

**AUTHORISATION UNDER SECTION 53 AND SECTION 54 OF THE PLANNING ACT
2008**

APPLICANT	RiverOak Strategic Partners Ltd (RSP)
PROPOSED DEVELOPMENT	The proposed Nationally Significant Infrastructure Project (NSIP) for the proposed Manston Airport
LAND	The land shown edged green on the plan A1 at Annex 1, forming part of Land Registry Title numbers K803975, K837264, K891199, K806190, K873633 and K873634
DATE OF APPLICATION FOR SECTION 53 AUTHORISATION	September 2018 (the £1,500 fee payable in respect of the Authorisation Request was received by the Planning Inspectorate (the Inspectorate) on 29 January 2018)

AUTHORISATION

1. The terms used in this Authorisation and its Annexes are defined in Annex 2.
2. In exercise of the power conferred by section 53(1), s53(1)(a) and s54 of the Planning Act 2008, the Secretary of State authorises the Applicant and any Authorised Persons to enter the Land in order to carry out the Authorised Surveys.
3. This Authorisation is granted:
 - (1) for the Authorisation Period;
 - (2) subject to compliance with the Conditions at Annex 3 (which are necessary to protect the Landowner's and Occupier's legitimate interests); and
 - (3) solely for the purpose of undertaking the Authorised Surveys in connection with the proposed application for the Proposed Development.
4. This Authorisation to enter the Land does not obviate the need for the Applicant to obtain any other statutory licences or consents or to comply with any other statutory requirements in relation to the Authorised Surveys.

Simone Wilding

**For and on behalf of the Secretary of State for Housing, Communities and Local
Government**

11 September 2018

AUTHORISATION UNDER SECTION 53 AND SECTION 54 OF THE PLANNING ACT 2008

STATEMENT OF REASONS

This Authorisation has been given in response to a request to enter the land under section 53 (s53) of the Planning Act 2008(PA2008). The request was made by RiverOak Strategic Partners Ltd (the Applicant) in respect of a proposed Nationally Significant Infrastructure Project (NSIP), Manston Airport (the Proposed Development). The Applicant requested entry to carry out ecological surveys to make its environmental impact assessment (EIA) more robust and its mitigation proposals more specific.

Authorisation to enter the Land forming part of Land Registry Title numbers K803975, K837264, K891199, K806190, K873633 and K873634 and one area of unregistered land was requested in a letter from the Applicant dated 30 January 2018. The Land is owned by Stone Hill Park Limited previously known as Lothian Shelf (718) Limited (company number 9223403) ('the Landowner'). The request to access land was modified by the Applicant's letter and revised plan identifying the Land received on 31 May 2018, which excluded the unregistered land. The Land identified in green is occupied by the following organisations ('the Occupiers'), Secretary of State for Defence (leaseholder – K976945); South Eastern Power Networks Plc (leaseholder – K716128 and K894125); A-Line Oceana Limited; Avman Engineering Ltd; C.J. Montgomery Limited; David Steed; Hunglish Limited; Intro Precision Limited; Polar Helicopters Ltd; Powermain Ltd; Southern Gas Networks Plc; and Southern Water Services Limited. The Applicant clarified that one area of the Land is potentially Bona Vacantia land (Manston Developments Limited) and provided a plan outlining this land in its letter dated 30 August 2018.

The Proposed Development, as described in the authorisation request, consists firstly of the 'Principal Development' comprising all works proposed within the airport structure including air cargo stands and facilities, four new passenger aircraft stands, and a new passenger terminal, and secondly of 'Associated Development' including, amongst other things, an aircraft recycling facility, a flight training school and ancillary highway works.

On 17 July 2018 the Applicant submitted its application for development consent to the Inspectorate. On 14 August 2018 the Inspectorate accepted the application for examination.

In determining the Applicant's request for authorisation under s53 of the PA2008, the Secretary of State has had regard to the relevant legislation, guidance, advice and the recommendation made by the Inspectorate, in addition to the Applicant's Authorisation Request and the exchange of correspondence between the Inspectorate and the relevant parties.

The Secretary of State considers that s53(1)(a) applies in respect of the Authorisation Request in that it relates to "*an application for an order granting development consent, whether in relation to that or any other land, that has been accepted by the Secretary of State*". The Secretary of State is also satisfied that entry to the Land is required for the

AUTHORISATION UNDER SECTION 53 AND SECTION 54 OF THE PLANNING ACT 2008

purpose of surveying or in order to facilitate compliance with the provisions mentioned in subsection s53(1A) of the PA2008 (implementing Council Directive 2011/92/EU (as amended) on the assessment of the effects of certain public and private projects on the environment) including those provisions amended by Council Directive 2014/52/EU, in line with s53(1A)(c). In accordance with s53(5), entry to the Land under s53 of the PA2008 is authorised provided that any actions undertaken in connection with the Authorised Surveys will not constitute an offence in themselves; and subject to all necessary consents (if any) in relation to carrying out the Authorised Surveys having first been obtained.

