. There can be no exceptions to or deviations from this. It is the opinion of the MoD that this proviso should have formed a part of the contractual arrangements between the parties
- (d) The Applicant also appears to have fundamentally misunderstood the process involved with the feasibility report which again was pointed out to the Applicant in an e-mail exchange of 14<sup>th</sup> June. Once the report has been prepared by Aquila it is then for the Applicant to submit this report to the MoD for consideration. It is not a case of simply arranging a meeting discussing the findings across the table and coming up with a resolution. The MoD needs to consider the report in detail and assess its response taking all factors into consideration. It is for this reason that the MoD declined to attend the meeting proposed by the Applicant in their note.
- (viii) Even if a new site were to be identified with the correct technical capability, if it remains close to the proposed airport development (for example the Applicant’s proposed site 2) it would have to be assessed in the light of this.
- (ix) In addition to the question of land ownership, referred to above, the MoD would have to take into account other site related matters such as access, security, the connection of any utilities or telecommunications and the provision of any associated wayleaves. As indicated previously, at the Hearing on 18<sup>th</sup> January 2019 the Applicant made the incorrect statement that “the Landowner had already...consented to the HRDF being located on that land”. It raises a significant question as to whether when a landowner is approached by the Applicant to have the equipment placed on their land they are fully briefed as to the implications this would have.
- (x) The question of the potential relocation of the HRDF is extremely complex. The MoD received a copy of Aquila Air Traffic Management Services, Phase 1 A -Manston HRDF Relocation – Feasibility Study Report on the 28<sup>th</sup> June 2019. The MoD cannot reasonably review this and make any decisions on the possible re-provision of the HRDF before the close of the Examination Period. In addition, given the arbitrary changes made by the Applicant to the location of the proposed sites for the relocation of the HRDF neither will the Statement of Common Ground be signed.

### **3. The Manston Technical Site Direction Plan**

- (i) It is accepted by the parties that if the HRDF is to be relocated then the Manston Technical Site Direction Plan would have to be replaced and a new safeguarding zone centred around the new location established. As mentioned in my letter of 13<sup>th</sup> June 2019, this would potentially impose restrictions on existing property owners that hitherto do not exist. The MoD would have to be completely satisfied from a legal standpoint that they would not then be exposed to potential claims for “planning blight” and this possible outcome has not, as yet, been explored.

### **4. Other matters**

- (i) The fact that a viable alternative site for the HRDF has not been identified has meant that there are other aspects of the proposed development e.g. landscaping proposals that MoD safeguarding may not be in a position to comment on whereas if the location of the HRDF had been determined, they would.

### **B. Responses to questions raised in ExQ4**

Below are the responses to the questions raised by the ExA to the MoD. In addition to questions directed to the MoD, some comments have been made on questions directed at the Applicant where it is considered relevant and appropriate.

1. **CA 4.19 Crown Lands – Secretary of State for Defence (Lands). Provide a further report on progress and state definitively whether Crown consent will be obtained by the close of the examination?**

As stated above, Crown consent will not be forthcoming by the close of the Examination period.

2. **CA 4.20 Crown Land – High Resolution Direction Finder (HRDF)**

- i. **Who would acquire and pay for the land?**

It has always been the understanding that the Applicant would acquire and pay for the land.

- iv. **Is only one site being considered as a possible location for the HRDF?**

The contract between the Applicant and Aquila refers to one site only.

- ix. **Given all the above, show why the ExA should not consider that the issues related to the HRDF to constitute a potential risk or impediment to implementation of the scheme that has not been properly managed.**

It is the view of the MoD that the issues related to the HRDF constitute a significant potential risk and impediment to the scheme.

3. **DCO 4.25 Possible New Requirement- High Resolution Direction Finder (HRDF)**

**The ExA is considering whether there should be a new Requirement securing that no Works within the safeguarded area shown in the Ministry of Defence (RAF Manston) Technical Site Direction 2017 (Rep7a- 025) shall commence until the Ministry of Defence confirm in writing to the relevant planning authority that the High Resolution Direction Finder (HRDF) has been relocated from its position within the Order Limits and is fully operational to the satisfaction of the Ministry of Defence following, If required by the Ministry of Defence, a period of dual operation of the existing and the relocated HRDF.**

The MOD position as at Deadline 9 remains extant i.e. that of objection. In the absence of a suitable address of these impacts on statutorily safeguarded national defence infrastructure, the MOD maintains its statutory objection to this application due to the impact upon the operation on the existing HRDF. In addition, the development scheme for which consent is sought would presume to displace the HRDF.

From the outset it has been made clear to the Applicant that the existing design proposals for the proposed new airport as submitted to the Planning Inspectorate as part of the DCO Application are not acceptable to the MoD from a safeguarding perspective. The Applicant has taken no steps to mitigate the design proposals for the scheme or provide an alternative solution to the concerns expressed with a coherent strategy for the relocation of the HRDF to a viable alternative site. Therefore, the Ministry of Defence maintains its statutory objection to the application.

It is considered, for the reasons stated above that this unresolved issue represents a significant impediment to the proposals.

Should the Examining Authority determine that a recommendation for approval should be made then, any such development consent order will need to contain a new requirement(s) taking the form of a Grampian type negative requirement(s) which will need to prohibit the authorised development from commencing unless and until a scheme to provide an alternative High Resolution Direction Finder site to satisfy MOD requirements has been submitted and approved by the Secretary of State in conjunction with the MOD; and until the Secretary of State receives affirmation from the MOD that they have reached agreement with the applicant to consent to the re-provision of the HRDF. Additionally, a requirement would also need to be incorporated, to be discharged separately, that the authorised development cannot commence unless and until an alternative HRDF facility has been established and accepted into operation by the MOD and the current HRDF decommissioned.

