



Defence
Infrastructure
Organisation

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Manston Airport Case Team
The Planning Inspectorate
Kite Wing
Temple Quay House
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31st January 2020

Dear Sirs

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by RiverOak Strategic Partners Limited (“The Applicant”) for an Order granting Development Consent for the reopening and development of Manston Airport in Kent.

REQUEST FOR COMMENTS AND FURTHER INFORMATION

I am writing in response to the letter dated 17th January 2020 from the Head of Transport Infrastructure Planning requesting further information in respect of the above.

At Paragraph 9 of that letter under the Compulsory Acquisition heading it states “The Secretary of State requests confirmation or otherwise from **the Secretary of State for Defence** of consent to compulsory acquisition under Section 135 of the Planning Act 2008 in relation to Crown land”. The interests of the Secretary of State for Defence are listed in that letter at Footnote 1.

The Secretary of State for Defence does **not** consent to compulsory acquisition of its major freehold interests – the Aerial Farm (Plot 26), The Motor Transport unit (Plot 38) and the HRDF site (Plot 41). In addition, the Secretary of State for Defence does **not** consent to the compulsory acquisition other rights where these might have an adverse impact on its freehold interests and in particular the HRDF site. The Secretary of State for Defence does consent to the compulsory acquisition of some of its minor freehold interests and some other lesser rights. The comments relating to each individual plot and whether or not the Secretary of State for Defence consents to compulsory acquisition are set out in the Table attached to this letter.

At Paragraph 19, under the Draft Development Consent Order heading, the Secretary of State suggests an alternate wording for Requirement 24 (High Resolution Direction Finder) that would be included in any Development Consent Order that might be issued for this development. Before commenting on the specific wording laid out in the draft submitted, the Ministry of Defence (MOD) would like to make absolutely clear the context in which the wording for a similar requirement was laid out in our letter dated 28 June 2019.

Ministry of Defence - Current position.

The Ministry of Defence maintains its objection to this development. Through previous submissions to the Examining Authority (ExA), it has been made clear that the development that forms the subject of this scheme would have a significant and detrimental impact on the function and capability of an existing Safeguarded technical asset, specifically a High Resolution Direction Finder (HRDF), located on Manston airfield. As yet insufficient evidence (in the form of a proposed location, installation type, and technical specification) has been provided to demonstrate that the existing technical asset can be replaced. Further, the impacts of locating a replacement system in a less than optimum location could result in it providing less effective coverage compared to the existing system. This could affect the provision of air traffic services with implications to aviation safety.

The applicant has stated that a replacement HRDF can be provided that will ensure that the current service/capability will not be impaired. At this time no evidence has been submitted to demonstrate that this is the case. The developer has submitted a document entitled 'Phase 1A – Manston HRDF Relocation - Feasibility Study Report' which provides an initial, and cursory, inspection of possible HRDF replacement sites. The report concludes that the preferred site for the replacement HRDF would be on the proposed Air Traffic Control tower. This solution is not feasible as the erection of the new ATC tower would itself infringe the designated technical safeguarding area that ensures the function and capability of the existing HRDF system. Two other sites are also suggested, though it is not clear at this time whether the installation of an HRDF system at either of these sites would be feasible. No additional information or subsequent phases of this report have been submitted to ExA or provided to MOD and as such there is no evidence on which to vary our position or advice.

In order to ensure that the safeguarded technical asset benefits from suitable protection in the event that a Development Consent Order is issued, draft requirements were offered in the letter submitted 28 June 2019. MOD would like to emphasise that unless sufficient evidence can be provided to demonstrate an appropriately sited HRDF system can be provided, that such a system can be delivered in a manner that would allow appropriate testing prior to acceptance, and that the siting and installation of the new system would offer no detriment to the function of the existing asset, it would not be possible for MOD to provide any support for the discharge of a requirement.

Comments on the wording of proposed Requirement 24 (High Resolution Direction Finder).