The Secretary of State also considers that the authorisation request is subject to s54 of the PA2008, in comprising elements of Crown Land (relating to MOD interests and Bona Vacantia land). The Secretary of State considers that the Applicant has demonstrated that it has the permission of "*a person appearing to P to be entitled to give it*" with respect to entry onto the land.

The Secretary of State considers the Applicant has demonstrated reasonable efforts to obtain permission to enter the Land by agreement with the Landowner and has been unsuccessful in agreeing the necessary rights of entry to undertake the Authorised Surveys.

The Applicant sought rights of entry for a period up to 15 September 2018. Based on the authorisation date of this notice, the Secretary of State has authorised access for a 12 month period from the date of this Authorisation Notice. The right to enter the Land under this Authorisation will cease should the application be withdrawn.

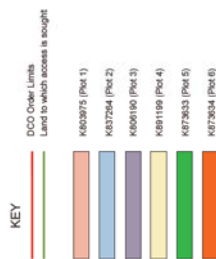
Simone Wilding

**For and on behalf of the Secretary of State for Housing, Communities and Local
Government**

11 September 2018

ANNEX 1 TO THE AUTHORISATION – THE LAND

Sheet	Drawing Number
Section 53 Key Plan (Sheet 1 of 5)	NK018417-RPS-MSE-X-DR-C-0125
Section 53 Access Plan (Sheet 2 of 5)	NK018417-RPS-MSE-X-DR-C-0121
Section 53 Access Plan (Sheet 3 of 5)	NK018417-RPS-MSE-X-DR-C-0122
Section 53 Access Plan (Sheet 4 of 5)	NK018417-RPS-MSE-X-DR-C-0123
Section 53 Access Plan (Sheet 5 of 5)	NK018417-RPS-MSE-X-DR-C-0124



P10	Revised to add BIC comments	TC	C3	31.05.15
P11	Subsequent news amended	TC	C3	30.04.15
P12	P10 P11 removed and new subfigure area added	TC	C3	30.04.15
P13	P10 P11 removed and news increased to 12m	TC	C3	31.03.15
P14	Subsequent news adjusted to currency increased to 12m	TC	C3	31.03.15
P15	P10 P11 removed and added to index	TC	C3	31.03.15
P16	Added to stock index	TC	C3	31.03.15
P17	Land income boundary revised	TC	C3	31.03.15
P18	Boundary amended	TC	C3	31.03.15
P19	Revised to add BIC comments	TC	C3	30.03.15
P20	Revised to add BIC comments	JH	C3	25.11.15
P21	Revised to add BIC comments	JH	C3	15.11.15
P22	Subfigure area and 4 corner points added. Vectors added and inner boundary defined. Key added.	DPH	C3	15.11.15
P23	First issue	DPH	C3	15.11.15
P24	Decision	DPH	C3	15.11.15



Sherwood House, Sherwood Avenue,
Newark, Nottinghamshire, NG24 1QQ
T: 01636 605 700 E: rsnewark@rpsgroup.com

Client **BSP**

Project Manston Airport Masterplan

Title Section 53 Key Plan -
Sheet 1 of 5

Status	Scale	Date Created
Preliminary	17500 @A1	11.11.16
Project Leader	Drawn By	Checked by
GDO	DGP	CJ

Document Number	Revision
NR010417-RPS-MSE-X-OR-C-0125	P12 50
<small> 11/11/2016 10:44:10 AM 11/11/2016 10:44:10 AM 11/11/2016 10:44:10 AM </small>	

rps@rps.com.au

- y Plan

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RPS

Client

Title Section 53 Access Plan -
Sheet 2 of 5

Document Number	Revision
N018417-RPS-MSE-X-DR-C-0*21	P09
Project/Job Name	Sheet Layout
Project/Job Name	Sheet Layout



SCALE 1:2500

1000 Order Limits
Land to which access is sought

Land to which access is sought

K803075 (Plot 1)

K037284 (Plot 2)

K805190 (Plot 3)

K891199 (Plot 4)

1979-80 (Plot 5)

10729834 (2004-01)

[illegible]

Sherwood House, Sherwood Avenue,
Newark, Nottinghamshire, NG24 1QQ
T 01636 605 100 E npawar@psg.com