The MOD respectfully requests that the following Requirements are used in this eventuality:

1. No development shall commence unless and until a detailed mitigation scheme to provide an alternate High Resolution Direction Finder (HRDF) has been prepared by the undertaker and submitted to and agreed in writing by the Ministry of Defence to the relevant planning authority. The detailed mitigation scheme shall include siting location(s) for the alternate HRDF, full specification for the equipment and infrastructure proposed, and the technical performance data necessary to establish Safeguarding criteria to protect its subsequent operation.
2. No development shall commence unless and until the Ministry of Defence confirm in writing to the relevant planning authority that the equipment to provide the function of the High Resolution Direction Finder (HRDF) detailed in the approved detailed mitigation scheme has been provided by the undertaker and is fully operational to the satisfaction of the Ministry of Defence following, if required by the Ministry of Defence, a period of dual operation of the existing HRDF and the alternatively sited equipment to provide the function of the HRDF.
3. No development shall commence unless and until a programme for the decommissioning and removal of the existing High Resolution Direction Finder (HRDF) has been prepared by the undertaker and submitted to and agreed in writing by the Ministry of Defence to the relevant planning authority. The decommissioning and removal of the existing HRDF equipment shall be carried out strictly in accordance with the details approved.

The MOD reserves its position as to whether it will at any point agree to the relocation of the HRDF. Any requirement(s) that the Examining Authority may consider appropriate to include in a Development Consent Order for this purpose should take account of this and in no way commit or obligate the MOD to the relocation of the HRDF.

No timescales can be imposed on the Ministry of Defence in the dDCO regarding this process.

In the event that the re-provision of the HRDF equipment on an alternative site proves unsuccessful then the existing equipment will have to remain in its current location.

#### 4. **OP.4.8 High Resolution Direction Finder (HRDF) and Construction Timetable**

- i. **Provide further details of the second possible relocation site for the HRDF, if proposed to be taken forward.**

As noted above – the Contract between the Applicant and Aquila details one site only “Site 1”, albeit that there is a second area coloured red on the plan attached to that document but it is only this site that is referred to in the text of the document. It is the Applicant’s Note on progress with the HRDF negotiations that identifies a second site (which is different to the area coloured red and marked “Northern Grass on the contract plan). The second site is on MoD land and for the reasons stated above this is not an option.

The MOD received a copy of the Aquila Air Traffic Management Services, Phase 1 A -Manston HRDF Relocation – Feasibility Study Report on the 28<sup>th</sup> June 2019 from the applicant’s representatives regarding the re-provision of the HRDF. The MOD will review the report however it is likely that the conclusion of the review and any subsequent decisions will be made after the end of proceedings i.e. after 9<sup>th</sup> July.

- ii. **Provide an update on the current latest situation re the HRDF, with reference to the timetable of this Examination**

On the morning of June 28<sup>th</sup> 2019 the MOD received a copy of the Aquila Air Traffic Management Services, Phase 1 A -Manston HRDF Relocation – Feasibility Study Report submitted by Bircham Dyson Bell (BDB). The MOD will proceed to review this report but will not be able to reach conclusions before the end of the examination proceedings. Prior to June 28<sup>th</sup> 2019, the MoD had received no substantive information regarding the re-provision of the HRDF.

iii. **How will the need for the existing HRDF to be in place for 2 years after the siting of the new HRDF affect the construction timetable and the opening date for the proposed development.**

The MOD does not consider that the possible re-provision of the HRDF has been sufficiently accounted for in the timescales for the progression of the proposed development. It is important to recognise that notwithstanding the outcome of any technical appraisal(s) completed by the applicant in conjunction with the MOD's appointed radio engineering authority, the MOD may not agree to the relocation of the HRDF or may not be able to support its re-provision within the timescale of the consent. It should also be recognised that subject to an alternative site being identified that would be compatible with MOD estate requirements (including tenure, access and security) an alternative HRDF facility may require separate planning permission.

The MOD will need to test the HRDF equipment prior to switching off the existing asset to ensure it meets our needs. The MOD will work with the applicant to assess the suitability of the site (or other sites if it is not suitable). If it or another site is suitable, and the project is consented, the parties will arrange the installation and commissioning of a replacement HRDF at the site and the approval that the new installation can be switched on and current HRDF switched off and dismantled.

It is important to note the MOD cannot confirm that it will be able to support works to relocate the HRDF within the timescales necessary to support the development.

Therefore, until testing has been carried out and deemed successful by the MOD and its stakeholders, construction will be delayed. The MOD cannot accept any degradation to the HRDF facility. The application in its current design regarding the ATC towers, Cargo buildings and aircraft parking bays infringe the statutory technical safeguarding zone surrounding the Manston HRDF. We would need to ensure that development will not impact on the HRDF.

A 2 year period has been mentioned as an indicative basis to account for the provision of any new equipment. In reality, a test and assurance period will have to be undertaken to determine whether any new piece of equipment can be accepted into service by the MOD. It is not possible to determine the duration of this period based on the information known at this time. It cannot be verified that in the event of a viable site being identified, the testing and assurance process for any new equipment could be completed in the time period of the DCO.

As at deadline 9, the MOD maintains its objection to the RSP development, however, should the application be granted that the Requirements relating to the re-provision of the HRDF would need to be completed prior to the commencement of any development to take account of the possibility that re-provision is not successful.

iv. **Provide any further comments on the safeguarding impact or otherwise of the Ministry of Defence (RAF Manston) Technical site Direction 2017 (REP7a-025) for the HRDF in its current and proposed position in terms of the construction of the Proposed Development.**

DIO provided comment in our submission dated the 24<sup>th</sup> May specifying the points of contention these are:

Cargo Buildings – approximately 25m above ground level; 410m distance from HRDF

Aircraft parking – commercial jet aircraft within 100m to HRDF

Air Traffic Control Tower- 24m above ground level 460m distance from the HRDF

The design plan for the proposed application is not compatible with the current HRDF location. The problem is the scale, mass and proximity to the HRDF.

