



RiverOak Strategic Partners

Draft Statement of Common Ground between the Applicant and The Ministry of Defence, Defence Infrastructure Organisation and NATS

TR020002/D4/SOCG/HRDF

Examination Document

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MANSTON AIRPORT DCO [2018]

Planning Inspectorate Reference: TR020002

Statement of Common Ground

Between

RIVEROAK STRATEGIC PARTNERS LIMITED

and

THE MINISTRY OF DEFENCE

and

DEFENCE INFRASTRUCTURE ORGANISATION

and

NATS

RSP



**Ministry
of Defence**



**Defence
Infrastructure
Organisation**

NATS

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1 Introduction and Purpose

1.1 Purpose of Statement of Common Ground

- 1.1.1 This Statement of Common Ground ("SoCG") relates to an application to be made by RiverOak Strategic Partners Limited (RiverOak) to the Planning Inspectorate under sections 14 and 35(2)(ii) of the Planning Act 2008 ("Act").
- 1.1.2 The application is for an order granting development consent ("DCO"). The draft DCO is referred to as the Manston Airport DCO. The DCO, if granted, would authorise RiverOak to re-open and operate an airport on the site of the former Manston airport in the district of Thanet in Kent and associated development ("Development").
- 1.1.3 RiverOak submitted the DCO application to the Planning Inspectorate on 17 July 2018 and it was accepted for examination on 14 August 2018.
- 1.1.4 This SoCG has been prepared by RiverOak and representatives of the Ministry of Defence ("the MoD"), Defence Infrastructure Organisation ("the DIO") and NATS in respect of the Development.
- 1.1.5 The purpose and possible content of SoCGs is set out in paragraphs 58-65 of the Department for Communities and Local Government's guidance entitled "*Planning Act 2008: examination of applications for development consent*" (26 March 2015). Paragraph 58 of that guidance explains the basic function of SoCGs:
- "A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."*
- 1.1.6 SoCGs are therefore a useful and established means of ensuring that the evidence at the DCO examination focuses on the material differences between the main parties, and so aim to help facilitate a more efficient examination process.
- 1.1.7 The purpose of the SoCG is to set out agreed factual information about the proposed DCO application by RiverOak. It is intended that the SoCG should provide matters on which RiverOak, the MoD, DIO and NATS agree. As well as identifying matters which are not in dispute, the SoCG may also identify areas where agreement has not been reached.
- 1.1.8 RiverOak, the MoD, DIO and NATS are collectively referred to in this SoCG as "the parties". The parties have been, and continue to be, in direct communication in respect of the interface between the proposed Development and the designated assets in proximity to the site.
- 1.1.9 It is envisaged that this SoCG will evolve during the examination phase of the DCO application.

- 1.1.10 Subsequent drafts will be agreed and issued, with the version numbers clearly recorded in the 'Document Control' table at the beginning of the document.

1.2 The role of the MoD, DIO and NATS and the DCO application

- 1.2.1 The DIO is part of the MoD. The the Manston High Resolution Direction Finder ("HRDF") is owned by the MoD and in the care of the DIO.
- 1.2.2 The land the HRDF is located on is owned by the MoD and is parcel 041 in the Book of Reference and on the Land Plans for the DCO application.
- 1.2.3 The HRDF is used to precisely locate transmissions from emergency transponder beacons on aircraft (military and civilian) or any 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.
- 1.2.4 NATS is a public-private partnership between the Airline Group, which holds 42%, NATS staff who hold 5%, UK airport operator LHR Airports Limited with 4%, and the government which holds 49%, and a golden share. The Secretary of State (SoS), in exercise of the powers conferred by section 6 of the Transport Act 2000 (the 'Act') and of all other powers exercisable by him for that purpose, grants to NATS (En Route) Limited (the 'Licensee') a licence authorising the Licensee to provide air traffic services in and in respect of the UK En-route Area.