Client

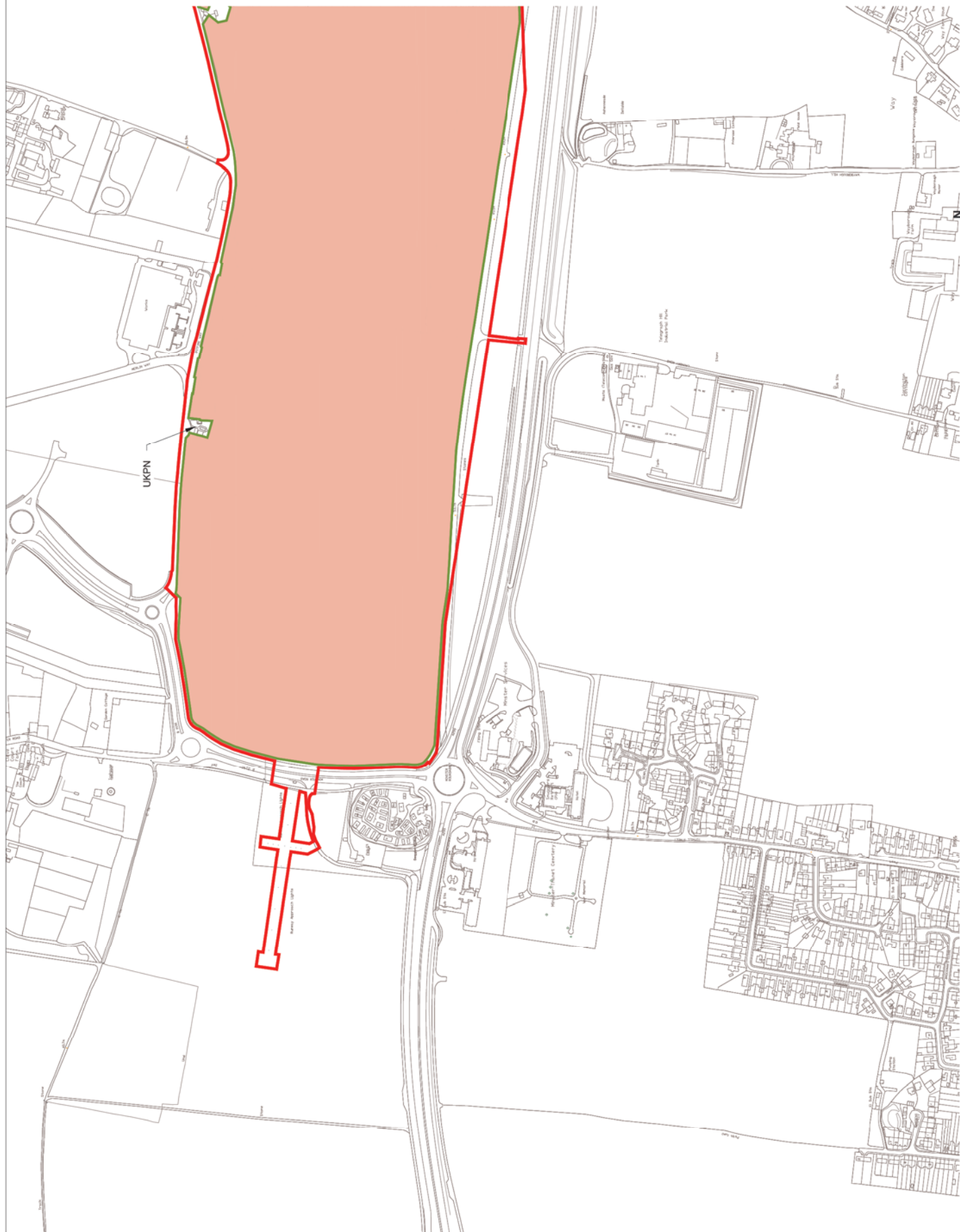
Project Manston Airport Masterplan

Title Section 53 Access Plan -
Sheet 3 of 5

Status	Scale	Date Created
Preliminary	1:2500 @ A1	11.11.16
Project Leader	Drawn By	Checked by

Document Number	Revision	Page	SO
UNK016417-RPS-MSE-X-DR-C-0122		P04	SO

Journal of Management Education 30(6)



50m SCALE 1:2500



- Notes
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Key Plan



KEY

- DCO Order Limits
Land to which access is sought
- K603975 (Plot 1)
 - K637264 (Plot 2)
 - K606190 (Plot 3)
 - K601189 (Plot 4)
 - K673633 (Plot 5)
 - K673634 (Plot 6)

120m Radius - MOD
Safeguarding Area

80m Radius - MOD
Safeguarding Area

150m Radius - MOD
Safeguarding Area

Excluded
(Met Office)

P12	Blue building amended	T/C	CJ	30.05.18
P11	Green boundary amended around Southern Gas area	AMC	CJ	28.05.18
P10	Safeguard area amended	T/C	CJ	04.04.18
P09	Plot 7 removed and new safeguard area added	T/C	CJ	04.04.18
P08	Safeguard area adjacent to highway increased to 120m	T/C	CJ	03.04.18
P07	Revised to suit EDC comments	T/C	CJ	28.03.18
P06	Land access boundary added	T/C	CJ	06.03.18
P05	Boundary revised	T/C	CJ	07.03.18
P04	Revised to suit EDC comments	T/C	CJ	26.01.18
P03	Highway amended	JH	CJ	21.11.16
P02	Highway and red line boundary adjusted. Key updated.	JH	CJ	18.11.16
P01	Final Issue	DPG	CJ	11.11.16
Rev	Description	By	Out	Date