Therefore, development immediately north and west of the HRDF is of concern to the MOD and the reason behind our objection response. The MOD originally submitted our objection to the applicant in 2017 stating their

development was “incompatible with the need to safeguard this installation.” The MOD position as at Deadline 9 remains extant i.e. that of objection.

The Aquila Air Traffic Management Services, Phase 1 A -Manston HRDF Relocation – Feasibility Study Report suggests that a new type(s) of technical equipment may be required to re-provide the HRDF. This alternative equipment may require new safeguarding criteria to protect its operation. Therefore, it is not possible to verify that these new safeguarding requirements will be compatible with the proposed development depending on the alternative sites proposed.

### **C. Comments on the Draft Development Consent Order**

Comments relating to the Draft Development Consent Order are attached to this letter in table form as Appendix I.

Yours faithfully



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

Estate Surveyor



## APPENDIX I

### The Manston Airport Development Consent Order 201[\*] - Suggested amendments to Draft DCO.

Schedule	Part	Paragraph	Comment
	2	6	<p><b>Limits of Deviation</b></p> <p><b>(1)(c):</b> The provision to deviate vertically upwards is not acceptable given the potential impact on the HRDF, a Safeguarded national defence infrastructure.</p> <p><b>Table at (1)(c):</b> In order to ensure the capability of the HRDF is not compromised the maximum heights of two elements should be amended:            Cargo buildings – Maximum height of 11m above ground level.            Air traffic control tower – Maximum build height of 13m above ground level.</p> <p>In addition a requirement should be added to ensure that no aircraft parking is permitted within 100m of the HRDF.</p>
	2	6	<p><b>(2)</b></p> <p>Request MOD is added as consultee, this element of the development has the potential to impact on the HRDF, a Safeguarded national defence infrastructure.</p>
	4	17	<p><b>Protective works to buildings.</b></p> <p>It is assumed that as the HRDF is on Crown Land it is excluded from this provision and the DCO boundaries will have to be amended.</p>
	4	18	<p><b>Authority to survey and investigate the land.</b></p> <p>Any Crown Land currently shown within the DCO boundaries will have to be excluded so that these provisions do not apply</p>
	5		<p><b>Powers of Acquisition and Possession.</b></p> <p>All Crown Land to be excluded from within the boundaries of the DCO Application.</p>
	7	40	<p><b>Crown Land.</b></p> <p>No comment</p>
2	1	3	<p><b>Development Masterplans.</b></p> <p>Request MOD is added as consultee, this element of the development has the potential to impact on the HRDF, a Safeguarded national defence infrastructure.</p>
2	1	4	<p><b>Detailed Design.</b></p> <p>Request MOD is added as consultee, this element of the development has the potential to impact on the HRDF, a Safeguarded national defence infrastructure.</p>
2	1	6	<p><b>Construction Environment Management Plan.</b></p> <p>Request MOD is added as consultee, this element of the development has the potential to impact on the HRDF, a Safeguarded national defence infrastructure.</p>
2	1	15	<p><b>Piling and other Intrusive Works.</b></p> <p>Request MOD is added as consultee, this element of the development has the potential to impact on the HRDF, a Safeguarded national defence infrastructure.</p>



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24<sup>th</sup> 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 10<sup>th</sup> 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 3<sup>rd</sup> 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 2<sup>nd</sup> 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 9<sup>th</sup> July 2019.**

It is considered unlikely that any agreement will be reached by 9<sup>th</sup> 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 9<sup>th</sup> 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 20<sup>th</sup> 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 3<sup>rd</sup> 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 7<sup>th</sup> 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 24<sup>th</sup> 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.

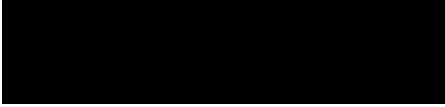
In summary it is mainly the development immediately north and west of the HRDF which is of concern to the MoD and determined our objection response.

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 9<sup>th</sup> 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

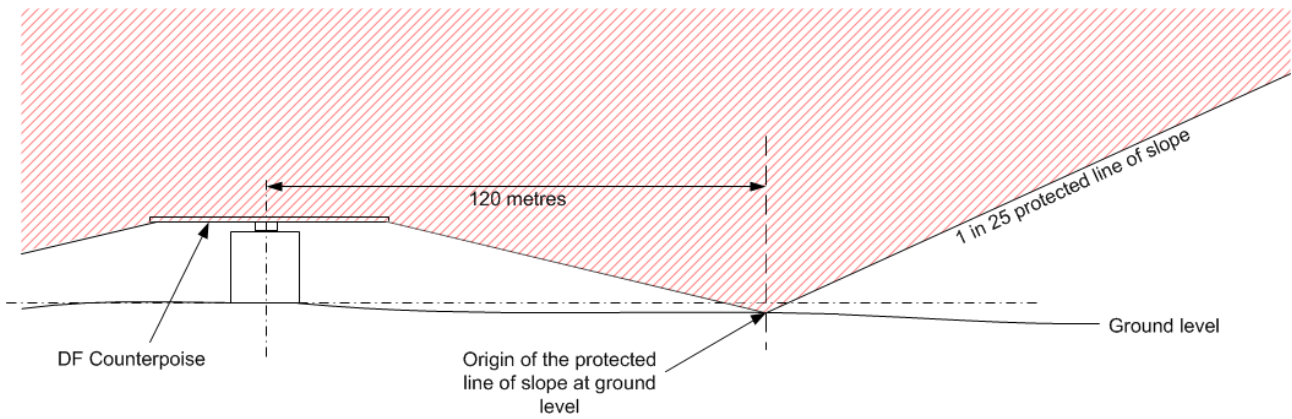
5. Outside the 120 m (400 ft) radius circle, the height of buildings, structures, or solid objects is not to penetrate a surface created by a line of slope 1 in 25 commencing at ground level at the 120 m radius, and extending outwards from the circumference of the circle. A building or metal structure 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





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13<sup>th</sup> June 2019

Dear Sirs

**Your reference: TR02002**

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

Following the Compulsory Acquisition Hearing 2 held on 4<sup>th</sup> June relating to the above I am writing to provide a summary of the matters I referred to during oral evidence with additional information where it is considered to be appropriate. I will also comment on some of the responses made by the Applicant to the ExA's third questions.

