



RiverOak Strategic Partners

Statement of Common Ground between the Applicant and The Civil Aviation Authority

TR020002/D4/SOCG/CAA

Examination Document

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MANSTON AIRPORT DCO [201X]

Planning Inspectorate Reference: TR020002

Statement of Common Ground relating to Manston Airport DCO Application

Between

RIVEROAK STRATEGIC PARTNERS LIMITED

and

THE CIVIL AVIATION AUTHORITY

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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 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 a development consent order ("DCO"). The draft DCO is referred to as the Manston Airport DCO. The DCO, if granted, would provide RiverOak with development consent 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"). In order for the airport to become operational, separate approvals will be required from the CAA including those for aerodrome and air traffic management safety and airspace change.
- 1.1.3 RiverOak submitted the DCO application to the Planning Inspectorate on 17 July 2018 and it was accepted for examination by the Planning Inspectorate on 14 August 2018.
- 1.1.4 This SoCG has been prepared by RiverOak and the Civil Aviation Authority in respect of the Development. In particular this SoCG focuses on the interface between the DCO application process under the Planning Inspectorate's remit and the areas for which the Civil Aviation Authority is responsible, including the Airspace Change process, Air Traffic Control, Aviation Security and on the Aerodrome Certification Process.
- 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 RiverOak and the Civil Aviation Authority are collectively referred to in this SOCG as 'the parties'. The parties have been, and continue to be, in communication in respect of the interface between the DCO application process and the CAA's Airspace Change Process, and the Air Traffic Management and Aerodrome Certification approval processes.

1.1.8 It is envisaged that this SoCG will evolve during the examination phase of the DCO application.

1.1.9 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 Civil Aviation Authority and the DCO application

1.2.1 The Civil Aviation Authority (CAA) is a public corporation established by Parliament in 1972 as an independent specialist aviation regulator. As the UK's specialist aviation regulator the CAA works so that:

- the aviation industry meets the highest safety standards;
- consumers have choice, value for money, are protected and treated fairly when they fly;
- through efficient use of airspace, the environmental impact of aviation on local communities is effectively managed and CO₂ emissions are reduced; and
- the aviation industry manages security risks effectively.

1.2.2 With regard to those areas covered by this agreement:

- **Airspace change:** the CAA makes decisions on airspace change proposals submitted to it in accordance with the CAP 1616 airspace change process, and in doing so considers a range of factors set out in s.70 of the Transport Act 2000 including safety, security, operational and environmental impacts such as aircraft noise and emissions. The CAA is required to take account of any guidance on environmental objectives given to it by the Secretary of State when carrying out its air navigation functions; the current guidance is dated October 2017¹
- **Air Traffic Control:** Civil Air Traffic Services (ATS) and technical elements of associated services are principally regulated in the UK by the CAA. Regulation is achieved, as appropriate, through the grant of approval to equipment and systems, licensing and certification of personnel and through the auditing and inspection of the subsequent systems and service provision.
- **Aerodrome Certification:** the CAA regulates all applicable UK aerodromes to ensure they comply with relevant international, European and UK safety standards. Certification by the CAA authorises operation of the aerodrome in accordance with the provisions of the EASA Basic Regulation and its Implementing Rules, the aerodrome certification basis, the terms of the certificate and the aerodrome manual.
- **Aviation Security:** the CAA regulates security arrangements at UK airports and for air carriers, cargo and in-flight suppliers to ensure that the relevant

¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/653978/air-navigation-guidance-2017.pdf

entities comply with UK and international security requirements, as applicable.

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 all works to provide an integrated 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) construction of physical security infrastructure;
 - (n) safeguarding of existing facilities for museums on the site;

- (o) highway improvement works; and
- (p) extension of passenger service facilities including an apron extension to accommodate an additional aircraft stand and increasing the current terminal size.

