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Your Ref  
TR020002  
Our Ref  
ADW/166055.0003  
Date  
27 October 2017

**By Email** [gareth.leigh@planninginspectorate.gov.uk](mailto:gareth.leigh@planninginspectorate.gov.uk)

Dear Mr Leigh

**Manston Airport  
Letter from Pinsent Masons on behalf of Stone Hill Park Ltd**

Thank you for providing us with an opportunity to comment on the 28-page letter dated 11 October 2017 sent to you by Pinsent Masons, who are now acting for Stone Hill Park Ltd, owners of the Manston Airport site.

**General comments**

We are unclear as to the purpose of the letter, as it is strictly a matter for PINS to decide whether to accept an application when it is made, rather than having regard to the advance views of third parties about it. The allegations made will be resolved one way or another when PINS receives an application for development consent from RiverOak Strategic Partners Ltd and then decides whether to accept it, then if it is accepted, during the examination into it, and ultimately when the Secretary of State decides whether to grant it.

Nevertheless, while not wishing to pre-empt the examination of our as-yet-unmade application through correspondence with Stone Hill Park Ltd's lawyers, we make a few points in reply to the letter which can dispose of the main allegations fairly shortly.

For example paragraph 1.8 alleges that RiverOak's consultant Dr Dixon has incorrectly cited York Aviation's work, although this is not substantiated. Further correspondence between Dr Dixon and York Aviation has failed to elicit the particulars of the complaint. This is an example of the many issues that will no doubt be addressed during the examination of the application, particularly as Stone Hill Park Ltd are unwilling to provide any further details.

Section 3 alleges that the Manston Airport project is not a nationally significant infrastructure project because it does not meet the threshold for cargo movements. It alleges with no evidence that the current capacity of the airport is 21,000 air cargo movements per year and then compares this with RiverOak's projected operation of around 17,000 movements once the airport is fully operational. This is to commit

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the basic error of confusing capability with projected use, when it is just the former that is used in the definitions in the Planning Act 2008. Our application will demonstrate why the project is an NSIP that comfortably exceeds the cargo threshold.

Section 4 alleges that much of the associated development proposed to be included in the Manston Airport application does not qualify as associated development. This is at odds with existing practice. A flight training school at an airport is clearly associated with an airport NSIP when, for example, the consented Hinkley Point C (Nuclear Generating Station) Order 2013 contains 'sports pitches' in its description of development. Nothing has changed to restrict the scope of associated development in the meantime, and the points made in the letter call into question many DCOs already made, and the content of other future airport DCOs.

Section 5 alleges that the applicant's identity is unclear. The applicant is RiverOak Strategic Partners Ltd, having changed from RiverOak Investment Corporation LLC. Its ability to fund the project, and in particular to pay blight and compensation for the compulsory acquisition powers that will be sought, will be expressed in the funding statement submitted with the application and tested through the examination as with other projects. We trust that PINS will treat RiverOak Strategic Partners Ltd no differently to any other prospective applicant (as has indeed been the case to date).

Section 6 alleges that the project is covered by the 2017 EIA Regulations because the scoping opinion received was sought by a different company. It cannot be the case that RiverOak Strategic Partners Ltd should have sought an identical scoping opinion for the same project, with the associated cost to the public purse. Again, the letter calls into question existing made DCOs, such as for the East Anglia ONE offshore wind farm where the scoping opinion was sought by a different company to that which made the application for development consent, and this is not uncommon. It was clearly lawful for the applicant, PINS and the Secretary of State to rely on it in such cases.

Section 7 alleges that the statutory consultation on the proposed application was inadequate. Again that is a matter that falls to be determined during the acceptance period and the examination into the application via the consultation report in particular, not now. In particular the allegation that the PEIR was inadequate relies on giving only a partial definition of 'preliminary environmental information' in the letter, missing out 'which has been compiled by the applicant'.

Section 8 alleges that compulsory acquisition procedures have not been complied with. This is once again a matter for the examination of the application, and the statement of reasons in particular. RiverOak Strategic Partners Ltd remains open to any approach by Stone Hill Park Ltd to sell the site, although Stone Hill Park Ltd declared that it does not intend to sell the land in its response to the consultation on this project dated 23 July 2017.

Finally, section 9 threatens an application for an award of costs on several grounds. It is clearly very premature to make such claims and it will be for the Secretary of State to decide whose behaviour has been unreasonable at the appropriate time.

We have one additional comment to make. When Stone Hill Park Ltd's plans for the site are described, they appear to be in a significant state of flux. Various elements from the dormant planning application made in May 2016 seem to have been removed in favour of the potential for additional housing, for which they rely heavily on the emerging local plan. As you will be aware, as recently as July this year a



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planning inspector ruled that 'little weight' should be given to it, when dismissing an appeal made by Stone Hill Park Ltd, and the existing local plan policy is consistent with national aviation policy. The emerging local plan is not scheduled to be adopted until the end of 2019, and may well be delayed beyond then. Stone Hill Park Ltd, and RiverOak Strategic Partners Ltd, would therefore be wrong to rely on it.

Yours sincerely



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cc Richard Griffiths, Pinsent Masons