**A. Oral Evidence given at the Hearing**

**1. Site proposed by RiverOak (RSP) for the re-location of the HRDF**

In March 2018, a presentation was given by Osprey (on behalf of RSP) to representatives of the MoD concerning the proposed relocation of the HRDF. As part of that presentation an aerial photograph was included on which three sites had been marked as possible alternative sites for the relocation of the HRDF to the east of the former airport. A copy of this page of the presentation is attached. Of the three sites shown, Site 1 was Osprey's preferred option and it was the MoD's clear understanding that this site was the one that was being referred to Aquila for their technical assessment. The MoD had also understood this to be the position when discussing the content of the Statement of Common Ground, the latest draft of which refers to "Site" in the singular.

Attached is a copy of the Cogent LLP site plan on which I have superimposed Sites 1 and 3 from the Osprey presentation. From this it can be clearly (and unambiguously) seen that Site 1 is located within the area known as the Manston Green Development. When I made this point in oral evidence at the Hearing it was categorically refuted by Mr Freudmann of RSP who stated "if I can just correct that, because it is completely wrong" and went on to say "the suggested location is not, repeat not, on the Manston Green site". The factual evidence does not support these statements.

Also attached is a copy of the Cogent LLP indicative layout plan which shows the potential layout of the development. The Manston Green Development was granted outline planning consent on 16<sup>th</sup> July 2016 for 785 houses and associated development and neither at the time of the Osprey presentation (nearly two years after outline consent had been granted) nor at any time since have RSP made the MoD aware of the planned Manston Green Development, the presence of which is likely to have a considerable impact on the operational capability of the HRDF (even if it were to be located outside the development area). Neither, it seems, from comments made at the Hearing by Cogent's representative, have RSP made Cogent LLP aware of the proposals to relocate the HRDF. This is critical information for both parties that should have been disclosed to them by RSP.

In the Osprey presentation it should also be noted that it states that “Safeguarding of navigation aids and procedures also considered – Site one fully compliant”. It cannot possibly be the case that Site 1 is fully compliant given its location within the Manston Green Development.

If, as suggested by Mr Freudmann, Site 1 is not now the site and an alternative site or sites are being considered (or site 1 is now in a different location) then the MoD has no knowledge of where these are.

The MoD has also consistently expressed concern about the fact that no written evidence has been provided by RSP from the landowner on whose site it is proposed to locate the HRDF that such a proposal would be acceptable. In the Summary of the Applicant’s Oral Submissions at the January 2019 Hearings dated 18<sup>th</sup> January 2019 on page 3 under item 2.8 it states the following:

“TF [Tony Freudmann] explained that all sites for relocation of the HRDF were beyond the eastern boundary of the Order limits on land near to where the existing landing lights are located. The landowner of the sites in question had already consented to the HRDF being located on that land.”

As far as Site 1 is concerned the landowner could not unilaterally have consented to the HRDF being placed there, and the necessary freehold land sold to achieve this, as this proposal would also have needed the consent of Cogent Land LLP who until 4<sup>th</sup> June were unaware of the proposal. Although Site 3 is owned by the Steed family (who it has been suggested verbally are supportive of the project), Site 2 is owned by an unconnected company, C J Montgomery Limited and there is no evidence (verbal or otherwise) of any discussions or consultation by RSP with that Company.

## **2. The Role of Aquila**

The point I made at the hearing in regard to the role of Aquila is that in terms of the technical feasibility assessment of the proposed alternative site for the relocation of the HRDF, the contract for preparing this feasibility assessment is directly between Aquila and RSP (the MoD has no involvement in this arrangement – it between these two parties notwithstanding the fact the Aquila is the MoD’s appointed contractor to provide and maintain transmitter/receiver equipment and associated infrastructure ).

Once the feasibility report has been undertaken Aquila will report back to their client RSP who in turn will have to present the findings of the report to the MoD. The MoD who will consider the report and consult various parties within (or associated with) the organisation who have a direct involvement in the operation of, or rely on the function of, the HRDF to assess the report together with any safeguarding issues with a view to making a decision as to whether the equipment can be re-located.

It should be noted that as part of the process of engagement with Aquila RSP have also been in communication with the Project Marshall Delivery Team in an attempt to secure a letter of “no impediment” from them to present to the Planning Inspectorate (a copy of the relevant email is attached). This would effectively bypass the correct process which is that it is only the MoD that are in a position to issue such a letter having considered all the facts. This approach by Osprey to the MoD’s contractor is wholly inappropriate.

There was conflicting evidence given at the Hearing as to when the feasibility report would be available. Mr Freudmann suggested it would be by the end of September although Mr Hincliffe of Osprey indicated it would be by the end of June. Even assuming the report is available by the end of June the MoD will not have made any decision as to the suitability of the alternative site(s) prior to the close of the Hearing on 9<sup>th</sup> July.