Requirement 1.

MOD approval of a system that might ultimately replace the existing HRDF functionality is heavily contingent on it being demonstrated that such a system would accurately provide equivalent or additional coverage to the existing asset and that such a replacement does not compromise the functionality of the existing system. On that basis the following amendment to suggested requirement 1 is recommended:

- 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, details of a programme, to test the new equipment as installed against MOD requirements for acceptance into service, the technical performance data necessary to establish safeguarding criteria to protect its subsequent operation, and a timetable for its implementation.*

Requirement 2.

MOD have no objections to the content of requirement 2 and welcome its addition.

- 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.*

Requirement 3.

In the interest of transparency and to provide guidance to the undertaker it is recommended that Requirement 3 is supplemented with a line that explains the circumstances under which the safeguarding direction could be removed.

- 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. **The removal of the safeguarding direction may take place when a replacement High Resolution Direction Finder has been accepted into service by the Ministry of Defence.***

Requirement 4.

MOD have no objections to the content of requirement 4 and welcome its addition.

- 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.*

I trust that the above comments provide clarification on the points raised.

Yours faithfully



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

Estate Surveyor

| Plot Ref | Plan | MOD Interest Type | AH Comments | Action |
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| 018 | 1 | Freehold | Relates to subsoil up to half the width of the highway – consent to compulsory acquisition | |
| 018a | 3 | Freehold | Relates to 107 square metres of land and footpath on Spitfire Way – consent to compulsory acquisition | |
| 018b | 3 | Freehold | Relates to 29 square metres of land and hardstanding Spitfire Way – consent to compulsory acquisition | |
| 025 | 1 and 3 | Freehold | Relates to 1348 square metres of verges and hardstanding (from Canterbury Road South) – consent to compulsory acquisition | |
| 026 | 2 | Freehold | Relates to the aerial farm - 1342 square metres of access, buildings and hardstanding off Spitfire Way –occupiers are MOD, BT and Southern Gas Networks (two latter with apparatus). REJECT request for compulsory acquisition | |
| 038 | 2 | Freehold | Relates to the motor transport unit - 6796 square metres private access, buildings, hardstanding and car parking (off Spitfire Way) – occupiers MOD and BT, Southern Gas Networks. Southern Water (three latter with apparatus) – REJECT request for compulsory acquisition | |
| 041 | 2 | Freehold | Relates to HRDF - 51 square metres of building and hardstanding (former airfield site) – occupied by MOD and BT apparatus – REJECT request for compulsory acquisition | |
| 042 | 3 | Freehold | Relates to 327 square metres of public footway and verge (off Manston Road) – consent to compulsory acquisition | |
| 042a | 3 | Freehold | Relates to 46 square metres of public footpath and verge (Manston Road) – consent to compulsory acquisition | |

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| 044 | 3 | Freehold | Relates to 574 square metres of public road and verges (Manston Road) – MOD owns freehold of subsoil, Kent CC owns adopted highway freehold – consent to compulsory acquisition |
| 045 | 3 | Freehold | Relates to 9283 square metres of public road and verges (Manston Road) – MOD owns freehold of subsoil up to half width of highway – consent to compulsory acquisition |
| 045a | 3 | Freehold | Relates to 144 square metres of public road, footpath and verges (off Manston Road) – consent to compulsory acquisition |
| 045b | 3 | Freehold | Relates to 8 square metres of footpath and verge off Manston Road – occupiers MOD, Kent CC, Sota Solutions Limited and Southern Gas Networks (two latter with apparatus) – REJECT request for compulsory acquisition |
| 014 | 1 | Rights in a transfer 20.03.1996 | Relates to 1777 square metres of public road, central reservation and verges (Minster Road) – consent to compulsory acquisition as rights will subsist. |
| 015 | 1 | Rights in a conveyance 07.03.1968 and rights and restrictive covenants in a transfer 31.08.1999 | Relates to 2262837 square metres of runway, fields, buildings, grassy knoll, hangers, landing lights, taxiways, aircraft parking, carparks, gardens, shrubberies, hardstanding, verges, tracks, accesses and land (former airport site) – REJECT request for compulsory acquisition |
| 015a | 1 | Rights in a conveyance 07.03.1968 and rights and restrictive covenants in a transfer 31.08.1999 | Relates to 693 square metres of electricity substation, land and outbuilding (off Spitfire Way) – REJECT request for compulsory acquisition |
| 016a | 1 | Rights in a transfer 20.03.1996 | Relates to 50 square metres of verge (Minster roundabout) – REJECT request for compulsory acquisition |
| 017 | 1 | Beneficiary of legal charge 21.11.2000 | Relates to 1877 square metres of field and verges (Hengist Way). The transfer contains clawback provisions in favour of SOSD which do not expire |