Sheppard Associates Limited
Newark, Nottinghamshire, NG24 1QD
T: 01830 608 100 E: sprynewark@rpsgroup.com



Client
Project
Manston Airport Masterplan

Title
Section 53 Access Plan -
Sheet 4 of 5

Status
Preliminary
Scale
1:2500 @ A1
Date Created
11.11.16
Project Leader
Drawn By
Checked By
GDD
DCP
CJ

Revision	Number	Value
NO18417-RPS-MEE-X-DCP-C-0123	P12	50
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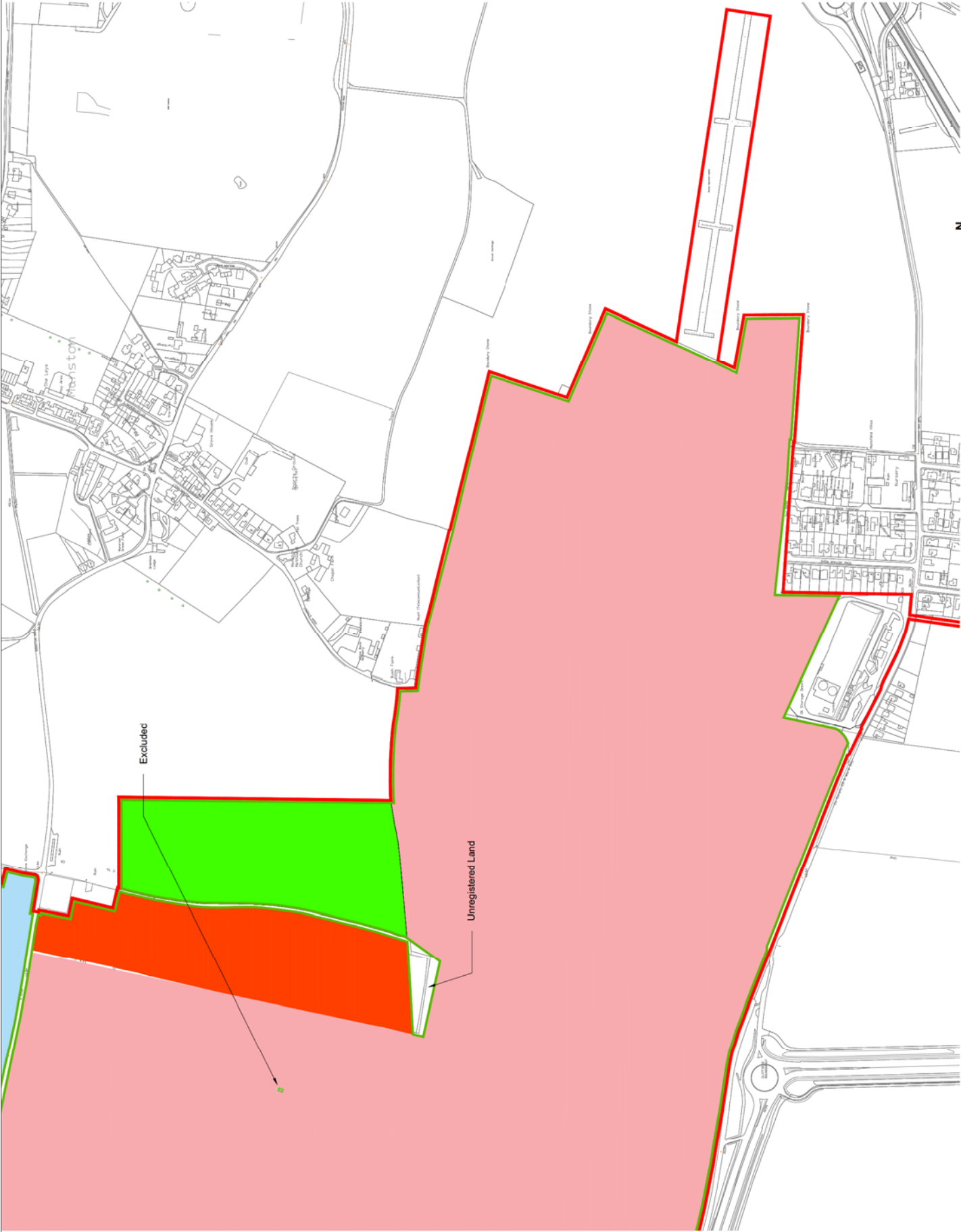
Key Plan



KEY

DCO Order Limits
Land to which access is sought

- K603075 (Plot 1)
- K637264 (Plot 2)
- K606190 (Plot 3)
- K601189 (Plot 4)
- K673033 (Plot 5)
- K673034 (Plot 6)



P06	Revised to include comments	TG	CJ	31.05.18
P07	Plot 7 removed	TG	CJ	04.04.18
P07	Revised to include comments	TG	CJ	26.03.18
P08	Land access boundary revised	TG	CJ	26.03.18
P08	Boundary revised	TG	CJ	26.03.18
P08	Revised to include comments	TG	CJ	26.03.18
P09	Notes to be incorporated	JAH	CJ	21.11.18
P09	Headline and end line boundary adjusted. Key updated.	JAH	CJ	18.11.18
P09	Final Issue	BOB	CJ	11.11.18
Rev	Description	By	Out	Date