1.3 The Development location and description

- 1.3.1 The Development site lies adjacent to the village of Manston, approximately 13 miles north-east of Canterbury and one mile north-west of Ramsgate. It is on the former site of Manston Kent International Airport which closed on 15 May 2014 and is within Thanet District Council and Kent County Council boundaries.
- 1.3.2 The Development site comprises approximately 749 acres of land. The area in which the proposed Development would be located comprises land to the south and north of Manston Road.
- 1.3.3 The proposed Development comprises the 'principal development' - which includes all works to provide an integrate aviation services hub with the main feature being a major international centre for air freight that is capable of handling a minimum of 10,000 air freight Air Traffic Movements per year and other development that has a direct relationship with the main feature and which is required to support its construction and/or operation.
- 1.3.4 The Proposed Development comprises:
- (a) upgrade of Runways 10/28 to allow CAT II/III operations;
 - (b) re-alignment of the parallel taxiway (Alpha) to provide European Aviation Safety Agency (EASA) compliant clearances for runway operations;

- (c) construction of 19 EASA compliant Code E stands for air freight aircraft with markings capable of handling Code D and F aircraft in different configurations;
- (d) installation of new high mast lighting for aprons and stands;
- (e) construction of 65,500m² of cargo facilities;
- (f) construction of a new air traffic control (ATC) tower;
- (g) construction of a new airport fuel farm;
- (h) construction of a new airport rescue and firefighting service station;
- (i) complete fit-out of airfield navigational aids (nav-aids);
- (j) construction of new aircraft maintenance / recycling hangars;
- (k) development of the Northern Grass area for airport related businesses;
- (l) demolition of the redundant 'old' ATC Tower;
- (m) safeguarding of existing facilities for museums on the site;
- (n) highway improvement works; and
- (o) extension of passenger service facilities including an apron extension to accommodate an additional aircraft stand and increasing the current terminal size.

2 Consultation with the MoD, DIO and NATS

- 2.1 Discussions between RiverOak and representatives of the MoD and DIO have been ongoing since January 2017.
- 2.2 The MoD and DIO were collectively consulted as part of the 2017 and 2018 statutory consultations.
- 2.3 The DIO responded to the section 56 notice by making the following relevant representation on 7 September 2018 (examination library ref [RR-0442](#)), on behalf of the DIO and MoD:

DIO Safeguarding has previously been engaged with the agent regarding the proposed scheme for Manston Airfield. The proposed development occupies the statutory technical safeguarding consultation zone surrounding the Manston High Resolution Direction Finder (HRDF) and we have consistently raised concerns to this application due to no successful mitigation being identified. The HRDF is a critical piece of technical equipment for the MOD it is used to precisely locate transmissions from aircraft and supports 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. We cannot support the application in its current form as the proposed infrastructure may cause a physical infringement to the operation of the asset. In addition, the Ministry of Defence has a number

of freehold interests within the DCO boundaries (including the equipment referred to above) as well as a significant number of other legal interests for which no agreement has been reached as to how these will be dealt with.”

- 2.4 NATS were consulted on the scoping opinion request and replied on 5 July 2016.
- 2.5 NATS were consulted as part of the 2017 and 2018 statutory consultations but did not respond.
- 2.6 NATS responded to the section 56 notice by making the following relevant representation on 8 October 2018 (examination library reference [RR-1407](#)):

“Dear Sir/Madam, we refer to the application quoted above for redevelopment of the Manston Airport Site. NATS relies on critical infrastructure on the site and is currently liaising with stakeholders around the potential impact of the application and any mitigation measures available.

At this time NATS has been unable to thoroughly assess the impact and formally investigate mitigation, as such it wishes to raise concerns around the development and objects to the Application. Notwithstanding the objection, NATS is working with various stakeholders and expects to be able to submit a formal representation in the next week or so.

We trust this clarifies our position, but should there be any queries in the interim, do not hesitate to contact us.

*Regards
S. Rossi
NATS Safeguarding Office”*

3 Matters which are fully agreed between the parties

- 3.1 This section of the SoCG describes the ‘matters agreed’ in detail between the parties.
- 3.2 On 11 December 2018, the Examining Authority requested that an initial SoCG between the Applicant and DIO be provided by Deadline 3, 15 February 2019, dealing with the safeguarding zone surrounding the HRDF, situated at parcel 041 on the Land Plans (ref [APP-016](#)), which is owned by the MOD and the DIO’s view of the adequacy of the existing draft protective provisions in the dDCO.
- 3.3 On 11 December 2018, the Examining Authority requested that an initial SoCG between the Applicant and MoD be provided by Deadline 3, 15 February 2019, dealing with any possible effects of the proposal on the defence interests.
- 3.4 On 18 January 2019, the Examining Authority requested that requested that an initial between the Applicant and NATS be provided by Deadline 3, 15 February 2019, dealing with the impact on, and protection of, critical infrastructure.
- 3.5 The parties consider that it is beneficial that the MoD, DIO and NATS are all party to this SoCG in relation to the HRDF.
- 3.6 The DIO does not hold any legal title or interests in the Order land and has no other interest in the site or concerns about the application.