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| | | and rights in a transfer 21.11.2000 | until 21.11.2025 and the charge protecting this is not registered on the title. If consent to compulsory acquisition is given, SOSD's ability to gain clawback could be affected – REJECT request for compulsory acquisition | |
| 019b | 1 | Beneficiary of legal charge 21.11.2000 and rights in a transfer 21.11.2000 | Relates to 17 square metres of emergency access track and verge (off Hengist Way). The transfer contains clawback provisions in favour of SOSD which do not expire until 21.11.2025 and the charge protecting this is not registered on the title. If consent to compulsory acquisition is given, SOSD's ability to gain clawback could be affected – REJECT request for compulsory acquisition | |
| 020 | 1 | Beneficiary of legal charge 21.11.2000 and rights in a transfer 21.11.2000 | Relates to 2798 square metres field and verges (off Hengist Way The transfer contains clawback provisions in favour of SOSD which do not expire until 21.11.2025 and the charge protecting this is not registered on the title. If consent to compulsory acquisition is given, SOSD's ability to gain clawback could be affected - – REJECT request for compulsory acquisition | |
| 020a | 1 | Beneficiary of legal charge 21.11.2000 and rights in a transfer 21.11.2000 | Relates to 31 square metres emergency access track (off Hengist Way The transfer contains clawback provisions in favour of SOSD which do not expire until 21.11.2025 and the charge protecting this is not registered on the title. If consent to compulsory acquisition is given, SOSD's ability to gain clawback could be affected – REJECT request for compulsory acquisition | |
| 023 | 1 | Beneficiary of legal charge 21.11.2000 and rights in a conveyance 07.03.1968 and rights in a transfer 21.11.2000 | Relates to 1016 square metres field and verges (Hengist Way). The rights under the 1968 conveyance will subsist, but the transfer contains clawback provisions in favour of SOSD which do not expire until 21.11.2025 and the charge protecting this is not registered on the title. If consent to compulsory acquisition is given, SOSD's ability to gain clawback could be affected – REJECT request for compulsory acquisition | |
| 024 | 1 | Rights in a conveyance 07.03.1968 | Relates to 1033 square metres verge and hardstanding (former Canterbury Road South) - consent to compulsory acquisition as rights will subsist. | |
| 026a | 1 | Rights in a conveyance 07.03.1968 and rights and restrictive covenants in a transfer 31.08.1999 | Relates to 212 square metres of electricity substation and land (south of Spitfire Way) – REJECT request for compulsory acquisition | |

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| 027 | 1 | Rights in a conveyance 07.03.1968 and rights and restrictive covenants in a transfer 31.08.1999 MOD is also a lessee under a lease dated 25.01.2011 | Relates to 154 square metres of outbuilding and hardstanding (south of Spitfire Way) – REJECT request for compulsory acquisition | |
| 028 | 1 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 85159 square metres of field, hardstanding, access roads, building (Unit 4) trees, car parking and shrubberies (south of Spitfire Way) – REJECT request for compulsory acquisition | |
| 036 | 2 | Rights in a conveyance 07.03.1968 and rights and restrictive covenants in a transfer 31.08.1999 | Relates to 369 square metres of access track, verge and gas governor (off Spitfire Way) – REJECT request for compulsory acquisition | |
| 037 | 2 | Rights in a conveyance 07.03.1968 and rights and restrictive covenants in a transfer 31.08.1999 | Relates to 14776 square metres of private access, hardstanding, outbuilding, car parking and hangars (vacant) (off Spitfire Way) – REJECT request for compulsory acquisition | |
| 039 | 2 | Rights in a conveyance 07.03.1968 and rights and restrictive covenants in a transfer 31.08.1999 | Relates to 3587 square metres of hardstanding, building (Hangar 10) and land (off Spitfire Way) – REJECT request for compulsory acquisition | |
| 040 | 3 | Beneficiary of legal charge 21.03.2006 and rights and | Relates to 2447 square metres of hardstanding and yard (off Spitfire Way) – the rights and covenants in the transfer will subsist. The transfer contains clawback provisions in favour of SOSD which do not expire until 20.03.2026. | |

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| | | restrictive covenants in a transfer 21.03.2006 | If consent to compulsory acquisition is given, SOSD's ability to gain clawback could be affected. REJECT request for compulsory acquisition | |
| 040a | 3 | Beneficiary of legal charge 21.03.2006 and rights and restrictive covenants in a transfer 21.03.2006 | Relates to 299 square metres of hardstanding and verge (off Spitfire Way) – the rights and covenants in the transfer will subsist. The transfer contains clawback provisions in favour of SOSD which do not expire until 20.03.2026. If consent to compulsory acquisition is given, SOSD's ability to gain clawback could be affected. – REJECT request for compulsory acquisition | |
| 041a | 2 | Rights in a conveyance 07.03.1968 and rights and restrictive covenants in a transfer 31.08.1999 | Relates to 170 square metres electricity substation and hardstanding (former airfield site) – REJECT request for compulsory acquisition | |
| 043 | 3 | Rights in a conveyance 07.03.1968 and rights and restrictive covenants in a transfer 31.08.1999 | Relates to 2857 square metres buildings and land (off Spitfire Way) – REJECT request for compulsory acquisition | |
| 043a | 3 | Rights in a conveyance 07.03.1968 and rights and restrictive covenants in a transfer 31.08.1999 | Relates to 35 square metres of verge (Spitfire Way) – REJECT request for compulsory acquisition | |
| 046 | 3 | Rights in a conveyance 07.03.1968 and rights and restrictive covenants in a transfer 31.08.1999 | Relates to 2856 square metres of yard, building and hardstanding (off Manston Road) – REJECT request for compulsory acquisition | |

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| 047 | 3 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 3976 square metres of museum, buildings, yard, hardstanding and access (RAF Manston History Museum) – REJECT request for compulsory acquisition | |
| 047a | 3 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 525 square metres of public road and central reservation (Manston Road) – REJECT request for compulsory acquisition | |
| 048 | 2 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 8702 square metres of grass, hardstanding, buildings, trees and car parking (The Spitfire and Hurricane Memorial Museum) – REJECT request for compulsory acquisition | |
| 048a | 2 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 380 square metres of grass and trees (off Manston Road) – REJECT request for compulsory acquisition | |
| 048b | 2 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 508 square metres of memorial garden (off Manston Road) – REJECT request for compulsory acquisition | |
| 049 | 2 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 82721 square metres of access track, field, land and hardstanding (off Manston Road) – REJECT request for compulsory acquisition | |
| 049a | 2 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 146 square metres of electricity substation and land (off Manston Road) – REJECT request for compulsory acquisition | |
| 049b | 3 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 30 – REJECT request for compulsory acquisition square metres of electricity substation and land (off Manston Road) | |
| 050 | 3 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 277193 square metres of fields, trees, structure, buildings, yard, access roads, tracks, hardstanding and land (former airport site) – REJECT request for compulsory acquisition | |
| 050a | 3 | Rights in a conveyance 07.03.1968 | Relates to 6920 square metres of public road (Manston Road) - consent to compulsory acquisition as rights will subsist. | |
| 050b | 3 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 47729 square metres of field, access track and taxiway (former airfield site) | |

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| 050c | 3 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 41237 square metres of fields, trees, buildings, yard, access road, aircraft parking, taxiway hardstanding and land (former airport site) – REJECT request for compulsory acquisition | |
| 050d | 4 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 26 square metres of verge (Manston Court Road) – REJECT request for compulsory acquisition | |
| 050e | 4 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 270 square metres of verge and hardstanding (Manston Road– REJECT request for compulsory acquisition) | |
| 051b | 3 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 1962 square metres of electricity substation, buildings, hardstanding and trees (off Manston Court Road) – REJECT request for compulsory acquisition. | |
| 053a | 4 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 118 square metres of telephone exchange and land (off Manston Court Road) – REJECT request for compulsory acquisition | |
| 053b | 4 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 7 square metres of verge and manhole (Manston Court Road) – REJECT request for compulsory acquisition | |
| 054 | 4 | Rights in a deed poll 22.12.1960 | Relates to 55147 square metres of car park and land (former airport site) and gives SOSD a right of entry relating to and underground cable. Consent to compulsory acquisition. | |
| 055 | 4 | Rights and restrictive covenants in a transfer 31.08.1999 | Relates to 27 square metres of electricity substation (former airport site) – REJECT request for compulsory acquisition | |
| 058 | 4 | Rights in a conveyance 07.03.1968 and rights and restrictive covenants in a transfer 31.08.1999 | Relates to 153 square metres of electricity substation, building and hardstanding (former airport site) – REJECT request for compulsory acquisition | |
| 068 | 4 | Rights in a conveyance 07.03.1968 and rights and restrictive | Relates to 1796 square metres of field (off Arundel Road) – REJECT request for compulsory acquisition | |

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| | | covenants in a transfer 31.08.1999 | | |
| 069 | 4 | Rights in a conveyance 07.03.1968 and rights and restrictive covenants in a transfer 31.08.1999 | Relates to 1226 square metres of field (north of Windsor Road) – REJECT request for compulsory acquisition | |
| 070 | 4 | Rights in a conveyance 07.03.1968 and rights and restrictive covenants in a transfer 31.08.1999 | Relates to 720 square metres of access track (off Canterbury Road West) – REJECT request for compulsory acquisition | |
| 070a | 5 | Rights in a conveyance 07.03.1968 and rights and restrictive covenants in a transfer 31.08.1999 | Relates to 8 square metres of public road and access track (Canterbury Road West) – REJECT request for compulsory acquisition | |
| 102 | 5 | Rights in a deed poll 2.12.1960 | Relates to 169 square metres of outfall pipe below house and garden (50 Foads Hill) and gives SOSD a right of entry relating to a stormwater drain. Consent to compulsory acquisition. | |
| 103 | 5 | Rights in a deed poll 2.12.1960 | Relates to 94 square metres of outfall pipe below house and garden (52 Foads Hill) and gives SOSD a right of entry relating to a stormwater drain. Consent to compulsory acquisition. | |
| 114 | 5 | Rights in a deed poll 27.12.1960 | Relates to 19 square metres of outfall pipe below house and garden (59 Foads Hill) and gives SOSD a right of entry relating to a stormwater drain. Consent to compulsory acquisition. | |
| 114a | 5 | Rights in a deed poll 27.12.1960 | Relates to 6 square metres of outfall pipe below public road and hardstanding (Foads Hill) and gives SOSD a right of entry relating to a stormwater drain. Consent to compulsory acquisition. | |
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