



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: ManstonAirport@pins.qsi.gov.uk

Denis Smith
39 Albert Road
Ramsgate
Kent
CT11 8DW

Your Ref:

Our Ref: TR020002

Date: 12 November 2018

Dear Mr Smith

Planning Act 2008 – section 87 and section 102A

Application by RiverOak Strategic Partners for an order granting development consent for the upgrade and reopening of Manston Airport

Request to become an Interested Party

On 9 October 2018 we received an application from you to become an Interested Party under s102A of the Planning Act 2008 (PA2008).

If you have a legal interest in the land affected by the Proposed Development and you intended to apply to become an Interested Party under s102A of the PA2008, please pay close attention to the information in the rest of this letter.

If you do not have a legal interest in the land and you were in fact attempting to register as an Interested Party by making a Relevant Representation, unfortunately your registration was made on the wrong form and beyond the deadline for such submissions and was therefore unsuccessful. In this circumstance, the information in the rest of this letter is not relevant to you.

Importantly, the fact that you failed to register as an Interested Party does not preclude you from making written submissions and attending any hearings in the course of the Examination. Please contact the Case Team using the details at the top of this letter for more information in this respect.

Application under s102A of the PA2008

The application to become an Interested Party under s102A of the PA2008 includes information about your address which, in the absence of any information to the contrary, the Planning Inspectorate takes to be the same land that you claim would be affected by the Proposed Development.

As the Examining Authority, we are required to make a decision as to whether, as a result of the information provided, your interest would fall within one or more of the categories in s102B of the PA2008. But on the basis of the information provided in your application, we are unable to make a decision.

We therefore request from you the following information in order to assist and enable our decision in this case:

- Clarification about which of the categories in s102B of the PA2008 you think your interest falls.
- If your interest falls with s102B(1) and/ or s102B(2), official copies of the title register and title plan (from Land Registry) detailing your interest in the land which you believe qualifies you to be a person within one or both of these categories.
- If you think you might be entitled to make a relevant claim under s102B(4), official copies of the title register and title plan (from Land Registry) detailing your interest in the land and/or details of your tenancy or right of occupancy. Please also explain how you think your interest will be affected if development consent were to be granted.
- Confirmation that you give the Planning Inspectorate permission to share the above information with the Applicant should we decide to seek its views in respect of your application.

This information should be sent to Planning Inspectorate using the details provided at the top of this letter, and marked for the attention of the Manston Airport Case Team.

For your convenience s102B of the PA2008 is set out in full, below:

102B Categories for the purposes of section 102A

(1) A person is within Category 1 if the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.

(2) A person is within Category 2 if the person—

(a) is interested in the land, or

(b) has power—

(i) to sell and convey the land, or

(ii) to release the land.

(3) An expression, other than "the land", that appears in subsection (2) of this section and also in section 5(1) of the Compulsory Purchase Act 1965 has in subsection (2) the meaning that it has in section 5(1) of that Act.

(4) A person is within Category 3 if, should the order sought by the application be made and fully implemented, the person would or might be entitled—

(a) as a result of the implementing of the order,

(b) as a result of the order having been implemented, or

(c) as a result of use of the land once the order has been implemented, to make a relevant claim.

(5) In subsection (4) "relevant claim" means—

(a) a claim under section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase);

(b) a claim under Part 1 of the Land Compensation Act 1973 (compensation for depreciation of land value by physical factors caused by use of public works);

(c) a claim under section 152(3).

(6) In this section "the land" means the land to which the application relates or any part of that land.

Following receipt of the requested information, we will make a Procedural Decision providing notice of the decision we have made. Please be aware that this letter and any response(s) received about it will be published to the Planning Inspectorate's website and entered into the Examination of the application.

Yours sincerely

Kelvin MacDonald

Kelvin MacDonald
Lead member of the Panel of Examining Inspectors

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