Registered Office: 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Client



Project

Title

Status
Preliminary
Project Leader
GDO

Scale
1:2500 @ A1

Date Created
11.11.18

Drawn By
CJ

Checked By
CJ

Project Name
MANSTON AIRPORT MASTERPLAN

Project Number
P09

Project Date
11.11.18

Project Status
P09

Project Location
MANSTON AIRPORT

Project Contact
rps@rps.com



Scale 1:2500

ANNEX 2 TO THE AUTHORISATION – TERMS AND DEFINITIONS

Interpretation

1. The following words and expressions shall, unless otherwise stated, have the following meanings

"Applicant"	means RiverOak Strategic Partners Limited (Company Number 10269461) whose registered address is at Calder & Co, 16 Charles II Street, London, SW1Y 4NW.
"Application"	means the application pursuant to section 53 of the PA2008 (as amended) made by the Applicant in respect of the Land in a letter dated 30 January 2018 to the Planning Inspectorate.
"Authorisation"	means the authorisation granted by the Secretary of State pursuant to the Application.
"Authorisation Date"	the date of the Authorisation.
"Authorisation Period"	A period of 12 months from the Authorisation Date to the Expiry Date (both dates inclusive).
"Authorised Persons"	means the Applicant and any persons authorised by the Applicant to carry out the Authorised Surveys.
"Authorised Surveys"	means the surveys as described in Annex 4 of this Authorisation.
"Conditions"	means the conditions set out Annex 3 of this Authorisation.
"Existing Leases"	means the Secretary of State for Defence Leasehold title number KS976945 and South Eastern Power Networks Plc Leasehold title numbers K716128 and K894125
"Expiry Date"	Means either 12 months from the date of authorisation or, should the application be withdrawn, the date on which it is withdrawn.
"the Land"	means the land and buildings identified in green on Plan A1 included in Annex 1 of the Authorisation comprising part of the land registered at the Land Registry with title numbers: K803975, K837264, K891199, K806190,

K873633 and K873634) excluding Occupiers' Land.

"Landowner"

means Stone Hill Park Limited (previously known as Lothian Shelf (718) Limited, whose name is still on the Official Copy of register of Title as freehold owner) (Company No. 09223403) whose registered office is Baldwins Wynyard Park House, Wynyard Avenue, Wynyard, United Kingdom, TS22 5TB, their successors in title, and any such person as may be notified to the Applicant as being in ownership of the land or any part thereof.

"MOD safeguarding zone"

80m zone extending around the area of land under leasehold title number KS976945, which falls under freehold title number K803975 and is identified as the "80m Radius - safeguarding MoD area" in green in the Plan at Annex 2 of this Authorisation.

"Notice"

not less than 14 days written notice of any intended entry to carry out an Authorised Survey or any lesser period that may from time to time be agreed in writing by the person on whom the Notice is to be served.

"Occupiers"

means:

- Secretary of State for Defence;
- South Eastern Power Networks Plc;
- A-Line Oceana Limited;
- Avman Engineering Ltd;
- C.J. Montgomery Limited;
- David Steed;
- Hunglish Limited;
- Instro Precision Limited;
- Polar Helicopters Ltd;
- Powermain Ltd; and
- Southern Water Services Limited.

and any such other person as may be notified to the Applicant as being in occupation of the Land.

"Occupiers Land"

means the land and buildings occupied by the Occupiers.

"Operation Stack"

the provision of parking facilities on the Land as agreed between the Landowner and the Department for Transport to facilitate 'Operation Stack' when declared by Kent Police.

“Proposed Development”	means the proposed Nationally Significant Infrastructure Project (NSIP) Manston Airport
“PA2008”	The Planning Act 2008 (as amended).
“Working Day”	means any day from Monday to Friday (inclusive) which is not Christmas Day, Good Friday or a statutory Bank Holiday.
“Working Hours”	means the period 8am to 6pm.

ANNEX 3 TO THE AUTHORISATION – SCHEDULE OF CONDITIONS

Interpretation

1. In these Conditions unless the context otherwise requires:
 - (a) any gender includes any other gender;
 - (b) the singular includes the plural and vice versa;
 - (c) references to persons include natural persons, firms, companies, corporations;
 - (d) the headings are for convenience only and do not affect interpretation; and
 - (e) any reference to a statutory provision includes any modifications, re-enactment or extension to it and any subordinate legislation from time to time.