## **3. Safeguarding and timing issues**

The Ministry of Defence (Manston) Technical Site Direction (2017) Plan was discussed in oral evidence. At present the Site Direction Plan is centred around the existing HRDF. If the HRDF is moved then a new plan will have to be prepared which would have to be centred on the new location. Within the boundaries of the existing plan it can be seen that there is relatively little development. If the HRDF is relocated at the eastern end of the former airport and

a new plan is centred on this new location, there is considerable and extensive existing development that would fall within the boundaries of the new plan. It would potentially impose restrictions on existing property owners that hitherto do not exist.

If a suitable site is identified from a technical and safeguarding point of view then a planning application will have to be submitted for the new site. This could be refused (possibly for political rather than planning reasons) and the matter would have to go to Appeal. The Project Marshall delivery Team have to factor the construction of the new site into their work schedule and once the new HRDF is operational there will have to be a period of overlap. Different timescales have been suggested for this but realistically it seems that it would have to be for a minimum period of a year possibly up to two years. All of this means that there is considerable uncertainty regarding timings for the possible relocation of the HRDF and the difficulty this poses in terms of building in the necessary protections and safeguards for the HRDF into the DCO should it be granted.

## **B. Comments on Applicant's Responses to ExA's Third Questions**

The MoD does not accept a number of comments made by the applicant in response to the ExA's Third Questions. It is considered that there is little to be achieved to going through points on an individual basis but would highlight certain of these where it is considered most appropriate, as follows:-

- At point CA.3.5 (pages 13-14) the Applicant makes the comment that in practice Crown Consent being in place prior to the completion of the examination phase is rarely ever achieved. As stated in oral evidence Manston is unique in that on the Crown Land within the DCO Application there is infrastructure of national importance and significance which needs to be protected which it is considered unlikely to be the case in the other examples cited.
- Later in point CA 3.5 (page 14) it refers to "on occasion almost weekly attempts" being made to advance the issue which is a somewhat generous interpretation of events.
- In point CA 3.5 (page 15) it states that at two meetings (on 14<sup>th</sup> March 2018 and 18<sup>th</sup> October 2018) "the proposed alternative location for the HRDF was presented". It is assumed by this comment that Site 1 on the Osprey presentation is the site that is being referred to which for the reasons stated above is considered to be a flawed site. Presenting a location for the site in itself is not enough, it needs to be technically assessed which has consistently been made clear to the Applicant.
- Again, in point CA 3.5 (page 15) there appears to have been a hiatus between the meeting referred to on 18<sup>th</sup> October and contact finally being made with Aquila for which no compelling reasons are given.
- At point CA 3.6 (page 16) it states "the Applicant is confident that the site it has identified is suitable to house the HRDF". This confidence would appear to be misplaced (assuming the site referred to is Site 1) for the reasons stated above.
- At point CA3.6 (page 16) the comment is made that the Applicant has identified "the preferred site [again it is assumed that this is site 1] which has allowed discussions with the relevant landowner to be conducted. Again for reasons stated above Cogent Land LLP have an interest in the site and were unaware of the proposal for this site until the Hearing.
- At point CA 3.6 it states (page 17) "nevertheless this issue does now represent a risk to the implementation of the scheme". It is difficult to see how this risk can be managed as following the Hearing it is unclear precisely what sites are being considered and the various timing issues that are involved with the possible re-location of the HRDF which are outside the Applicant's control.

### C. Summary

Whilst The Ministry of Defence remains neutral regarding the outcome of the DCO Application it nevertheless has considerable concerns about the DCO Application particularly in relation to the HRDF which can be summarised, as follows:-

- The development proposals, as submitted as part of the DCO Application, are unacceptable to the MoD (as RSP have previously been advised) as they would have a detrimental impact on the operational capability of the HRDF if a suitable alternative location cannot be found and it has to remain in its existing position. This was made clear to the Applicant in a letter.
- No technical information has, as yet, been provided regarding the proposed preferred alternative location for the HRDF (Site 1). This may or may not be forthcoming by 9<sup>th</sup> July.
- Even if a technical assessment is provided by 9<sup>th</sup> July a final decision will not be taken by the MoD before this date.
- The proposed preferred location appears to be within the Manston Green Development. If this is the case then the performance of the HRDF would be adversely compromised and this site is unlikely to be acceptable.
- This last point was refuted and it was suggested in oral evidence that if a particular site was not suitable alternative sites would be considered. This poses a further element of uncertainty in the process as it is not clear where these sites are.
- If the site is within the Manston Green Development the applicant cannot provide either the necessary land ownership on which the equipment could be sited or the safeguarding criteria to be able to satisfy the MOD.
- There are concerns over issues of safeguarding and preparing a further Technical Direction Site Plan.
- If DCO is granted here will be significant timing issues for the implementation of the development

As outlined above significant concerns remain regarding the lack of clarity that exists in relation to the proposal to relocate the HRDF and the unresolved nature of a significant number of issues.

Yours faithfully



Estate Surveyor

# Sites Considered



- Considered two on-airfield sites.
  - Not suitable.
- Considered an off-site location to the south of the airport.
  - Too many infrastructure issues
- Considered 3 off-site locations to the east of the airport
- Site 1 considered optimum
- Current and future airport operations considered
- Safeguarding of navigation aids and procedures also considered
  - Site 1 fully compliant

**From:** Rich Connelly

**Sent:** 31 May 2019 14:23

**To:** Evans, Nick (DES MARSHALL-SD Perf) <[Nick.Evans613@mod.gov.uk](mailto:Nick.Evans613@mod.gov.uk)>; WALKER Angus <[AngusWALKER@bdbpitmans.com](mailto:AngusWALKER@bdbpitmans.com)>; Tony Freudmann [REDACTED]

**Cc:** Richie Hinchcliffe <[richie.hinchcliffe@ospreyco.uk](mailto:richie.hinchcliffe@ospreyco.uk)>; HOBBS Jessica <[JessicaHOBBS@bdbpitmans.com](mailto:JessicaHOBBS@bdbpitmans.com)>

**Subject:** RE: Manston Airport Feasibility Study Contract

Nick

That is great news thankyou. I suggest it will be myself, Tony Freudmann who is one of the RSP Directors and commissioned the Aquila study and Angus Walker from our legal team at BDB Pitmans.

