



The Planning Inspectorate Yr Arolygiaeth Gynllunio

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Your Ref:

Our Ref: TR020002

Date: 21 December 2017

BY EMAIL

Dear Mr Griffiths

The Planning Act 2008

Application by RiverOak Strategic Partners for an Order Granting Development Consent for the upgrade and reopening of Manston Airport

Your letter: The Former Manston Airport - Correspondence from Bircham Dyson Bell and proposed application delay and re-consultation

Thank you for your letter dated 15 December 2017 in connection with RiverOak Strategic Partners' (RSP) proposal to carry out a second statutory consultation exercise associated with its proposed application for development consent to upgrade and re-open Manston Airport.

We note the concerns raised in your letter but as highlighted in our response to your previous letter dated 24 November 2017, we consider that the matters raised will generally be for the Secretary of State's consideration at the Acceptance stage. Those matters which cannot be considered at the Acceptance stage will be for an appointed Examining Authority (ExA) to consider if the application is accepted to be examined.

RSP's proposed 2018 consultation

We are unable to comment on matters raised in paragraph 1.5 of your letter, which appear to relate to correspondence between yourselves and RSP about voluntary access agreements. You will be aware that the Planning Inspectorate's role at the Pre-application stage is to give s51 advice; not to reach agreements with potential applicants or objectors on how applications should be made or objected to.

With respect to the information that is required to be publicised as part of a consultation process, you will be aware of the requirements in Regulation 12 of The

Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 2017 EIA Regulations)¹.

We would strongly recommend that you address the specific comments and concerns raised in this letter to the Applicant in the form of responses to the updated consultation material.

Compulsory Acquisition

If the application is accepted to be examined, the appointed ExA will assess any request for Compulsory Acquisition powers against the tests in the relevant sections of the Planning Act 2008, in consideration of DCLG's statutory guidance.

2017 EIA Regulations

We note your comments regarding the 2017 EIA Regulations.

Due to staff availability, the Inspectorate is unable to meet on the dates that you indicate. In any event, we consider that our published Advice Notes and DCLG guidance contain the s51 advice you are seeking. If you have any additional specific questions about making effective representations that are not already addressed in our standard advice or DCLG's guidance we request that these are presented to us in writing.

Yours sincerely

Richard Price

Richard Price
Case Manager

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

¹ Available here: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/legislation/>