General

2. Entry onto the Land is authorised only:
 - (a) to carry out the Authorised Surveys;
 - (b) on Working Days;
 - (c) during Working Hours (unless for the purpose of carrying out surveys for bats, reptiles or birds in which case the Applicant and the Landowner, both parties acting reasonably, shall agree alternative hours).
3. No entry to land is authorised for the following areas:
 - (a) The Occupiers' land; and
 - (b) The MoD safeguarding zones.
4. The Authorised Persons shall not enter the Land otherwise than in accordance with the Authorisation and the Conditions.
5. The Authorised Persons right of entry onto the Land pursuant to the authorisation shall immediately cease if the Authorised Persons are in breach of these conditions and that breach either:
 - (a) is incapable of remedy; or
 - (b) has not been rectified within 7 days.
6. The Applicant shall procure that any Authorised Person accessing the Land pursuant to this Authorisation shall produce on demand identification and confirmation of their employer and details of the surveys to be undertaken.
7. These Conditions, subject to which the Authorisation is given, are in addition to the provisions of section 53 of the PA2008 and for the avoidance of doubt if there is any conflict between the Conditions and the section 53 provisions the latter shall prevail.

8. The Landowner retains control, possession and management of the Land and no Authorised Persons have the right to exclude the Landowner from the Land.
9. Entry onto the Land is authorised only:
 - (a) provided any actions undertaken in connection with the Authorised Surveys will not constitute an offence in themselves; and
 - (b) subject to all necessary consents (if any) in relation to carrying out the Authorised Surveys having first been obtained.

Payment of security costs

10. The Applicant shall reimburse the Landowner within 21 days of demand for any reasonable additional security costs (including reasonable administrative costs) directly associated with allowing the Authorised Persons access to the Land, such amount to be calculated on the basis of additional sums (if any) incurred by the Landowner in respect of security arrangements for the Land, with a breakdown of time and amounts to be provided to the Applicant.

Notice of entry

11. Before entering onto the Land to carry out an Authorised Survey the Authorised Persons must give Notice to the Landowner, such Notice to include the following:
 - (a) details of the areas, type, timing and purpose of Authorised Survey(s) together with details of access routes to the survey site and survey risk assessments;
 - (b) the type and nature of any equipment and apparatus to be left on the Land (if applicable);
 - (c) the name, employer and contact details of any person who is authorised by the Applicant to enter the Land to carry out the Authorised Survey(s) and contact details (including telephone number) of the person who will have management responsibilities for undertaking the Authorised Survey(s);
 - (d) the date or dates when access is required to carry out the Authorised Survey(s); and
 - (e) the period of time for which access is required.
 - (f) confirmation that the persons accessing the Land to undertake the Authorised Survey(s) hold suitable and adequate insurance in respect of public and third party liability and proof of said insurance; and
 - (g) a copy of Annex 4 to this Authorisation entitled "Schedule of Surveys".

Such notice should be given to the Landowner at least 14 days prior to the survey(s) and may be given by email by sending it to Jamie Macnamara (jamie@stonehillpark.co.uk) or to any other person as the Landowner may inform the Applicant of from time to time.

Carrying out the Authorised Surveys

12. In undertaking the Authorised Surveys the Authorised Person shall:

- (a) cause as little damage as is possible and shall upon completion of the final Authorised Survey or if earlier on the expiry of the Authorisation Period make good any damage caused to the reasonable satisfaction of the Landowner or if the damage cannot reasonably be made good pay compensation in accordance with section 53(7) of the PA2008;
- (b) remove any apparatus and equipment taken on to the Land by the Authorised Person in connection with the Authorised Surveys on completion of the final Authorised Survey;
- (c) ensure that a competent person supervises the Authorised Survey and that the Authorised Persons are trained, competent and experienced in the methods and use of equipment required for the Authorised Survey(s);
- (d) not do any act, matter or thing which would or might constitute a breach of any law (including without limitation common law) statute, regulation, rule, order, byelaw or notice which would or might vitiate in whole or in part any insurance effected by or on behalf of the Landowner in respect of the Land from time to time;
- (e) at all times to take all measures as are reasonably necessary to maintain the same level of security in respect of the Land which would exist but for the undertaking of the Authorised Surveys including leaving all gates as found;
- (f) not to cause any nuisance, disturbance, annoyance, inconvenience or unreasonable interference to the Occupiers or to adjoining and/or neighbouring property and/or to the owners occupiers or users of such adjoining and/or neighbouring property other than to the extent reasonably necessary to carry out the Authorised Surveys;
- (g) prepare a pre-entry photographic record of condition and provide a copy to the Landowner;
- (h) not display any signs or notices at the Land other than those required pursuant to statute;
- (i) not interfere with the use of the Land other than to the extent reasonably necessary to carry out the Authorised Surveys;
- (j) contact the Landowner or a nominated security representative when leaving the Land, if required by the Landowner;
- (k) where requested, produce evidence of the identity of the surveyor and of the authorised survey that is being conducted;
- (l) observe the Landowner's reasonable health and safety policies and site rules; and
- (m) comply with the terms of the Existing Leases.

Equipment

13. Authorised Persons may leave monitoring apparatus and equipment in place until completion of the Authorised Surveys or if earlier the expiry of the Authorisation Period and shall thereafter remove any such apparatus or equipment.