In terms of desired outcomes, in an ideal world we would like to be able to say to the Planning Inspectorate 'A new location has been agreed and MOD are able to withdraw any objection with regard to impact on the HRDF'. However, I recognise that might be a tad over-optimistic in the time available between the Aquila report arriving by the end of June and the examination phase closing on 9 Jul (but it would still be our aim).

Perhaps a more realistic objective is a statement saying that '*As a result of the Aquila technical assessment an alternative location has been identified which meets the MODs technical requirements. Discussions will now continue to agree how and when a move of the HRDF would be completed; RSP commit to ensuring that the MOD are content with any proposed solution. It has been agreed that all work associated with the move of the HRDF will be undertaken by Aquila and all costs associated with the move will be borne by RSP*'

Clearly our ability to reach such an agreement will be dependent on the findings of the Aquila study. If we are fortunate they will unequivocally state that the proposed new location is acceptable. That said, they may come back with some caveats or conditions which we would need to resolve before agreement could be reached. Therefore, it would be helpful to have at the meeting anyone who you feel may be able to contribute to addressing any issues raised by the study. Aquila have agreed to keep me informed as their study progresses – this might give us early insight into any potential issues/anomalies that the meeting may need to address.

Working on the optimistic assumption that all will be well, I would like to propose that the legal team at BDB Pitmans draft a suitable statement along the lines of the above for submission to the inspectors examining the application (clearly without any commitment at this stage) which we could then discuss at the meeting. We suggest this would be in the form of a 'letter of no impediment', i.e. while there is no guarantee that the move will happen, there are currently no showstoppers foreseen that would prevent it from happening.

In terms of timing – I think as early on in the week of the 1<sup>st</sup> would be good just to give us more time to work any issues. How about Monday 1<sup>st</sup> any time after 1100 or Tuesday 2<sup>nd</sup> after 1300?

Thanks again for your support

**Rich Connelly** MA  
Chief Operating Officer

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[REDACTED]

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**From:** Rich Connelly <[rich.connelly@ospreyco.uk](mailto:rich.connelly@ospreyco.uk)>

**Sent:** 05 June 2019 10:48

**To:** Evans, Nick (DES MARSHALL-SD Perf) <[Nick.Evans613@mod.gov.uk](mailto:Nick.Evans613@mod.gov.uk)>; WALKER Angus

<[AngusWALKER@bdbpitmans.com](mailto:AngusWALKER@bdbpitmans.com)>; Tony Freudmann · [REDACTED]

**Cc:** Richie Hinchcliffe <[richie.hinchcliffe@ospreyco.uk](mailto:richie.hinchcliffe@ospreyco.uk)>; HOBBS Jessica <[JessicaHOBBS@bdbpitmans.com](mailto:JessicaHOBBS@bdbpitmans.com)>

**Subject:** RE: Manston Airport Feasibility Study Contract

Nick

Further updates from Aquila continue to be very encouraging (but I must stress not definitive as yet). Their survey team are on site today so we next expect some site-specific analysis.

The public hearings continue and yesterday HRDF was again a hot topic. If the Aquila report allowed, I believe a 'letter of no impediment' between RSP and the Marshall DT regarding the HRDF capability as outlined below would take a lot of heat out of the issue – even if was submitted just before examination closes on 9 Jul.

To that extent, can we set a date to meet? I suggested either the 1<sup>st</sup> or 2<sup>nd</sup>. Could we also send you a first draft of a potential letter which we could develop between now and the meeting but clearly only finalise (if all agree) once we have met?

Thanks again

**Rich Connelly** MA  
Chief Operating Officer

Tel +44 1420 520200  
[REDACTED]

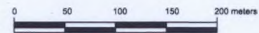
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Area 46.83HA



REV G - red line update 02.12.2013

Client		FLITCROFT HOUSE, 114-116 CHARING CROSS ROAD LONDON WC2H 0JR		
Cogent Land LLP		T. +44(0)20 3640 8508 W. mail@iceniprojects.com		
Project		Manston Green, Haine Road Thanet		PAUL DREW DESIGN
Drawing Title		Job Ref.	Job Ref	Drawn PD/RB
Location Plan		Scale 1:5000@A3	Date 9.03.2018	Rev. H
		Drawing no. 001		





0 50 100 150 200 meters

Key

	Public open space		Proposed trees to rear gardens		Village Greens and Pickett Parks		Allotments		Parking courts
	Public open space for dog walking		Proposed trees and front gardens to street		Proposed buffer planting		New ground level play area		

REV: DESCRIPTION APP: DATE  
 London 1/10/2013



MANSTON GREEN RAMSGATE  
 Illustrative Masterplan

DATE: October 2013 DRAWN: NT/ST  
 SCALE: 1/2000@A1 CHECKED: NT  
 STATUS: Planning APPROVED: NT  
 DWG. NO: D0201\_003\_B



**Defence  
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The Planning Inspectorate  
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Bristol  
BS1 6PN

9<sup>th</sup> July 2019

Dear Sirs

**Your reference: TR02002**

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

I am writing to provide Ministry of Defence (MOD) comments on the applicant commissioned Phase 1 A – Manston HRDF – Relocation – Feasibility Study Report authored by Aquila Air Traffic Management Services, the Applicant's Answers to Fourth Written Questions (TR020002/D9/FWQ), the applicant's Update on Relocation of HRDF (TR020002/D11/RHRDF), and the Applicant's Overall Summary of Case (TR020002/11/OSOC).