2 Liaison with The Civil Aviation Authority

- 2.1 15 May 2017: meeting between RiverOak, Osprey (RiverOak's aviation consultants), Bircham Dyson Bell LLP (RiverOak's legal advisors) and the CAA to provide the CAA with a brief on the proposed Manston Airspace Change Proposal
- 2.2 9 June 2017. 2017 statutory consultation: s.42 letter sent to the CAA; the CAA did not respond to this statutory consultation
- 2.3 12 June 2017: meeting with the CAA (PINS also in attendance)
- 2.4 11 July 2017: letter sent to CAA in relation to the timing of the Airspace Change Proposal
- 2.5 15 September 2017: letter from CAA in relation to the timing of the Airspace Change Proposal
- 2.6 12 January 2018. 2018 statutory consultation: s.42 letter sent to the CAA
- 2.7 16 February 2018: response from the CAA to the 2018 statutory consultation. In their response, the CAA confirmed that, *"as an independent decision maker, CAA has not engaged with the substance of the consultation, but takes this opportunity to set out the nature of its role"*, although there are certain matters within its remit in relation to which it provided the following comments of note:
 - 2.7.1 "The CAA does not decide on where to develop new capacity in the south east of England, however, the CAA has stated that additional runway capacity in the south east of England would benefit passengers and cargo owners."
 - 2.7.2 "The aerodrome and its surrounding vicinity including the Air Traffic Control Management Unit must demonstrate compliance with the agreed International, European and domestic safety criteria, which is regulated by the CAA."
 - 2.7.3 "Given current proposals by Heathrow Airport in relation to a third runway, the airspace design in the south-east of England and beyond, including airspace around Manston, will require significant change."
 - 2.7.4 "To accommodate aircraft departing and arriving at a reopened runway at Manston will require air traffic control operational practices to be implemented."

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
 - 3.1.1 The CAA is the UK's specialist aviation regulator and is a prescribed consultee to RiverOak's DCO application, by virtue of Regulation 3 of the Infrastructure Planning

(Applications: Prescribed Forms and Procedure) Regulations 2009/2264, as it relates to airport development

- 3.1.2 The CAA is the decision-making authority in relation to safety and airspace approvals required for the re-activation of Manston Airport, particularly in relation to any Airspace Change Proposals (ACP)², Air Traffic Control approval, and the Aerodrome Certification Process.
- 3.1.3 Consideration of the Airspace Change Proposal shall be in accordance with CAP1616 *Airspace Design: Guidance on the regulatory process for changing airspace design including community engagement requirements*. The matters covered by CAP1616 include Noise and Air Quality assessment and the method for evaluation of flightpath options.
- 3.1.4 As part of the development of their DCO application submission, RiverOak has developed 'swathes' within which departing and arriving aircraft may travel to allow an assessment as part of the Environmental Statement.
- 3.1.5 The CAA requires the change sponsor of any permanent change to the published airspace design to follow its CAP 1616 airspace change process. In contemplating any airspace change proposal RiverOak must consider the impacts on others and the implications those impacts may have, and engage with them appropriately. This may include engagement with the general public, their elected representatives, environmental impact groups, other airspace users, airport operators, and air navigation service providers. RiverOak's engagement activities and consultation on its proposed change will be subject to scrutiny by the CAA at different gateways throughout the process.
- 3.1.6 The indicative flight paths (swathes) used in the DCO Environmental Impact Assessment (EIA) and consultation will likely form the geographic scope for the airspace design options. A comprehensive list of design options will be developed and evaluated by RiverOak against set criteria and design principles (set through engagement with stakeholders) at Stage 2 of the CAP1616 process..
- 3.1.7 In order for Manston Airport to become operational as proposed, RiverOak will require a number of safety approvals from the CAA, where applicable, including:
 - (a) Aerodrome Certification - In order to obtain an Aerodrome Certificate an application will have to be submitted to the CAA in accordance with Regulation (EU) 2018/1139 ("the EASA Basic Regulation") and Commission Regulation (EU) No 139/2014 or in accordance with Article 212 of the Air Navigation Order 2016 (ANO).
 - (b) Air Traffic Service approval – in accordance with European Commission Regulations (EC) No. 550/2004 ("the Service Provision Regulation"), Regulation 4 of the Single European Sky (Functions of the National