(5) Indemnity and repairs

14. The Applicant agrees and undertakes:
- (a) to be wholly responsible for the conduct of the Authorised Survey(s) and all Authorised Persons accessing the Land under the authorisation;
 - (b) to make good any damage caused to the Land and or chattels on the Land caused by the Authorised Persons in the exercise of the rights granted by this authorisation either by:
 - repairing to the reasonable satisfaction of the Landowner, provided that nothing in this paragraph shall require the Applicant to put in any better state of repair and condition than as evidenced in the pre-entry photographic record of condition referred to at paragraph 13 of this authorisation; or
 - compensating the Landowner for the damage caused and in such case, the parties agree that in the event of dispute, this issue may be determined by reference to the Lands Chamber of the Upper Tribunal.
15. To indemnify the Landowner and keep the Landowner indemnified against all liabilities arising from:
- (c) the exercise by any Authorised Person of the rights granted in this Authorisation;
 - (d) any breach of these conditions by any Authorised Person;
 - (e) all losses caused by the activities of any Authorised Persons while accessing the Land; and
 - (f) any claims against the Landowner caused by the actions of Authorised Persons which are not covered (or not wholly covered) by the public and third party insurance held by the Authorised Persons, but for the avoidance of doubt it is agreed that the Applicant bears no liability whatsoever for any damage caused by the actions or omissions of the Landowner.

Operation Stack

16. The right to access the Land pursuant to this Authorisation shall be suspended temporarily (but with immediate effect) and the Authorised Persons shall remove all apparatus and equipment on the Land within 2 hours, in the event that the site is about to be used for lorry parking by Operation Stack and the Landowner notifies the Applicant that in the Landowner's reasonable opinion, Operation Stack would be obstructed by the carrying out of the Authorised surveys OR the carrying out of

Authorised surveys concurrently with the lorry parking would give rise to health, safety or security risks.

17. The Authorised Persons may remain on the Land after this period at the request and direction of the Landowner to the extent required to carry out remediation works to make good the Land for Operation Stack.
18. The Landowner shall notify the Applicant as soon as practicable, or within 48 hours of the date on which Operation Stack lorry parking has ceased, and the temporary suspension of the right to access shall cease forthwith upon vacation of the Land as notified by the Landowner.

Insurance

19. The Applicant shall:
 - (a) subject to provision of written evidence of such requirements, pay on demand the reasonable and proper cost of any additional insurance premiums payable by the Landowner which may have become payable as a result of the Authorisation; and
 - (b) ensure that those who work on its behalf hold suitable and adequate insurance in respect of public and third party liability and, if requested by the Landowner, provide proof of said insurance to the Landowner prior to carrying out the Authorised Surveys.

ANNEX 4 TO THE AUTHORISATION – SCHEDULE OF AUTHORISED SURVEYS

The schedule of Authorised Surveys appended to this Authorisation duplicates Schedule 4 of the Applicant's authorisation request.

SCHEDULE 4

Schedule detailing the proposed surveys

Type of surveys required

	Timing of survey	Purpose
Additional ecological surveys – reptiles	5 consecutive days in each week; February-August, inclusive. Timing can be influenced by any estate management activities e.g. grass cutting.	Walkover (February/early March) to place mats (refugia) with subsequent checks from late March in order to determine reptile presence/absence and then, if and where present, any population size class of reptiles; removal/ additional placement of refugia (felts/tins) as appropriate.
Additional ecological surveys – bats (barn owl)	5 consecutive days in each week; January – August inclusive (hibernation roosts: January-March; other roosts, and activity April-August)	Site walkover/transects (after dusk/pre-dawn) to survey bat presence/absence and activity across the entire proposed development site; deployment and checks of static detectors; internal/external building inspections (possibly requiring use of ladders) to survey for barn owl, with possible deployment of tell tales (sheets) to collect bat droppings; and possible deployment of static monitoring devices; dusk and after dark/pre-dawn roost surveys of buildings/structures and possibly some trees using bat detectors, infrared cameras. Any potential tree roosts requiring (appropriately trained and licensed) climbing might also involve ladders, tree climbing gear.
Additional ecological surveys - birds	5 consecutive days in each week; January-July	Site walkover/transects (after dusk/pre-dawn) to survey bird presence/absence across the proposed development site and to understand the status of any protected or otherwise notable species and habitats on site.
Additional ecological surveys – invertebrates	5 consecutive days in each week; late April to early September inclusive	Site walkover to sample invertebrates across the entire proposed development site; sampling to include following methods sweep-netting, beating, suction sampling, targeted netting, pitfall traps, water traps, and direct observation. Sampling involves various equipment including shallow plastic trays, hand nets, modified garden leaf blower, small plastic cups buried in ground for pitfalls, etc.
Additional ecological surveys – botanical interest	All weeks May & June (July)	Site walkover (with quadrat sampling) for entire application site.
Additional ecological surveys – badgers, other mammals	1 day in weeks 2 and 14	Site walkover looking for field signs and/or evidence of presences of badgers across the proposed development site.