This response has been co-ordinated by the Defence Infrastructure Organisation (DIO) who, in consultation with the Royal Air Force and Programme Marshall, provide the MOD's comments on this site and development. MOD's appointed contractor to provide and maintain transmitter/reciever equipment and associated infrastructure used to deliver air traffic management services is provided by Aquila Air Traffic Management Services. This contract is managed by Programme Marshall.

MOD involvement in this project has been necessary as the development will affect both safeguarded technical equipment on the site and MOD owned land. It should be noted that the technical equipment, a High Resolution Direction Finder (HRDF), currently operates as it should and provides a level of coverage which is acceptable, at this time MOD has no operational need to relocate or otherwise alter this equipment.

An HRDF is an antenna and associated equipment which, in conjunction with similar units in other locations, provides a navigational aid to aircraft operating within its range. At Manston Airfield this resource consists of an antenna and receiving equipment, the antenna is at the centre of a 120m radius area within which no structures are permitted. This 120m radius is required by the provisions of Joint Service Publication 604 (JSP 604) and also protected by a legal covenant. At this time, no evidence has been provided to demonstrate why this area could or should be reduced.

#### **A. Aquila Phase 1 A – Manston HRDF- Relocation Feasibility Study Report.**

MOD received a copy of an Aquila report commissioned by the applicant on the 28th June 2019. The report submitted is an initial feasibility study that would, along with a number of other studies, provide an appropriate evidence base to assess the viability of a re-provided HRDF system. The report provides analysis of potential sites from which re-provided HRDF equipment could be operated, the review of sites was conducted using computer modelling in accordance with current Joint Service Publication 604 (JSP 604) criteria to demonstrate the potential capability and coverage of each potential HRDF location against proposed Development Consent Order (DCO) development.

MOD has indicated to the Applicant that, in principle, it is possible that the HRDF could be re-provided assuming that the replacement facility would comply with MOD siting requirements; that the new technical facility would have to be tested to verify that its performance capabilities are to the standards required by MOD; that the siting of a new technical facility would be compatible with MOD Safeguarding requirements and relevant safeguarding zones to protect the operation of the new facility are put in place. The freehold of any new site would have to be conveyed to MOD and a relevant covenant put in place in any site acquisition documents whereby no building or structure could be erected above ground level within 120metres of the HRDF equipment (or equivalent zone required by safeguarding criteria relevant to any new type of equipment installed at a new site to undertake the function of the current HRDF).

The Aquila report assessed a total of nine alternative locations for siting HRDF equipment. One of these sites, Site 1, was originally identified in March 2018. Site 1 is located outside the order limits as is the nearby Site 1a. Whilst Site 1 has been the option offered by the applicant from the beginning of the DCO application and is the site that has formed part of the dialogue with MOD in the Statement of Common Ground, Aquila's analysis concludes both Sites 1 and 1a to be non-viable due to terrain impacting coverage and triangulation services with Thorney Island and Wattisham HRDF.

The majority of the sites examined within this report have been demonstrated to be non-viable. The report concludes by identifying three potentially viable sites, the proposed Air Traffic Control Tower, an existing Microwave Tower within the boundary of the Defence Fire Training and Development Centre and a Radar Tower.

**(i) Proposed Air Traffic Control tower.**

This is an element of the proposed development that forms the subject of MOD objections. The Air Traffic Control tower structure proposed has the potential to have a significant detrimental impact on the operation of the existing HRDF facility as it falls within the safeguarded area. MOD cannot accept this siting option as it would not satisfy the requirement of having new equipment in place, operational and tested to acceptance before the existing HRDF could be withdrawn. It should be noted that an assessment will be required to demonstrate that the HRDF equipment would be operationally compatible with other technical assets to support the airfield.

**(ii) Microwave Tower within boundary of Defence Fire Training and Development Centre.**

The second option identified is an existing tower on MOD land (within the boundary of the Defence Fire Training and Development Centre). This tower is also utilised by third parties and is the subject of a contract with Arqiva. It is proposed that the HRDF equipment would be placed on the Arqiva tower alongside existing antenna(s). The report indicates an HRDF relocated to this location is unlikely to be adversely affected by the proposed development. However, the report does not establish whether the HRDF will compromise the operation of the existing antenna on the tower nor with new airport technical assets required to support the airfield operations. MOD commented on the use of Fire Station being submitted as a potential re-provision site on the 14th June to the Examination Authority, stating they did not want this site to be included as part of any analysis. MOD are concerned with implementing the HRDF equipment on towers due to the additional requirements to maintain the asset and the potential to compromise its estate.

**(iii) Radar Tower**

The final site identified as viable is the proposed Radar Tower, again this location is within the order limits of the site and not under the control of MOD. The use of this site conflicts with the applicants proposed use of the site in their current development plans and at present has no infrastructure in place to support the HRDF installation. This potential location has not been modelled in the same way as the other two, no projected coverage plan is provided within the report.

In summary, the Phase 1 A – Manston HRDF – Relocation – Feasibility Study Report provides no information regarding how a new HRDF asset will address MOD requirements within the context of the proposed development and surrounding area nor does it identify the technical safeguarding criteria for the new piece of equipment. In addition, the Aquila report provides insufficient information for MOD to be able to consider whether any of the preferred siting options are viable or compatible with existing or new navigational aids or airport operations, the proposed use/future development or the context provided by the surrounding area (topography etc.). MOD require freehold ownership of the land on which the HRDF

equipment would be sited, at present two of the identified sites are part of the proposed Manston Airport development which is not acceptable to MOD.

## **B. DIO comments on the Applicants response to the Examining Authority Fourth Written Questions High Resolution Direction Finder (HRDF)**

### **(i) Applicant's response to CA 4.20**

The applicant has stated in response to CA.4.20 that £100,000 has been factored into general costs to meet the re-provision of the HRDF. MOD believe this amount will need to be considerably higher as the applicant will need to acquire an appropriate parcel of land, cover costs regarding completing infrastructure installation including the purchase of a new HRDF provision, flight testing/assurance acceptance and costs to establish the commercial agreements as well as all MOD costs for technical delivery and estate re-provision.