- 3.7 The NATS does not hold any legal title or interests in the Order land and has no other interest in the site or concerns about the application.
- 3.8 The MoD does hold the legal title in this and other parts of the site as set out in the Crown Lands Plan (APP-017) and Book of Reference (APP-014). This SoCG covers the HRDF only; a separate SoCG is being prepared with the MoD in relation to its other interests at the airport.
- 3.9 The RiverOak recognises that NATS uses the HRDF and will involve it in discussions about its relocation.
- 3.10 Discussions between RiverOak, the MoD and DIO prior to the DIO's Deadline 2 written submission dated 6 February 2019 (published on 14 February 2019) had indicated that the HRDF was capable in principle of being relocated to an alternative location, provided that the new location is suitable, safeguarded in accordance with HRDF2030 and CAP670 VDF Technical Safeguarded Slopes and assuring there is no interruption in the service that it provides. The HRDF will be subject to Defence Networks Governance document JSP 604¹ radio site clearance criteria. It has not yet been demonstrated that any particular proposed alternative location achieves this.
- 3.11 The MoD requested that RiverOak deal with its appointed contractor Aquila to determine the suitability of the site.
- 3.12 RiverOak have not included any provision within the dDCO to specifically cover the HRDF due to the fact that RiverOak proposes to relocate the HRDF to land outside the Order limits separately to the DCO application. As the HRDF is on Crown Land, RiverOak cannot obtain powers to affect the HRDF without the consent of the MoD.
- 3.13 Land within a 120m radius of the existing HRDF is protected from development through a restriction on the title. This would have to be replicated for any new site to the satisfaction of the MoD, DIO and NATS.
- 3.14 Land beyond 120m is safeguarded from development through a safeguarding direction in a cone shape rising upwards as it moves outwards at a 1 in 25 gradient. This would have to be replicated for any new site to the satisfaction of the MoD, DIO and NATS.

4 Matters agreed in principle between the parties

- 4.1 This section of the SoCG describes the 'matters agreed in principle' between the parties.
- 4.1.1 The proposed development airspace requirements will be integrated into the Future Airspace Strategy Implementation South (FASI-S) –Air Traffic Services (ATS) Route Network under the London Airspace Management Programme 2 (LAMP 2).
- 4.1.2 There will need to be a period of overlap between the new HRDF becoming operational and the original one being de-commissioned. The MOD would have to be satisfied that over a reasonable period of time the capability of the new site does not degrade.

¹ JSP 604 Part 2 Volume 2 Leaflet 3032, version 5.2

5 Matters not agreed

- 5.1 This section of the SOCG describes the matters not agreed between the parties.
- 5.2 The identification of a suitable alternative site that satisfies the technical requirements outlined above has not yet been agreed.
- 5.3 In a submission to the Examining Authority dated 6 February 2019, the DIO stated that RiverOak had not provided to the MoD any technical information in relation to the proposals for an alternative site for the relocation of the HRDF. This is not agreed. Details of RiverOak's proposals for the relocation of the HRDF have been shared with representatives of the MoD and DIO on numerous occasions via emails and at face-to-face meetings in 2018. RiverOak have been seeking to engage on relocation of the HRDF since January 2017. The DIO undertook to provide details of the contractor to be approached in March 2018, and actually did so in October 2018. RiverOak contacted Aquila the following day, who, unbeknownst to RiverOak passed the enquiry back to the MoD, who did not reply. This was only revealed in February 2019, and RiverOak is now pursuing one of the MoD contacts provided (the other person provided had in fact left).

Signed on Behalf of RIVEROAK STRATEGIC PARTNERS LIMITED

Signature:

Name:

Position:

Date:

Signed on Behalf of THE MINISTRY OF DEFENCE AND DEFENCE INFRASTRUCTURE ORGANISATION

Signature:

Name:

Position:

Date:

Signed on Behalf of NATS

Signature:

Name:

Position:

Date: