



# Department for Transport

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All Interested Parties

21 October 2021

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Dear Sir/Madam

## **Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010**

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

### **CONSULTATION ON THE INDEPENDENT AVIATION ASSESSOR’S DRAFT REPORT AND THE REPRESENTATIONS RECEIVED ON THE STATEMENT OF MATTERS**

1. In its Order dated 15 February 2021 the High Court quashed the decision of the Secretary of State for Transport dated 9 July 2020 to grant development consent for the Manston Airport project in Thanet, Kent (“the Development”). The Secretary of State is now taking steps to re-determine the application submitted to the Planning Inspectorate by RiverOak Strategic Partners Limited on 17 July 2018 (“the Application”).
2. On 11 June 2021, the Secretary of State issued a statement setting out the matters to be considered further in the re-determination of the Application (“the Statement of Matters”) and invited Interested Parties to submit further representations on the Statement of Matters by 9 July 2021 (“the First Round of Consultation”). As set out in the letter dated 30 July 2021, this letter initiates the “Second Round of Consultation”.

#### **Independent Aviation Assessor’s Draft Report**

3. As set out in the Statement of Matters, the Secretary of State has appointed an independent aviation assessor to advise him on matters relating to need for the Development and to produce a report summarising those findings. The independent aviation assessor’s draft report has been published on the Planning Inspectorate’s website at:

- <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/manston-airport/?ipcsection=docs>

4. The Secretary of State invites representations from the **Applicant** and **any Interested Party** on the independent aviation assessor's draft report.

### **Representations Received on the Statement of Matters**

5. To provide Interested Parties with the opportunity to consider the representations received in response to the Statement of Matters, the Secretary of State published representations from the First Round of Consultation on 30 July 2021 at:

- <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/manston-airport/?ipcsection=docs&stage=6&filter1=Re-determination>

6. The Secretary of State now invites submissions from the **Applicant** and **any Interested Party** on the representations received in response to his First Round of Consultation.

### **Other representations**

7. The Secretary of State notes that the "*Decarbonising transport: a better, greener Britain*" and the "*Jet Zero consultation: a consultation in our strategy for net zero aviation*" was published on 14 July 2021. The Secretary of State invites comments from the **Applicant** and **any Interested Party** on whether this results in any change in whether the Development would be consistent with the requirements of national policies.

8. In addition, the Secretary of State requests comments from the **Applicant** on the matters specified below.

- The Secretary of State notes Network Rail's representation dated 1 July 2021 regarding the inclusion of protective provisions within the Manston Development Consent Order ("DCO") were the DCO to be granted, and outlines the status of negotiations between Network Rail and the Applicant on these and related matters. The Secretary of State welcomes comments from the Applicant on this representation, in particular regarding Network Rail's request for inclusion of protective provisions, and requests an update from the Applicant on negotiations with Network Rail.
- In light of the representations from the Ministry of Defence dated 9 July 2021 and NATS Safeguarding Office dated 22 June 2021, the Secretary of State requests the Applicant provide an update on progress regarding the relocation of the High Resolution Direction Finder.
- The Secretary of State notes the representation from Natural England dated 21 June 2021. The Secretary of State requests that the Applicant updates air quality assessments to refer to the most current background deposition and concentration datasets from the Air Pollution Information Service as necessary, or explain why no updates are required.
- The Secretary of State notes the following comment from the Applicant's submission dated 9 July 2021 "*None of the surveys completed after 9 July 2019 have yielded results that exceeded the reasonable worst-case assumptions used for preparing the environmental statement*" and in Annex 5 that: "*In any event the DCO contains measures to limit the environmental effects to those reported in the Environmental Statement so that we can be confident that there will not be any change to the*

*assessment of significance*". However, in Annex 5, Appendix B – *Updated Ecological Baseline and Qualitative Assessment* there are references to mitigation measures being required, for example at paragraphs 1.2.6 (corn bunting, grey partridge and skylark), 1.3.7 (bat roosts), 1.5.3 (invertebrates) and 1.6.2 (grassland vegetation). The Secretary of State requests confirmation from the Applicant that the references to mitigation in Annex 5, Annex B refer to mitigation measures that are already included within the draft DCO provisions rather than additional mitigation measures.

- The Secretary of State notes the representation from Kent County Council dated 9 July 2021 which states: *"There are major excavations happening in relatively close proximity to the application site, which have altered the study area evidence base and provided additional knowledge in terms of the archaeology in the wider landscape. However, this is not considered to have a particular bearing on the consideration of the site as it is already known that the potential is high"*. The Secretary of State requests the Applicant to confirm whether it is satisfied that its assessment of the impacts on the historic environment and heritage assets submitted in support of the application remains current, or where deemed necessary to submit any updated information.
  - The Secretary of State requests that the Applicant provide an updated Book of Reference with a schedule to highlight and explain any changes since the last version of the Book of Reference dated 9 July 2019.
9. The Secretary of State requests that the Applicant and any Affected Parties provide an update as and when any outstanding negotiations relating to the compulsory acquisition of rights or land are concluded during the redetermination period.

### **Deadline for Responses**

10. The deadline for responses is 19 November 2021.
11. Due to Covid-19, submissions sent by post may be subject to delay therefore responses on the information requested above should be submitted, if possible, by email to [manstonairport@planninginspectorate.gov.uk](mailto:manstonairport@planninginspectorate.gov.uk).
12. Responses will be published as soon as possible after the deadline on the Manston Airport project page of the National Infrastructure Planning website at:
- <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/manston-airport/?ipcsection=docs&stage=6&filter1=Re-determination>

### **Re-Determination Correspondence**

13. The Secretary of State has received correspondence between the First Round of Consultation and the date of this letter. As set out in the letter dated 30 July 2021, such correspondence will be treated as "re-determination correspondence" and will be published as such at the end of the re-determination process. Interested Parties who have submitted re-determination correspondence with any comments on the responses to the First Round of Consultation that they wish the Secretary of State to treat as a formal consultation response should re-submit those comments by 19 November 2021.
14. This letter is without prejudice to the Secretary of State's re-determination of the application for the Manston Airport application and his decision whether or not to grant development consent for the reopening and development of Manston Airport, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully,

Natasha Kopala  
Head of Transport Infrastructure Planning Unit