### **(ii) Applicants response to OP.4.8 HRDF and Construction Timetable**

The applicant replied they do not accept the potential two-year twin track/evaluation period, has inferred that a period of days may be adequate, and that Aquila and Programme Marshall will decide what period is required if any. The applicant suggests that at least two of the options being considered by Aquila could be implemented ahead of the airport development activity.'

MOD wish to re-affirm that any new air navigation related technical installation such as an HRDF must be proven and accepted by the Military Aviation Authority. This will entail extensive testing (including flight trials) and a period of operation before final acceptance. A contractual programme to implement this (at the applicant's expense) would need to be established in the event MOD did consent to the relocation of the HRDF. It is not possible to define exactly how long this may take and it is possible this may need to be extended if performance issues are identified or it may even conclude the installation cannot be accepted into service. The 2-year period identified is an indicator of what may be needed but should not be taken as a definitive timescale. The suggestion that this process could be completed in a few days is entirely inaccurate and unrealistic.

It should be noted that MOD is currently implementing an extensive programme to implement an essential upgrade to air navigation technical installations across its estate both in the UK and at its sites overseas. As such any MOD involvement in the installation, testing and evaluation will have to feed into the existing programme. At this time it is projected that upgrade works to existing infrastructure will be ongoing for a period of at least three years.

MOD, as noted above, raise concerns regarding the Aquila report and the sites recommended for the re-provision of the HRDF. The site options within the report identify it has used the current JSP 604 Radio Site Protection (RSP) criteria relevant to the current HRDF equipment in use. The report does not specifically identify the type of re-provided HRDF equipment nor its manufacturers technical specification and it does not identify any variation of the current criteria (JSP 604) when identifying potential re-provision sites. Any replacement equipment would have to be safeguarded in accordance with MOD defined RSP criteria. The proposed sites would need to be assessed against these criteria. The site options identified above do not provide the freehold requirement of MOD.

## **C. Applicants proposed Requirement regarding the re-provision of the HRDF**

As previously stated in the response to the Examining Authorities fourth written questions, MOD maintains its objection to the development on the basis that the proposals would have a significant and detrimental impact on the capability of safeguarded technical equipment located within the boundaries of the development. At this time, no acceptable scheme detailing location, specification of equipment or technical mitigation has been submitted for the provision of what would, ultimately, be a replacement HRDF system. This lack of evidence does not currently indicate any prospect that replacement HRDF equipment with the same or better capability could be provided.

The Examining Authority suggest a requirement be added to the draft Development Consent Order that requires that:

*'no Works within the safeguarded area shown in the Ministry of Defence (RAF Manston) Technical Site Direction 2017 [REP7a-025] shall commence until the Ministry of Defence confirm in writing to the relevant planning authority that the High Resolution Direction Finder (HRDF) has been relocated from its position within the Order Limits and is fully operational to the satisfaction of the Ministry of Defence following, if required by the Ministry of Defence, a period of dual operation of the existing and the relocated HRDF.'*

MOD note that the applicant has provided comments on this text and have recommended revised requirement wording that is significantly less precise than that suggested by the Examining Authority:

*'no works within the safeguarded area shown in the Ministry of Defence (RAF Manston) Technical Site Direction 2017 [REP7a-025] shall commence while the Direction is in force without the consent of the Ministry of Defence in writing.'*

For the avoidance of doubt, the HRDF unit on site is a critical piece of air navigation technical equipment used by both MOD and civilian aviation operators. The equipment is used to precisely locate transmissions from aircraft and support 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. The equipment benefits from a Technical Site Direction 2017 [REP7a-025] and associated plan to secure the full operational capability of the equipment and to minimise the impact of nearby development.

The scheme proposed contains a number of elements likely to have a detrimental impact on the function of the HRDF system and as such it is paramount that no development takes place until a viable mitigation scheme to provide an alternate HRDF system has been produced and agreed in writing with MOD. This mitigation scheme should contain siting location(s) for the equipment, full specifications for the equipment and associated infrastructure proposed and the technical data necessary to generate the safeguarding criteria that would apply to the new equipment. These requirements are considered necessary to ensure no loss of capability, relevant to both planning and the development to be permitted, enforceable, precise and reasonable in all other respects.

In order to ensure that the replacement equipment, which is likely to be provided outside the DCO boundary, is serviceable a period of testing and evaluation will be required before it is accepted into service. This testing and evaluation period will require that the existing HRDF capability is maintained. Development that might occur within this testing and evaluation period has the potential to degrade or compromise the capability of the existing equipment which should be unaffected until such time as the replacement has been accepted into service. As such a requirement preventing development until the equipment detailed in the mitigation scheme has been declared fully operational in writing by MOD is considered appropriate.

A further condition is required to ensure safe removal of the, by then, obsolete equipment, a requirement should be added to ensure that the decommissioning and removal of the existing HRDF is carried out in an appropriate manner and with such timing that the removal of the existing equipment does not prejudice the operation of the 'replacement' HRDF unit.

DIO refer the Examining Authority to our previous submission dated 28th June 2019 where a suggested wording for each of these three requirements has been laid out.

#### **D . Applicant's overall summary of case and update on Relocation of HRDF**

In both these documents the Applicant has sought unsuccessfully to try diminish the arguments put forward by the Ministry of Defence and to suggest that it has not adopted a coherent approach which the comments above demonstrate is not the case.

In conclusion MOD maintain our objection on the basis that insufficient information has been submitted to provide any positive indication that potential harm to safeguarded operational defence assets can be overcome or readily mitigated

Yours faithfully



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

Estate Surveyor