² There is provision in the Civil Aviation Authority (Air Navigation) Directions 2017 ("the Directions") for an ACP decision to be called in by the Secretary of State if certain criteria are met and the Secretary of State requires the CAA to refer the proposal concerned to the Secretary of State for determination. In such a case the Secretary of State would make a decision informed by a "minded-to" view from the CAA on the proposal.

Supervisory Authority) Regulations 2006 and in accordance with the CAA's CAP 670 process;

- (c) Air Navigation Service Certification - a certificate for the provision of Air Navigation Services in the UK in accordance with Article 7 of The Service Provision Regulation, and the EASA Basic Regulation;
- (d) Air Traffic Service Designation – A letter of Designation confirming provision of air traffic services on an exclusive basis within specific airspace under their responsibility in accordance with Article 8 of Regulation (EC) No. 550/2004, and the EASA Basic Regulation. and as part of this;
 - (i) Air Traffic Control training approval - certification as a Training Organisation by demonstrating compliance with Commission Regulation (EU) No. 2015/340 ("The ATCO licensing Regulation"); and
- (e) Radio Spectrum and ATS System approvals - aeronautical radio licences, fire licence, air traffic control / ground movement control, operations control licence, aeronautical navigation aid radio licence and an aeronautical radar licence in accordance with the Wireless Telegraphy Act 2006 and Article 205 of The Air Navigation Order 2016 (ANO)

3.1.8 An operational airport will be required to comply with any applicable UK, EU and international aviation security requirements.

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 It is agreed that throughout the pre-application process, the level and provision of information has been sufficient in informing the CAA of the development of the DCO application in order to fulfil its role as a statutory consultee in the DCO process.
- 4.1.2 It is agreed that issues relating to military aviation are the responsibility of the Ministry of Defence (MOD) and not the CAA, and that the Maritime and Coastguard Agency (MCA) will comment separately, if necessary, concerning Search and Rescue (SAR) requirements. These matters are therefore not discussed further within this SoCG.
- 4.1.3 If/when applications are submitted via the relevant CAA processes, the CAA will have the opportunity to scrutinise the operational aspects of RiverOak's proposals for the re-activation and ongoing operation of Manston airport.
- 4.1.4 If re-activated, operations at Manston Airport would be subject to the CAA's ongoing safety oversight in accordance with applicable UK, EU and International regulatory requirements. Retention of the relevant approvals would be subject to the CAA continuing to be satisfied that operations are, inter alia, safe and in accordance with the requirements.

4.1.5 If Manston Airport becomes operational, it would be subject to the CAA's oversight with regard to its compliance with UK, EU and international aviation security requirements, as applicable.

4.1.6 The Aerodrome Certificate application will require RiverOak to submit details of how they intend to satisfy all of the operational requirements laid down in the regulation including, but not limited to, the following:

- Aerodrome Physical Characteristics
- Lighting
- Operational Procedures
- Rescue and Firefighting
- Integrated Emergency Planning
- Air Traffic Services
- Communications and Navigation Aids
- Safety Management System
- Airport Security
- Work in Progress
- Managing obstructions
- Maintenance
- Environmental Management

Signed on Behalf of RIVEROAK STRATEGIC PARTNERS LIMITED

Signature: 

Name: *A. FREIDMANN*

Position: *Director*

Date: *7th March 2019*

Signed on Behalf of THE CIVIL AVIATION AUTHORITY

Signature: 

Name: *KATE STAPLES*

Position: *Secretary and General Counsel*

Date: *5 March 2019*