The purpose of the additional ecological surveys will be to undertake an inspection of areas to ascertain the presence of reptiles, breeding birds, bats, invertebrates, amphibians and any areas of botanical interest.

The reptile surveys will involve delivery and placement of artificial refugia (felts/tins, c.1.0 m x 0.5m) around grassland and scrub on Site; principally those areas that were not surveyed in 2017; checking both the upper and lower surface of the mats, placed on previous visits, and checking potential basking

areas for reptiles. These surveys will need to be conducted under appropriate weather conditions e.g. avoiding persistent rain and strong winds and generally between temperatures of between 9 and 18 degrees Celsius. In hot weather, surveys will need to take place particularly early in the morning and late in the afternoon/early evening. Survey visits need to be at least 24 hours apart. The survey will include approximately 20 checks (samples) with (late March), April, May a key period. Felts/tins to be removed once surveys are completed. The timing of activities can be influenced by any estate management activities e.g. grass cutting.

The bat surveys will involve four bat activity (walked) transects undertaken monthly (starting just before dusk) during appropriate weather (cold weather e.g. below 10 degrees Celsius, strong winds and persistent rain avoided) with one of the visits comprising a dusk and pre-dawn activity survey. Each dusk activity survey will begin at sunset and will end 3 hours after sunset. Each pre-dawn activity survey will begin two hours before sunrise, and will end at sunrise or later if bats are still active. In addition static recorders (bat detectors) and data loggers (to record temperature) will be placed around the site, and in potential hibernation sites (buildings). These statics will be checked/moved regularly. Potential roost surveys of buildings (and some trees also) will occur at and after dusk and pre-dawn to first light and involve surveyors with bat detectors standing at key places around the buildings and monitoring any bats leaving or returning to roosts. Cameras might be used to film bat roost egress/access points. Associated with the roost surveys some internal and external inspections of buildings might be required, which could involve deploying tell-tales (plastic sheets) to collect bat droppings, and static monitoring devices to record bat activity within buildings / structures. Some of the potential roosts in trees will be checked by climbing by bat ecologists qualified/licenced for tree climbing. Building inspections will also involve checks for any nesting barn owls.

The bird surveys will involve a walkover survey of the site undertaken by a team of surveyors walking transects across the site using binoculars to identify protected or otherwise notable species and habitats on site to inform the assessment. There will be 2 visits per month over the licence period with each visit taking place across up to 5 consecutive days in order to cover the entire site. The visits will require some early morning surveys, as well as some later afternoon/evening visits. The surveys are weather dependent (with strong winds, persistent rain and cold temperatures avoided). Building inspections will involve checks for any nesting barn owls.

The invertebrate surveys will involve the following standard methods: **sweep-netting**: A lightweight folding circular frame 40 centimetres in diameter is fitted with a net bag and attached to an extending lightweight aluminium handle. The contents are then sifted through a 0.5 centimetre mesh sieve onto a white tray, and the material in the tray examined for smaller and slower animals; **beating**: Samples are taken from dense, tall herbaceous vegetation or from tree and shrub foliage or by holding a sweep-net under the foliage and tapping the branches or stems above sharply several times with a stout stick; **suction sampling**: undertaken using a garden leaf-blower modified according to the method of Stewart & Wright (1998), by taping a fine-meshed net in the inlet tube; **pitfall trapping**: plastic drinking cups, seven centimetres in diameter, are sunk to their rims in the ground. To each is added 30 ml of non-toxic preservative, composed of equal parts of glycerol and a weak solution of table salt in water, with the addition of one drop of bio-degradable detergent per 100 ml. and a small amount of Bitrex (in the form of commercial anti-dog-chew spray) to discourage consumption by animals. To avoid the accidental capture of small mammals and amphibians, a square of one-centimetre mesh wire is placed over each

trap, folded over at its edges and pushed into the ground; **water traps:** plastic trays of either of two sizes, the larger 40 cm by 30 cm across and 9 cm deep, the smaller 30 cm by 20 cm across and 7 cm deep, either white as supplied or painted in bright yellow, are partly filled with glycerol/ salt/ detergent preservative and placed either in representative areas of vegetation; **targeted netting and direct observation** employs the sweep/hand net. The surveys are weather dependant. Surveys will cover the entire application Site.

Walkover surveys for botanical interest over the grassland areas of the Site will include use of quadrats, with additional searches over all other areas of the application Site for species of botanical interest. Botanical assessment will also include soil sampling with a small auger. The key survey period will be June and July. Surveys will cover the entire application Site.

The badger and other mammals (brown hare, hedgehog) surveys will involve a walkover survey of the site and land within 30m of the site boundary undertaken by a team of surveyors. They will walk the site looking for field signs and/or evidence of presence for badgers across the site. Multiple visits would be required across the survey period with each visit taking place across up to 5 consecutive days in order to cover the entire application Site.